**Popular Criminology, Sexual Violence and Alternative Modes of Justice**

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**Abstract**

The idea of ‘popular criminology’ has gained currency within academic criminology, with criminologists recognising that popular cultural portrayals of crime, violence and justice offer alternatives discourses which enhance the criminological imagination beyond the limits of academic criminology, offering more complex understandings of crime and violence and reimagining the nature of justice (Brown and Rafter, 2012; Rafter, 2007; Wakeman, 2013; Wattis, 2018, 2022). This article will consider cultural representations of sexual violence as progressive portrayals which reveal the harms of sexual violence, disrupt stereotypical rape narratives and highlight the victim experience (Powell et al., 2015; McGlynn and Westmarland, 2019).

There is now a growing activist and academic movement calling for a reimagining of justice beyond formal redress. This is in part a response to the widely acknowledged failure of formal justice systems to deliver justice for victims of sexual violence and the anti-carceral critique of feminism’s support for carceral justice responses to violence against women. Ultimately, I consider how popular culture might contribute to a more progressive vision of justice which resonates with McGlynn and Westmarland’s (2019) notion of ‘kaleidoscopic justice’ where victims are centred and the harms of sexual violence are fully recognised. I conclude by considering the ethics of representations of violence against within popular culture.

**Keywords**

Sexual Violence; Popular Culture; Popular Criminology; Alternative Justice; Anti-Carceral Feminism.

***Introduction***

In 2021, following a review of rape prosecutions, the government apologised for further falling prosecutions, recognising the need to address the justice gap for victims (Barr and Topping, 2021). Prior to this, the Crown Prosecution Service (CPS) and the police in England and Wales had launched a joint action plan to respond to the prosecution rate for rape and sexual violence (NPCC, 2021). These are just some of the most recent official admissions highlighting the failings of the criminal justice system in dealing with crimes of this nature. They follow a raft of previous research and policy (Harris and Grace, 1999; Stern, 2010; Horvath and Brown, 2009; HMIC and HMCPSI, 2012) which has criticised the investigation and prosecution of rape and led to claims that rape has effectively been decriminalised (Hohl and Stanko, 2015). More broadly, sexual violence and abuse appears to be endemic, occurring across a range of settings and institutions, who often fail to respond effectively and appropriately when violence and abuse are exposed (Ofsted, 2021; Townsend and Jayanetti, 2021; Begeny et al., 2023). Moreover, rape myths, cultures of misogyny and rape acceptance continue to objectify and blame victims and minimise and normalise sexual violence (Buchwald et al., 2005; Horvath and Brown, 2009).

The fact of the criminal justice system’s failure in this area, combined with critiques of so-called carceral feminism’s support for formal criminal justice responses to sexual violence (Gruber, 2021), demonstrate the need to envisage justice for victims as a more complex set of processes and outcomes. Moreover, we also need to find new ways to challenge the prevalence of rape culture and rape myth acceptance, and the marginalisation of victim-survivors. For McGlynn and Westmarland (2019), this includes recognising and giving voice to individual victims and treating them with dignity, but it also involves a wider acknowledgement of the impact of sexual violence and victims’ experiences’ which ensures victim-survivors do not feel marginalised from communities and society more generally. The following article will explore how progressive portrayals of sexual violence and abuse in popular culture help reimagine justice beyond carceral logics (Powell et al., 2015; McGlynn and Westmarland, 2019), responding to the failure of criminal justice, and may better meet the needs of victim-survivors who do not necessarily view justice in terms of punishment and the criminal justice outcomes.

The concept of ‘popular criminology’, defined as representations of crime in popular culture, such as feature films, documentaries, true crime, crime fiction, has gained currency with criminologists (Rafter and Brown, 2011; Rafter, 2007; Wakeman, 2013; Wattis, 2018, 2022) because it can offer alternative epistemologies and enhanced understandings of crime which go beyond the scope of academic criminology. With this in mind, the following article will explore the cultural work of a range of media in offering complex portrayals of sexual violence and victims which the harms, trauma and injustice of sexual violence and abuse. In doing so, I reflect on how popular culture can contribute to a more progressive vision of justice which resonates with McGlynn and Westmarland’s (2019) notion of ‘kaleidoscopic justice’ where victims are centred, and the harms of sexual violence are more fully recognised.

The article will firstly discuss academic criminology and popular criminology in more detail, identifying what the latter offers academic studies of crime, violence and victimisation. I then consider representations of violence against women, and more specifically sexual violence, in popular culture, assessing their potential as progressive texts which challenge rape myths and reformulate assumptions about violence and victims as part of a reimagining justice for victim-survivors. I conclude by considering the ethics of representations of violence against women within popular culture and recognising that culture often exploits and commodifies the victim-survivor.

***Popular Criminology and Academic Criminology***

Analysing representations of crime is an established field within criminology, spanning the discipline’s growth and popularity in the latter part of the Twentieth Century. Much of this work has focused on news media’s uneven representation of crime, with landmark studies identifying the distortion of crime where violent and spectacular events feature disproportionately in news coverage, and victims and perpetrators are rendered invisible or hyper visible depending on class, gender, race, and age (Greer, 2017). Analysis of the media in criminology also drew attention to crime news as part of the ideological apparatus maintaining inequality and validating law and order politics (Chibnall, 1977; Hall et al., 1978). A further central theme relates to the concepts of news values and newsworthiness which identifies how news stories are selected based on a collection of characteristics which make them more appealing to audiences. As Jewkes (2011) notes, if a crime features a selection of esoteric and spectacular features, such as celebrity and sexual violence, this increases the media attention and coverage.

Yardley et al. (2018) argue that for the most part the criminological study of the media has been preoccupied with representation and the way that certain groups are over-represented and criminalised. However, Sheila Brown (2003) notes a change of focus within the discipline, brought about a group of ‘textual outlaws’ (e.g. Sparks, 1992; Young, 1995), who began to break down criminology’s ‘self-imposed disciplinary boundaries’ (p. 30), to consider the symbiotic relationship between crime and popular culture. For instance, Richard Spark’s (1992) study of police dramas highlights the extent to which crime concerns have taken root in the popular consciousness, drawing attention to the influence of dramatised television media in shaping understandings of crime and justice. Brown’s (2003) own work is another early example of criminology moving beyond the critical study of crime news to interrogate an array of cultural forms and case studies which demonstrate the collapse of boundaries between reality and representation, fact and fiction. Brown argues that crime and law as tangible objects are no longer distinct from mediatised versions, observations which are more salient than ever, given the domination and acceleration of digital culture over the past two decades.

The naming of cultural representations of crime as ‘popular criminology’ draws attention to its value as a resource for academic criminology. Crime historian Rawlings (1998) referred to popular criminology when criticising academic criminology for its dismissal of popular culture, pointing out its failure to grasp that the accessibility and wide reach of mainstream crime narratives are the key means by which people experience and make sense of crime and justice. Rawlings’ interest lies mainly with true crime, but he also acknowledges the value of fictional representations, observing that unlike academic criminologists, social historians have long recognised the value of popular crime literature in their work.

Following Rawlings, Nicole Rafter’s (2007) analysis of ‘sex crime’ films introduced the idea of popular criminology to the academic criminological audiences, observing the differing limitations and ‘truths’ of popular and academic representation, and the way they can work as complementary discourses with the potential to enhance criminological knowledge. Brown’s (2003) reflections on what fiction tells us about crime, culture and the social, and how it compares to the ethnographic voice also echoes the notion of popular culture as a complementary discourse on crime. For Brown, crime fiction is different but equal to academic research in illuminating the social and cultural conditions of crime and its criminological and sociological value:

Ethnographic narratives which tell people’s stories about how crime is situated in culture for them may be read in the same way as fictive texts … The ethnographic narrative, like the fictive narrative, is an expression of voices, of selves, of the multiplicities of identities … This is not to deride the usefulness of field research to criminology, but question the privileged claim of ‘empirical’ criminological research over the fictive voice. The fictive voice refracts the culture through its own generic prism. The research voice offers a different sort of prism, but it is still a prism’ (p.89).

Similar observations have been made about the value of true crime texts which are often written like fiction (Seltzer, 2007), and like fiction, can inspire imaginative and empathetic responses to violence and victims (Wattis, 2018; Rossmanith, 2014). Indeed, well-researched true crime holds its own alongside ethnographic and historical research. For instance, Gordon Burn’s literary true crime novel, Somebody’s Husband, Somebody’s Son, which sought to understand the serial murderer Peter Sutcliffe’s motivation to murder thirteen women, involved the writer spending three years in Sutcliffe’s hometown exploring Sutcliffe’s life with his friends and family and represents a social history of masculinity, misogyny, time, and place (Cooke, 2016).

Popular criminology encompasses a range of cultural genres and formats, such as feature films, television drama, crime fiction, true crime books, podcasts and documentaries. True crime appears to be ‘having a moment’, attracting considerable academic and media attention. This is due in large part to its resurgence via streaming services, the popularity of the podcast format and the way texts move across multiple sites in contemporary mediascapes (Horeck, 2019). There is now a growing recognition that mining alternative discourses on crime captures crime meanings beyond the academic understandings, reveals how audiences and different publics might respond to crime in different ways, as well as offering creative solutions to crime problems beyond the academic and policy imagination (Wakeman, 2013). Put another way, popular narratives across genre and format elicit emotional responses which get us to think and feel differently about crime, violence, and its subjects, provoking alternative political, ethical and philosophical questions (Rafter, 2007). This could be something as straightforward as a film that offers the means to grasp a criminological theory or concept (Rafter and Brown, 2011), to analysing a cultural text as a socio-historical document or research data (Wattis, 2018, 2022). Popular culture also offers a lens from which to engage with contemporary theoretical understandings that analyse the state of the social and scrutinise the anti-social conditions and subjectivities of late capitalism (Raymen, 2018).

***Violence against Women in Fiction and True Crime***

My earlier work explored how works of fiction and true crime correct the victim blaming/hating/denial discourses which dominated police, media and public discourses in the so-called Yorkshire Ripper murder case. Academic work analysing news coverage of murdered sex workers identifies a consistent set of pejorative tropes which legitimate violence and blame victims. A lot of this work originates from Canada, written in response to the disappearance of more than 3000 indigenous women since the 1990s. For instance, this literature identifies how legal and media discourses rationalised the victimisation of sex workers by drawing upon the imagery of disease, pestilence, contagion, and disposal (Strega et al., 2014). I argued that popular criminology, in this case fiction and true crime, can remedy the objectification and abjection of sex workers. For instance, in my own work I draw on Pat Barker’s (1984) *Blow Your House Down*, a novel focusing on the lives of working-class women, some of whom are sex workers, living in an English Northern city where a serial killer is targeting women involved in street prostitution. Barker’s work exemplifies the progressive value of popular criminology where the prism of fiction allows us to identify with the lives of marginalised women, as well as inviting debate on the othering and criminalisation of women involved in prostitution. As Rawlinson (2009: 14) argues:

We should read Pat Barker because it makes us think as it makes us feel, it causes us to stand back and ponder moral and intellectual dilemmas at the same time as we are drawn into identifying with her characters.

As such, the portrayal of women in the book grants them humanity, positioning them within communities and revealing the repression of sex workers by law and policing, as well as how the lives of working-class women are circumscribed by poverty and a lack of opportunity. Arguably, this work of fiction advocates for sex workers and working-class women in a different but no less effective way than activists and academics in this field.

Indeed, for Nicole Ward Jouve (1988), it is only via the fictive voice and specifically Barker’s novel, that the victims of Peter Sutcliffe are humanised following their vilification by the police, media and the public:

To get a balanced picture, the story of the victims should also be told … Fiction is probably the only way in which such a celebration could occur. The victims have been hurt too badly not to be spared the limelight of any further discussion. Pat Barker’s remarkable novel Blow Your House Down is the fictional answer. (Ward Jouve, 1988: 32)

Other writers who draw attention to popular culture’s progressive capacity to capture gendered oppression and violence is Megan Sweeney’s work which explores the reading practices of incarcerated women in a US prison. Interestingly, Sweeney highlights what women themselves do with the texts and the meanings they extract from them, noting how women reading about trauma, violence, abuse and incest suffered by female characters in both in fiction and memoir can act as a form of therapy for women who have been through similar life experiences. Indeed, given the scarcity of support services, Sweeney (2010: 181) argues that the texts stand in for counselling and talking therapies where ‘these women use reading as a means to restory their lives: to learn about themselves, mediate their histories of pain and violence. In particular, Sweeney draws attention to the popularity of the Black urban writing genre amongst African American prisoners, which despite being fiction, blurs the boundaries between reality and fiction because they resonate with many of the real-life experiences and circumstances faced by imprisoned African American women: ‘According to Darlene, urban books are “so real you can actually feel what they’re going through and been through … I can find bits and pieces of me or somebody that’s close to me in the urban books”’ (Sweeney, 2010: 181).

The ‘rape novel’ as a genre does important cultural work in challenging myths, revealing the violence and trauma of rape, and like all good literature – fact and fiction – offering the victim’s point of view, fostering empathy and revealing the humanity of the victim. Robin Field’s (2020) analysis of the rape novel, as both fiction and memoir in the context of American literature, evidences how this literature fosters greater understanding of sexual violence and may also inspire political action. Field rejects the use of rape in literature as a metaphorical device, arguing for a more straightforward showing of the actual violence, damage and trauma of rape. She also charts the evolution of the rape novel from the late twentieth century into the twentieth first century and its shift to survivor narrative which deals with the impact of rape beyond the act itself and its reverberations within the wider community. Field links these works to their socio-historical context and the catalyst of #MeToo in inspiring victims-survivors to tell their stories. Within these discussions, she identifies the rhetorical techniques which inspire greater understanding of victimisation and support for victims, as well as framing the reading of texts as a form of activism in the face of sexual violence. For Field, rape narratives do crucial cultural work in addressing rape culture and rape myth acceptance beyond more scholarly analyses of the texts. This is tricky of course. Scholars in this field are mindful of the dangers of how showing rape, even with the best intentions of revealing its trauma and violence and allowing women to speak, may nevertheless result in eroticisation and an invitation to voyeurism (Virdi, 2006). As Gunne and Brigley (2009: 3) note, we need to consider ‘just how we speak about rape and to what end?’

Moving away from fiction, biographical writing by survivors of sexual violence is explicitly recognised as an ‘alternative jurisdiction’ (Gilmore, 2017: 14) for victim-survivors to tell their story away from formal justice. Looking at the rape memoir, Fernando-Moralez (2020) analyses Jana Leo’s (2009) *Rape New York* and Joanna Connor’s (2016) *I Will Find You*, assessing the ‘political intention’ of the texts and what work the memoir performs as the survivor’s firsthand account of rape. She notes the growth in academic, media and popular cultural outputs focusing on rape and sexual violence, of which she recognises the rape memoir as a powerful medium for personal testimony and awareness raising about sexual violence. In particular, she draws attention to women being able to tell their own stories about what has happened to them, which as stated, is fundamental to the feminist project of speaking out about sexual violence (Serisier, 2018), and acts as a corrective to the way the law/justice often distorts the victim’s testimony.

***#MeToo Television and Challenges to Rape Culture***

Moving away from literary representations of rape, work in media studies has identified mixed findings relating to representations of sexual violence in television dramas. On the one hand, this media appears to foster rape myth acceptance and victim blaming attitudes amongst audiences (Kahlor and Eastin, 2011). Conversely, dramatised screen media also has the potential to challenge stereotypes and assumptions relating to sexual violence (Hust et al., 2015). Writing specifically about Law and Order: Special Victim’s Unit (SVU), Cucklanz and Moorti (2006) note how signs of a feminist perspective on sexual violence within the traditionally masculinist genre of detective fiction/drama has emerged. This leads them to consider ‘what forms of feminism, if any, does a prime time show on sexual violence enable?’ (Cucklanz and Moorti, 2006: 303).

Chronicling the history of how sexual violence has been dealt with in in police television drama, Cucklanz and Moorti (2006) note the absence of victims’ voices in shows from the 1970s and 1980s, arguing that victims were portrayed as silenced by their trauma, with rape deployed to serve the story of heroic male detectives. They also note that in the decades that followed where rape storylines have featured on ‘prime time’ television, this has rarely included a feminist framing of sexual violence. In contrast, SVU, ‘offers an unequivocally feminist understanding of sexual assault in its depiction of power imbalances as causing rape’ (p.310). The writers are positive about the absence of rape scenes in SVU and the focus on ‘post rape narratives’ and ‘life after rape – that is, the raped woman is a survivor with agency’ (p.307). However, Cucklanz and Moorti (2006) argue that the show falls short in resorting to default stereotypical representations of women who offend.

Recent commentaries on what television is doing with rape, and its potential to be progressive and feminist when it comes to representing sexual violence and challenging rape culture, focus on the #MeToo moment and its influence on popular culture. Tranchese (2023) notes the idea of the time before and after MeToo where the ‘after’ is defined by a heightened awareness of the relationship between power and sexual violence, the harms and trauma of sexual violence, and the centring of victim-survivors who can now speak freely about their experiences.

The #MeToo ‘effect’ has also been observed in popular culture. For instance, Hoffman and Hobbs (2021) write about the influence of #MeToo on true crime, highlighting how a collection of recent books and television documentaries have rejected the fetishisation of male murderers, focusing instead on victims’ stories. In particular, women-led podcasts, with their feminist and feminine sensibility, combine murder narratives, with comedy and self-help and a greater acknowledgement of female victims and women’s fear and experiences of male violence (Greer, 2017; Paquet, 2020). Hoffman and Hobbs (2021: 143) view #MeToo as creating ‘a prominent platform for a type of activism that reframes female victimhood by centring women’s voices and experiences and calling attention to pervasive, systemic misogyny in the wider culture’.

In a similar vein to true crime, work on post #MeToo television dramas recognises the cultural shift brought about by #MeToo with sexual violence now being addressed more explicitly within television dramas (Havas and Horeck, 2023). Work in this field asks questions about the cultural work performed by this media and the extent to which it challenges rape culture and rape myths (Havas and Horeck, 2021; Gaston-Lorente and Gomez-Baceiredo, 2022; Banet-Weiser and Higgins, 2021). As Havas and Horeck (2021: 250) argue, ‘it is important to explore what kinds of political affordances and opportunities are opened up through the new attention paid to sexual violence’.

Writing about The Morning Show, I May Destroy You and Unbelievable, all of which bring a #MeToo sensibility to the way sexual violence is portrayed on screen, Banet-Weiser and Higgins (2021) concern themselves with the notion of ‘believability’. They draw attention to the responsibility placed on victims to ‘labour’ to acquire believability, which is also shaped by an ‘economy of visibility’ where positive recognition is dependent upon axes of power and privilege shaped by race, class and sexuality. Lastly, Banet-Weiser and Higgins (2021) note how the commodification of victimhood and survivorship plays out within online spaces. Overall, their take is pessimistic, they view women’s attempts to secure believability as ultimately futile in the face of rape culture and victim blaming. However, in conclusion they draw out progressive strands offered in these shows, identifying ‘a more optimistic outlook’ on believability where ‘through the visibilisation and popularisation of the labour of believability on television, the truthfulness of women might not be so futile after all’ (p.17).

Havas and Horeck (2021) consider similar questions but connect the idea of television feminism directly to Netflix’s purportedly ‘feminist’ output. In doing so, they not only consider the progressive shows which form part of their analysis - Unbelievable and The Unbreakable Kimmy Schmidt - as ‘revising dominant cultural scripts’ (p.252) but recognise a larger body of work deemed feminist not only due to content, but also because of the presence of women as writers, producers and showrunners. They refer to this output as ‘Netflix feminism’, observing how progressive rape narratives combined with a serialised format and the opportunity to binge watch, inspire the ‘political interrogation of a system that fails women’ (p.252). Havas and Horeck also note affective responses from audiences who coalesce on a range of digital platforms to debate the implications of these shows. What is more, Havas and Horeck (2021) argue that in showing police officers handling sexual violence sensitively and empathetically, Unbelievable ‘leaves viewers with an understanding of how things should – and could – be handled differently and better’ (p.264). This resonates with Wakeman’s (2013) assessment of popular criminology as a vehicle to ‘generate meaning’ (p.229) whose ‘cultural reference points’ (p.231) help us envisage alternative discourses and responses to crime problems.

It is worth pointing out that Unbelievable is based on a real case but in common with the docudrama genre more generally (Wattis, 2022), plays with truth and introduces fictional elements to the narrative. The case Unbelievable was based on had already been covered in three works of prestige journalism: a Pulitzer prize winning article, a book and a podcast by the same writers. Gaston-Lorente and Gomez Baceiredo (2022) consider what the docudrama and the fictional tweaks to the narrative added to journalistic coverage of the case. A key element of the story is how the victim in Unbelievable, Marie, is raped by a stranger who breaks into her apartment, and subsequently the way she is subjected to secondary victimisation by two male police officers who do not believe her and criminalise her for false reporting. In highlighting how fiction fosters empathy and reveals the point of view of subjects (Wattis, 2018), Gaston-Lorente and Gomez Baceiredo argue that the docudrama complements the journalistic commentary on the case by shining a light on rape myths and secondary victimisation:

Unbelievable fictionalises an excellent journalistic work and, by doing so, it gives up absolute veracity in favor of a nonliteral truth that endorses the victims’ perspectives … creates content that delves further into the causes and consequences of Marie’s second victimization … This content allows the series to denounce and evidence the false beliefs rooted in society that led to Marie’s double victimization and that, even now, lead to double suffering for many victims of sexual abuse (p.16).

In the main, this article has looked at fictional and dramatised narratives dealing with sexual violence. The relationship between fact and fiction is often blurred, however. Drama and fiction frequently draw on real people and events to construct narratives. For instance, Michaela Coel’s drama I May Destroy You was based on her own experiences of rape and, as discussed above, Unbelievable introduced fictional elements to drive the narrative and emphasise the trauma and injustices endured by victim-survivors. Indeed, it is not uncommon for dramas based on real events to play with the truth in the interests of clarity, exposition and to engage audiences (Wattis, 2022).

Moving away from drama and fiction, in recent years there has been an increase in victim-centred documentaries featuring victim-survivors’ themselves, offering their own accounts of sexual abuse perpetrated by individuals within institutional and celebrities. Titles include, The Keepers, Surviving R. Kelly, Jeffrey Epstein: Filthy Rich, We Need to Talk about Bill Cosby and Football’s Darkest Secret.

Documentaries which centre survivor voice also fit with Havas and Horeck’s (2023) idea of progressive ‘feminist output’ in the context of digital mediascapes. These documentaries hold similar affective power, if not more so, than dramatised content. This relates to their capacity to elicit empathy and outrage in showing victim-survivors’ ‘palpable trauma’, drawing attention to the harms of sexual violence and abuse, exposing state and institutional injustices, and reinforcing messages about safeguarding, and listening to victims (Mangan, 2021). As Havas and Horeck argue, audiences’ outrage and affective responses to programmes depicting sexual violence may be intensified by the way we watch or listen to this content. Moreover, the documentary may afford the opportunity for audiences to bear witness and in doing so, ‘a person becomes a potential catalyst for changes not only for herself but also for others—an important form of empowerment for survivors of gender-based violence’ (McIntosh, 2015: 12).

***Sexual Violence, Justice and Popular Culture***

The failure of formal processes to deliver justice for the majority of victims of sexual violence and abuse, despite legislative and practice reform and the increased visibility and understanding of sexual violence in public discourse, has inspired academics to reflect on what alternative forms of justice might look like for sexual violence (Corrigan, 2013; McGlynn and Westmarland, 2019; Powell et al., 2015). As Flynn (2015: 92) writes, ‘on a global scale, the law has consistently failed in providing justice, empowerment, status or control to sexual violence victims, while simultaneously failing to consider the complexity and individuality of sexual violence experiences’.

Writing in 2013, Rose Corrigan set about revising the feminist history of rape crisis in the US, arguing that formal justice had failed, and furthermore, in drawing on formal legal mechanisms to tackle sexual violence, feminism itself had colluded with the same oppressive state which deploys law and justice to oppress marginalised and minoritised groups. This viewpoint is echoed across critiques of what is perceived as feminism’s support for the carceral apparatus of traditional criminal justice and punishment (Bernstein, 2012; Bumiller, 2008), evident in calls for legislative reform, more effective policing and tougher sentences to address male violence against women. Much of the work critiquing feminism’s carceral leanings originates from the US and is in part a response to the prison industrial complex and the criminalisation of Black men and women (Bumiller, 2008). For instance, Corrigan (2013: 3) notes that for critics on the left:

[the] success of the anti-rape movement—along with other hyper-punitive efforts such as the “war on drugs” and the “war on terror”—has become a problem, as governments and law enforcement adopt and stimulate public fears of crime and claims about victims’ rights to advance the neo-liberal governing strategies and carceral priorities of the modern state (Garland 1995; Gottschalk 2008; Scheingold 1998; Simon 1997; Zimring and Johnson 2006).

Indeed, Phillips and Chagnon (2020) argue that carceral feminism could be considered a form of penal populism in the sense that it taps into crime’s affective capacity and claims to act in the best interests of victims with both generating outrage towards violence which fuels a retributive and carceral appetite. Phillips and Chagnon’s analysis of carceral feminism’s relationship to penal populism is useful because it draws attention to how the identification of sexual violence and rape culture as social problems in media and public discourse intersects with penal populism, informed by an assumption that victim-survivors perceive and want justice to be retributive and carceral. Alongside other writers they highlight how in reality, victim-survivors often desire ‘alternative, transformative conceptions of justice’ (p.63).

I draw attention to the anti-carceral feminist movement in the context of this article because in highlighting the failings of formal justice and the wrongs and harms of carceral feminism, this body of work calls for a rethink of what justice looks like for victims, the type of justice victims want, as well as the parties who might be involved in alternative forms of justice. As Brockbank and Greene (2022: 5029) argue, ‘anti-carceral approaches offer something more feasible, politicised and liberatory, thus filling a wide gap left by carceral feminism’.

There is now a distinct field of literature whose project is to rethink justice for victims beyond recourse to formal sanctions (for example, Daly, 2017; Brooks Hay, 2020; Powell et al., 2015; Holder, 2015). Summarising Daly’s overview of this literature, McGlynn and Westmarland (2019: 181) identify victims’ priorities as, ‘participation, voice, validation, vindication’, as well as offender accountability. Similarly, Lewis Herman (2005) considers the impact of sexual violence on victims’ relationship with their community, and how justice might involve ‘repairing the rupture’ between the two. She envisages community in literal terms - in the sense of school, family and church, and the way victim-survivors may feel disenfranchised from these institutions. For Lewis Herman, a more progressive approach would involve feminist activism and advocacy to restore victims’ connection with community and acknowledgement and understanding of sexual violence and abuse.

Notions of community figure a lot in this literature. This is evident in Lewis Herman’s work and that of other writers who recommend that restorative justice play a greater role in dealing with sexual violence (Powell, 2015). However, community need not be understood in such a literal way. A wider socio-cultural recognition of the truth of sexual violence and the reality for victim-survivors also invokes a more ambitious vision of community. McGlynn and Westmarland’s (2019: 197) concept of ‘kaleidoscopic justice’ captures the complex and multi-faceted nature of justice and a broader notion of community as central to justice as a ‘collective pursuit’, made up of ‘a myriad of often small, cumulative and interconnected events and responses, across families, communities, criminal justice agencies and public or state authorities’. They also discuss the idea of justice as embodied and ‘felt’, and the way this is ‘created and sustained by active support in society’ (p.195). That said, McGlynn and Westmarland also draw attention to the fact that often victims do view justice in terms of the criminal justice system and formal punishment. As McGlynn (2022: 5) points out in later article, ‘we must incorporate this into our strategies for tackling violence against women’. Moreover, motivation to engage with formal justice may involve a sense of social justice on the part of victim-survivors who view themselves as acting on behalf of other women when they report victimisation and engage with formal processes.

As part of a rethinking of justice as it relates to sexual violence, popular culture can help to reimagine forms of redress beyond formal state systems. This fits with the abolitionist critique of criminalisation and imprisonment which views the criminal justice system and law as perpetuating inequality and oppression. It is also clear that other avenues need to be explored given the considerable justice gap in sexual violence cases. However, as McGlynn (2022: 7) argues, this does not necessarily mean that criminalisation and criminal justice should be abandoned but its yoke to punitiveness and imprisonment must be addressed where ‘imagination is needed from all those seeking less harmful ways of tackling violence against women, whether it be from a perspective of criminal justice reform or prison abolition’. In this way, popular culture feeds into complex and myriad notions of justice (McGlynn and Westmarland, 2019), as well as rethinking formal justice and criminalisation beyond imprisonment and retribution. Equally, Paquet (2022) suggests that popular culture can operate as a mode of informal justice alongside formal responses to violence against women.

Writing about the representation of what she refers to as ‘sex crimes’ in film, Rafter (2007) considers how crime film as a genre of popular criminology might resonate with academic criminology. At the most basic level, popular culture as a counter narrative raises awareness, educates and informs. As Rafter points out, however, it goes deeper than this; fiction, drama and true crime affect emotional responses to crime and victims, provoking philosophical questions with the potential to transform how we think but also feel about crime, violence and victims in a good way. This resonates with Havas and Horeck’s (2021) observations about digital screen media’s use of specific formats and devices to engage audiences and elicit progressive emotional responses to sexual violence and the injustices meted out by the criminal justice system. This might consist of raising awareness amongst wider audiences, as well as offering narratives with which victims can identify. Moreover, given that critical perspectives and rethinking criminal justice are integral to the discipline of criminology, there is clearly a role for academic criminology’s engagement with popular criminology to reflect on matters of justice and sexual violence. In addition, the value of victim-survivors’ stories across a range of formats enhances the criminological and victimological imagination, offering- a greater understanding of the experience of victim-survivors and the disruption of ‘recognisable’ and stereotypical rape narratives (Flynn, 2015).

It is also important to consider how different audiences, made up of victim-survivors, wider publics, academics and practitioners, engage with texts in terms meaning making. Perhaps most importantly, how do victim-survivors themselves respond to narratives of sexual violence. As I highlight above, a key theme in the literature on alternatives to formal justice is the stress on the importance of community to victim-survivors. Community is defined on several levels from the literal and the local, to the positioning of restorative justice within the community, through to a more ambitious vision of a community of the social in which victim-survivors see themselves and their experiences as validated and recognised within the wider society and regain ‘a sense of belonging and connection with society and feel a sense of justice’ (McGlynn and Westmarland, 2019: 194). Popular culture thus has a role to play in creating and promoting community for victim-survivors across a range of spheres. As such, it has the potential to perform important progressive and feminist cultural work relating to advocacy, recognition, representation, and a sense of belonging.

***‘Mining trauma’ and the Victims’ Industry: Ethics, Violence and Popular Culture***

As I have explored in this article, representations of sexual violence and abuse have the potential to do progressive culture work in exposing and responding to the harms of sexual violence. That said, engaging with representations of crime and violence, specifically sexual violence, is ‘ethically fraught’ (Field, 2020). First, popular criminology is not necessarily progressive, it often reinforces stereotypes about crime, offenders, and victims, as well as misrepresenting law and policing and fostering punitive responses to crime (Murley, 2008). This is less of an issue from the point of view of academic criminological analysis, cultural media does not need to be literary, demonstrate high end production values or progressive sensibilities to provide insights onto crime and its subjects (Mayr, 2012; Wattis, 2022). However, the wider cultural and ideological work popular criminology performs, and its impact on popular and political discourse, means we need to take care when engaging with this media and making claims about its progressive potential.

On the face of it, this is less of an issue when it comes to fiction. True crime production and consumption has attracted more concern because they deal with the suffering and trauma of real people (Wattis, 2022; Hoffman and Hobbs, 2021). Having said that, fictional portrayals of violence against women in crime novels, film and television also attract criticism due to the often graphic and forensic framing of the murdered and brutalised female body, and an increasing fixation with dead women (Clark-Dillman, 2014; Jermyn, 2017). More specifically, in dramatised formats, rape has frequently been used as a shallow plot device which serves the story as opposed to dealing with sexual violence and victims in a meaningful and progressive way (Cucklanz and Moorti, 2006).

Earlier true crime formats such as magazines, pulp novels, and low budget reconstruction documentaries were unambiguously problematic given their gratuitous and sexualised depictions of ‘real’ crime and their objectification of female victims (Murley, 2008). In contrast, more recent true crime in the form of podcasts and serialised documentaries are presented as activist projects committed to truth seeking, exposing injustice, recognising violence against women and commemorating female victims (Bruzzi, 2016; Paquet, 2022; Greer, 2017). Podcasts investigating the intersection of invisible female victimhood with class, ethnicity and colonialism present as especially strong in this respect and truly live up to the notion of ‘feminist true crime’ (Horeck, 2019).

Despite this, much of the newer true crime remains ethically ambiguous due to the way production values and narrative structures manipulate audiences, play with truth and invite the jurification of audiences (Bruzzi, 2016). Furthermore, Hoffman and Hobbs (2021) also question the feminist credentials of female produced and presented true crime podcasts, such as My Favourite Murder. They identify the shows as a product of #MeToo, evident in their defining features: recognition of male violence against women, the centring of victims and the way podcast presenters invite their predominantly female audiences to transgress gendered norms relating to feminine respectability and fear of male violence. Hoffman and Hobbs (2021) note that despite making claims to advocate for women and victims, My Favourite Murder (MFM) nevertheless defaults to the veneration of the male killer and the ‘monetisation’ of murder and violence via their live shows, excessive merchandising and book deals. Echoing this, Paquet (2022) praises podcasts, that raise awareness about violence against women and revisit unsolved murders, as complementary informal justice. However, she also observes that some shows still resort to objectification and sexualisation of victims which Paquet links to the power held by podcast creators and presenters to represent victims in the way they choose.

Looking at sexual violence specifically, memoirs and documentaries which centre the victim-survivor and emphasise ‘survivor voice’ are important political texts that reveal injustice and power in the context of sexual violence (Fernando-Moralez, 2023) and ‘return rape to the victim’ (Field, 2020: 10), forming part of the history of women speaking out about sexual violence (Serisier, 2018). Moreover, if survivors act agentively in deciding to take part in documentaries, the process may be empowering for them, as well as challenging stereotypes which universalise the victim identity/experience in terms of vulnerability and passivity (Schulz and Touquet, 2021).

Others are more circumspect about how the accounts of victim-survivors figure in feminist and popular culture. Serisier (2018: 96) argues that despite the advances brought about through women speaking out about sexual violence, the survivor story has also ushered in ‘new ways of doubting and disbelieving women’. According to Serisier, it also places expectations on women to tell their story and perpetuates one version of the victim-survivor story, which marginalises alternative experiences based on class and race. Menis’ (2021) concerns lies with the exploitation of victims of sexual violence in commercial media culture. She challenges the way ‘media facilitates a space for social therapy’ (p.37) and questions if the media acts in the public interest when they engage victims and tell their stories. Focusing on the documentaries which exposed and documented the systematic sexual abuse of children and adults by the British celebrity and establishment figure Jimmy Savile, Menis (2021) argues that the ‘real-crime victim documentary’ (p.22), represents ‘socially dangerous media attention’ (p.23) in which ‘the media has been a participant in the commodification of the victim; in other words, Savile’s victims became objects of entertainment’ (p.22).

I have spent most of this article talking up the value of stories of sexual violence for research, policy and activism. Nevertheless, it has been necessary to recognise that even with the best intentions, engaging with these stories presents ethical difficulties for producers/creators and audiences in the context of contemporary commercial mediascapes where trauma is produced and consumed for entertainment. To conclude, I argue that equally, academics need to think carefully about how they engage with sexual violence and victims’ stories. There has been careful consideration of ethics when conducting research with victim-survivors. Literature in this field evidences a sensitive and trauma-informed approach to carrying out research with victim-survivors. However, it goes deeper than this. As Patrica Yaeger (1997) notes, academics are frequently preoccupied with the trauma and suffering of others, but they need to recognise their own part in commodification of violence and victims, and the fact they are ‘drawn to these stories from within an elite culture driven by its own economies’ (p.228). Clearly, stories of violence and trauma can be a form of activism, informing public discourse, effecting change and most importantly, offering victims recognition, validation and inclusion, but this needs to be done alongside close ethical reflection which involves a constant process of questioning our own academic motivations and relationship to these stories.

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