

NORTH-SOUTH FEMINIST DIALOGUE

Silencing Sexual and Gender-based Violence
in Academia and The Politics of Naming

September 2024



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INTRODUCING NORTH-SOUTH FEMINIST DIALOGUE

Adrija Dey

In the wake of global movements like #MeToo, #RURerenceList and #NiUnaMenos, students and staff worldwide courageously shared stories of harassment and abuse in academia. However, despite the empowering calls to 'speak out' and 'break the silence', survivors often face severe backlash from institutions and perpetrators. Survivors have also faced significant challenges in speaking about their experiences of sexual and gender-based violence (SGBV), even when their accounts are anonymised. These challenges mirror the broader problem of survivors being silenced through non-disclosure agreements (NDAs) and misuse of libel laws. Recently, while issues of the use of NDAs and libel laws within higher education (HE) have received significant attention, more nuanced survivor-centred discussions are needed to ensure that survivors don't continue to be silenced. We also need more discussions on the politics of naming perpetrators with upheld findings and developing more transformative justice-led practices within universities that focus on structural changes rather than only punitive measures. . The implications of this context for academic writing on SGBV, including autoethnographic work, are also rarely discussed by the academic community and publishers. As a result, in this instalment of the North-South Feminist Dialogue series we wanted to address these emerging debates.

This report marks the third instalment of the North-South Feminist Dialogues series: 'Silencing Sexual and Gender-Based Violence in Academia and the Politics of Naming'. I started the North-South Feminist Dialogue series in 2020 with the aim of creating a decolonial, intersectional, feminist, and safer space where survivors, academics, activists, and organisers working in the area of SGBV in HE could come together across borders to learn, support each other, and show solidarity. The need for the workshop emerged from my research and activism, which showed that much of the research on issues of SGBV predominantly focuses on the global North with little to no knowledge exchange between the global North and South. The radical and innovative research and activism happening in the global South remain invisible in global conversations on these issues. Indeed, some of the emerging issues being discussed in the global North HE have already been discussed or addressed within the academic and

activist communities in the South. So, in this series, we aim to disrupt colonial legacies of knowledge production and centre the voices of survivors and those who are pushed to the margins of our society.

SGBV in universities is a global problem that requires global solutions. To appropriately address the depth of the problem and to devise plausible solutions, there is a need to decentre and decolonise understanding and praxis. In a scenario where most HE institutions across the world share similar issues and concerns, constricting the process of knowledge creation based on empirical evidence from the global North creates silos and echo chambers. Further, it is routine for people from the global South to be ignored in institutional responses to SGBV, including mental health support, in the global North, leading to normalisation and invisibilisation of their violence. A lack of understanding and sensitivity to cultural contexts, especially in the case of international students, coupled with a lack of sensitivity to questions regarding race, class, caste, religion, and immigration status, leads to differing and complex forms of everyday violence.

Similarly, in institutions in the global South, issues of race, class, caste, gender, and religion are foundational to the hierarchical and colonial structures of HE, making these spaces accessible only to a few and extremely violent for marginalised communities trying to gain equal access to these spaces. Hence, there is also an urgent need for south-to-south knowledge exchange, collaboration, and activism on this issue. Keeping this in mind, every two years, we come together through the North-South Feminist Dialogues platform to discuss emerging issues in the area of SGBV in HE.

Through this report, we attempt to share the knowledge from the two online panels that comprised this third instalment of North South Feminist Dialogues with fellow academics, activists, and organisers. These are emerging conversations in the HE sector. . Hence, we imagined these panels and this report as an opportunity to learn and the beginning of a much wider and ongoing conversation.

SUMMARY OF KEY FINDINGS

The following are the key takeaways from our panel discussions. We encourage you to continue these conversations, and hope that these panels offered a space to start a transnational dialogue about the politics of naming perpetrators of SGBV in universities and the costs associated with speaking out.

- We need to have a more sophisticated discussion about naming perpetrators of SGBV that moves beyond the naming-is-good vs. naming-is-bad binary.
- Whisper networks, lists scrawled in toilet stalls, Google Docs and email threads are ways in which survivors have historically shared information about people who have caused harm in the form of SGBV, often in attempts to protect others when institutional processes prove insufficient. There is a significant difference between a university naming a perpetrator of SGBV through a formal institutional list following an upheld finding in a university investigation versus a survivor naming someone who has harmed them. To say that naming perpetrators of SGBV is a new phenomenon invisibilises these processes that have been happening for years.
- Naming perpetrators needs to be part of a longer process of transformative justice, but it is not an end goal in and of itself. We need more transformative justice solutions, in which naming may be an initial step that leads to structural change—carceral sex offender registries are not the solution.
- Additionally, “speaking out” as a term is not always about naming the individual perpetrator. Survivors and/or authors choose to name a discipline, an institution, or an experience. Many people do not want to name individuals responsible for causing harm, but they may still want to write about their own experience of that harm or the institutional/disciplinary community's response to it. There is a risk that perpetrators may be identified or identifiable in this writing, which is a challenge that survivors continuously negotiate in thinking through how to write about their experiences.
- Publishing about SGBV, whether in a personal capacity or in reporting on other survivors' experiences, comes at a very high risk for authors. These costs can be physical, mental or financial.
- Publishers need to proactively work with authors writing on cases of SGBV to identify potential issues (e.g. defamation or libel lawsuits) early on. Authors can also choose to work with publishers that have a stated commitment to or have a positive track record of working responsibly with authors in this area.
- Activists across Europe are fighting against abusive lawsuits that try to silence survivors, and are seeing wins in policy and court, for example, the Coalition Against SLAPPs¹ in Europe (CASE).
- Perpetrators are using universities and academic publishers as weapons against survivors, and these organisations are getting unwittingly caught up in the backlash.
- Perpetrators are now weaponising university academic integrity or scientific misconduct processes, as well as lawsuits against publishers, as part of DARVO (Deny, Attack, Reverse Victim and Offender), a pattern that positions perpetrators of SGBV as victims and questions the credibility of survivors.² Relevant bodies and offices, such as data protection officers and legal teams, need to understand these dynamics of retaliation. In understanding the larger power structures of retaliation and violence, universities and publishers need to ensure they are not contributing to further victimising or silencing survivors. Publishers and institutions should not acquiesce to retaliatory threats from alleged perpetrators and their allies, and should recognise these as potentially forming part of a pattern of abusive behaviour.
- Naming can often serve as a means of prompting institutions to take accountability, which many are not at this point. Speaking out is often a last resort when institutions fail survivors. We need to look at the bigger picture to understand why people—and perhaps universities—engage in speaking out, and what they want to achieve through this.

1 SLAPP stands for Strategic Lawsuit Against Public Participation.

2 <https://dynamic.uoregon.edu/jjf/defineDARVO.html>

LITERATURE REVIEW

This brief literature review examines themes in peer-reviewed and grey literature related to the politics of speaking out in cases of sexual and gender-based violence (SGBV) in higher education, which we explored in North-South Feminist Dialogue's two panel discussions in March 2024. These themes are: the importance of naming perpetrators where there are upheld findings against them; survivors' considerations in naming perpetrators; the role of institutionally-made lists and registers of perpetrators in higher education and beyond; and whether we can consider naming perpetrators as a form of transformative justice.

The Importance of Naming Perpetrators or Speaking Out about SGBV

Speaking out about experiences of SGBV and/or naming institutions or perpetrators involved in these experiences can be a significant step for survivors in their pursuit of justice and healing. The act of speaking out or naming can give voice to people who are silenced in mainstream narratives (Dey, 2020; dos Santos Bruss, 2019; Subramanian & Sharma, 2022), and challenge unequal power dynamics in coverage of SGBV cases (Banda-Chitsamatanga & Ntlama, 2020). Speaking out may indicate larger institutional issues, including lack of institutional accountability and cultures that normalise SGBV, as this action is often a last resort for many survivors (Page et al., 2019; Phipps, 2019; Ryan, 2014; Vemuri, 2018). Naming may also minimise the risk of perpetrators from moving institutions or jobs with no accountability (Banda-Chitsamatanga & Ntlama, 2020; Geldenhuys & Lambrechts, 2023; Quirk & Pillay, 2023). Lastly, speaking out can foster collective action, care, and healing, as one person speaking out may inspire others to come forward (Quirk & Pillay, 2023; Shankar, 2017; Vemuri, 2018).

Survivors' Considerations in Speaking Out or Naming Perpetrators

Survivors and activists take many factors into consideration before naming perpetrators or speaking publicly about such experiences. Aside from core considerations of their own safety and how speaking out might impact their mental health (NWLC & KYIX,

2023), many think about possible legal repercussions they could face. Many survivors are also mindful of the effects of speaking out on their perpetrators, especially if they come from a marginalised background (Dey & Mendes, 2022). For marginalised survivors, issues of believability and vulnerability may come to the forefront. Cheng Thom (2017) highlights that even in the immediate aftermath of Hollywood's #MeToo moment, people still do not always believe poor survivors, women of colour survivors, and trans women survivors in particular. Another consideration, often unaddressed in research, is what survivors want to happen to the perpetrator after they have spoken out. Phipps (2019) argues that "naming and shaming" (p. 68) usually occurs before calls for a heightened criminal justice response. Going through a criminal justice response is more dangerous for certain perpetrators than others: if a perpetrator is marginalised (e.g. Black or Brown or belonging to a lower caste), they are more likely to be arrested and convicted, and will face violence and possibly even death in the prison system; this in turn may deter survivors who disagree with carceral methods from speaking out (Cheng Thom, 2017).

The Role of Lists and Registers of Perpetrators

Institutional Lists of Perpetrators in Higher Education

In a higher education context, literature about lists of perpetrators predominantly focuses on Indian academia with Raya Sarkar's List of Sexual Harassers in Academia (LoSHA/The List). The main arguments against LoSHA focused on the perceived lack of due process, as opponents conflated the act of naming with perpetrators being found "guilty" (Chachra, 2017; Menon, 2017). Dey (2020), however, points out that there is a false dichotomy between due process and survivors naming those who have harmed them; many people who supported LoSHA also supported improving institutional investigatory processes, yet acknowledged that these processes did not account for "power dynamics, hierarchies, and ideas of shame attached to any form of SGBV" (Dey, 2020, p. 68). Dey (2020) also highlights that feminist activists have used multiple approaches in fighting for justice, including through direct action (e.g. like The List) and through institutional processes. Scholars have pointed out how LoSHA indicated larger institutional cultures

that normalise gender-based violence and misogyny, especially as it intersects with caste, and failures of university response processes for sexual violence (Dey, 2020; dos Santos Bruss, 2019; Shankar, 2017). The “Rapist List” in Columbia University (USA) bathrooms (Ryan, 2014) and the #RUGReferenceList at University of Rhodes (South Africa) (Seddon, 2016) also speak to these larger institutional issues.

Sex Offender Registers within the Criminal Justice System in National Contexts

It is important to note the difference in contexts of ‘lists’ of perpetrators within a criminal justice responses and the way the term ‘lists’ was discussed in the webinar series. In the webinars we discussed lists in two ways: first, whisper networks shared by activists and survivors, which shared details of people who had harmed others, regardless of whether or not they went through a university investigation or were found responsible at the end of one. Second, we discussed institutionally-created lists of perpetrators who had been through a university process and were ultimately found responsible for SGBV. However, outside of higher education, a third type of list – sex offender registers – are a more formal (and carceral) vehicle for naming perpetrators. Registers for sex offenders are national lists that form part of the criminal justice system—with varying degrees of public availability depending on country context—of people who have been convicted of a range of sexual offenses. Their presence on the register typically comes with restrictions on their behaviour, where they can live, and what kind of jobs they can have (Geldenhuyts & Lambrechts, 2023; Levine & Meiners, 2020). Time spent on the register typically corresponds with prison sentences; not every offender will be listed for the rest of their life, but the minimum term is still usually multiple years (Geldenhuyts & Lambrechts, 2023). This is not always the case, as Levine (2016) notes how even convicted perpetrators who receive relatively short sentences may still end up on the sex offender register for life Levine and Meiners (2020) ultimately argue that the US Sex Offender Registration and Notification Act (SORNA) has intentionally “created a permanent class of criminal pariahs” (p. 51).

Although sex offender registers in the US are publicly available, this is not the case in all countries. The National Register of Sex Offenders (NSRO) in South Africa is not publicly accessible, and Geldenhuyts and Lambrechts (2023) ask whether it should be. They highlight that South Africa has one of the highest rates of sexual offenses worldwide and argue that public knowledge of perpetrators may serve as a deterrent, but, on the other hand, acknowledge that a register would have severe impacts on the mental health

of perpetrators and their ability to reintegrate into their communities after their sentences (Geldenhuyts & Lambrechts, 2023). However, it is crucial not to conflate criminal justice sex offender registers – as outlined above – with higher education or other institutional or sector responses. Lists or registers in the latter context do not have any formal legal status and are usually grassroots, bottom-up initiatives organised by survivors and activists rather than state-run programmes.

Transformative Justice and Naming

The question of whether naming perpetrators of SGBV can be considered an act of transformative justice is underexplored in both peer-reviewed academic and grey literature. Transformative justice, often used interchangeably with community accountability, seeks to respond to violence without violence or punishment and without relying on the state (e.g. the prison system, border control, social services), by transforming relationships within communities to address harm, provide immediate healing and justice, and work to undo the larger structures that enable harm to occur in the first place (BATJC, 2013; Dixon & Piepza-Samarasinha, 2020; Imarisha et al., 2017; Méndez, 2020; Mingus, 2019; Russo, 2019). Transformative justice stands in opposition to punitive justice or retributive justice, in which an individual is punished for breaking a rule or law, not for causing harm; this form of justice is intimately tied up with the prison system (AORTA, n.d.), but its carceral logic can extend to university disciplinary practices (Méndez, 2020). In terms of naming perpetrators, what literature does exist expresses different viewpoints on whether this is an example of transformative justice, which seems to partially map onto location: two scholars (Subramanian & Sharma, 2022) analysing naming in the context of the Global South assert that this practice was transformative justice, whereas other scholars and writers in the Global North argue otherwise.

Subramanian and Sharma’s (2022) work on LoSHA in Indian academia discusses whether naming can be transformative justice. They argue that by naming perpetrators in an accessible online space, LoSHA was a form of anti-caste, transformative justice feminism because it centred women of oppressed castes often ignored by mainstream platforms, focused on protection against sexual violence, and refused to call for punishment (Subramanian & Sharma, 2022). If we look more broadly at discussions of naming sexual violence perpetrators in the Global North—specifically Canada, the UK, and the US—there is some resistance to the idea that naming perpetrators is transformative justice. Writers like Kai Cheng Thom (2017), Alison

Phipps (2019), and adrienne maree brown (2021) call for collective, non-punitive solutions to SGBV and frame naming—as a means of discarding, isolating, or sending a perpetrator to prison—as a carceral act. Such responses conflate criminal justice with activist and survivor responses, as noted above.

On the other hand, several UK-based scholars and theorists have challenged assumptions that speaking out or submitting complaints to a university are inherently carceral acts. Tiffany Page, Anna Bull, and Emma Chapman (2019) frame the act of naming individuals, institutions, or structures who have caused harm “as a form of direct action, or a route for activists who have exhausted all legal and civil-society means at their disposal and feel a sense of urgency at the need for change” (p. 1321). Sara Ahmed (2022) also notes that people try to silence survivors or activists from complaining to universities by calling these complaints ‘carceral;’ she identifies this (mis)identification as a

result of the assumption that formal complaints can involve a disciplinary investigation and possibly “a penalty being enforced by an authority” (n.p.). To challenge this assumption, Ahmed (2022) states that many survivors who submit complaints are not doing so with the aim of punishing perpetrators, but rather trying to stop their abusive behaviour. Drawing on Mariame Kaba’s (2021) work, Ahmed (2022) further highlights that there is a difference between punishment and consequences, and that consequences in universities may involve removing institutional power from those who have abused it and others. Since there is insufficient discussion of this debate both within the context of higher education and more widely, the first panel in our series aimed to foster more transnational dialogue on this question, while the second panel examined how academic writing about SGBV as a form of speaking out is affected by the current climate.



SUMMARIES OF PANEL DISCUSSIONS

March 2024

To begin fostering transnational discussion about the politics and risks of naming perpetrators of SGBV in HE, North-South Feminist Dialogue held two panel discussions in March 2024. These discussions examined the theme of silencing SGBV in academia through two lenses: naming perpetrators, and challenges in academic publishing about sexual violence. On March 5th, Adrija Dey, Director of International Knowledge Exchange at The 1752 Group and Senior Research Fellow at the University of Westminster, hosted a webinar called, "Silencing Sexual Misconduct in Academia: Naming perpetrators, speaking out," and on March 11th, Anna Bull, co-director of The 1752 Group and Senior Lecturer in Education and Social Justice at the University of York, hosted a webinar called "Silencing Sexual Misconduct in Academia: Challenges in academic publishing." We summarise the main points from these panels below.

Panel 1: Naming Perpetrators, Speaking Out

The March 5th panel featured speakers discussing their research and activism around naming (or not) perpetrators of sexual violence. The panellists were Joel Quirk, a Professor of Politics at the University of the Witwatersrand in South Africa, who researches enslavement and abolition, work and mobility, gender and violence, historical repair, and the history and politics of Africa, and who has been involved with Witwatersrand's sexual violence response process; and Judith Levine, a feminist activist and writer from the USA, who recently co-authored—with Erica R. Meiners—the book, *The Feminist & the Sex Offender: Confronting Sexual Harm, Ending State Violence*.³

Calling for South African Universities to Name Perpetrators Fired for Sexual Misconduct

The panel began with Joel discussing the history of sexual violence response at University of the

Witwatersrand (Wits), including the creation of a bespoke Gender Equity Office (GEO) ten years ago following a public case of SGBV at the university. He also discussed a specific case of gendered bullying allegations against a senior manager by a large number of complainants. These allegations culminated in a three-year-long internal investigation before heading to labour court arbitration for another three years. Joel described how Wits spent a massive amount of money on expert resources in and outside of the university, including commissioning former judges to look at the case, but even when the labour court upheld the senior academic's firing, Wits did not comment on the finding or remind the community about its no tolerance and complaint procedures. Joel also highlighted that institutional unwillingness to publicise or record the details of the case and the following victory were lost opportunities to set valuable precedence. It also led to the institutional erasure of years of labour and activism by staff, students and survivors.

Joel argued that when universities do not provide an authoritative record of names of those who have been fired and why in cases of SGBV, universities are "creating an absence" where further violence can emerge.⁴ He noted that complainants and witnesses in these internal university investigations want to be able to talk about their experiences. Still, many do not have a clear understanding of the legalities around such disclosures. The absence of naming and speaking about the reasons for the dismissal of perpetrators with upheld findings can also lead to the spreading of misinformation and gossip, often leading to a hostile work environment for complainants and witnesses. This leads to them being pushed out of academic spaces.

Joel argued that there are several positive implications in universities naming those found responsible of SGBV in internal disciplinary proceedings. Naming can show that sometimes the university systems in place for responding to SGBV do work. It can also lessen the

³ <https://www.versobooks.com/en-gb/products/853-the-feminist-and-the-sex-offender>

⁴ You can read Joel and Karmini Pillay's article on this topic here: <https://mg.co.za/thought-leader/opinion/2023-07-04-sexual-harassers-should-be-named-by-universities/>

possibility of someone being found responsible in a disciplinary hearing at one university, but then moving to another university where people are unaware of this finding, allowing the perpetrator to continue causing harm in a new setting. He concluded that naming perpetrators is not a total solution; he suggests naming only under very specific conditions, but argued that ultimately there is no legal reason in the South African context for universities not to create official authoritative records of staff and students who have been fired or expelled for committing gender-based harms.

Implications of Implementing a Sex Offender Registry in Higher Education

Judith urged us to consider how we define justice in cases of SGBV within universities by asking: Is justice punishment or accountability? Do we want the perpetrator to suffer harm commensurate to the harm they inflicted on someone else, or to know and understand the harm he has done, make repair, and change? She argued that the existing system of punishment in the criminal justice system in the US does not allow the latter because defendants need to deny their charges.⁵

Speaking about the implementation of sex offender registries within universities, Judith asked: Who has access to this list? Would it be public? Would it go on the person's record so other institutions would see this if hiring them? Would students see this list somewhere when entering university? She claimed that if this information were publicly available, it would create a "permanent pariahship" since perpetrators would never escape the label or others knowing about this harm. The main result would be shaming perpetrators, she argued, even if that was not the intention of these registries. On the other hand, a core principle of transformative justice is that everyone is redeemable and that we should not hold people to the worst things they have done.

Almost one million people in the US are named on easily accessible online sex offender registries, and face restrictions on where they can live, work, or even be in public. In responding to the idea that sex offender registries would show that the university cares and takes the issue seriously, Judith said that this is a systemic issue, not just "a few bad guys." She advocated for ways of achieving gender-equal places of learning without carceral responses such as registries.

Judith highlighted how a registry system in universities would impact marginalised communities. In US universities, many students are brought before disciplinary boards for sexual harm (usually against women), but this is complicated by race and class; she argued that marginalised students and staff are disproportionately going through these disciplinary processes. She discussed several issues she saw in university response processes. Universities themselves do not want to look bad—they may not protect individual perpetrators, but the presence of even one can represent a threat to the whole university. Judith pointed out that disciplinary panels are comprised of people from the same institution that may have been covering up decades of SGBV against students, and argued that there is no clean, unbiased institutional body; people in the institution have been committing harm, and others have been protecting them.

Related to the discussion of registries, she also noted the limitations of retributive justice, a form of justice that punishes an individual for breaking a rule or law, which is how the criminal justice system in the US operates and what a registry system within universities would mimic. In retributive justice, the harmed person does not get to speak. She noted that in her experience, harmed people want to speak to the person/people who hurt them about what they have done or experienced. Justice in the form of firing or other sanctions is distant, she claimed, from the relationship between the person with power and the person without power.

While Judith asserted that there is not a clear distinction between civil and carceral responses since socially there are many similarities, Joel argued otherwise. He responded by bringing up the distinction between civil and criminal procedures, and asserted that sex offender registers are carceral, but internal university procedures are not criminal—and therefore cannot be carceral—even though they are rigorous. He described that universities in South Africa regularly deal with conduct that would meet standards of criminal behaviour (e.g. rape, assault), but because of limitations in the South African police force and prosecution, universities end up responding to cases that are criminal through disciplinary procedures that are civil. The sanctions available to universities look nothing like criminal procedures in that there are no permanent registries, or prison sentences; the most severe sanctions available are firing a member of staff or expelling a student. Even when colleagues have

5 Judith has written about this issue with regards to the Brock Turner case in the US: <https://www.bostonreview.net/articles/judith-levine-brock-turner-problem-punishment/>

been fired for sexual misconduct, he argued that this is not a permanent exclusion from university life: people may be fired but then invited back to the university to give talks, allowed to remain collaborators on research projects, and/or able to keep their institutional email addresses. In all, he argued that people fired may still be allowed to remain in good standing in the university.

Judith and Joel also both discussed their views on transformative justice models of response to university SGBV. While Judith was a proponent of transformative work in this setting, Joel was not convinced. He described a less severe remedy through Wits' GEO: gender sensitisation training, a ten-week course in which perpetrators found responsible of SGBV have to meet with professional social workers in an attempt to change their views and behaviour. Joel explained that this option does not work as the often perpetrators do not believe they have caused harm. This remedy as a form of transformative justice practised by the university was flawed because of the perpetrators' refusal to take accountability.

As a transformative justice practitioner, Judith argued that Wits' gender sensitisation training is not a form of transformative justice. She said that transformative justice centres the person who was harmed, who gets to discuss what would be healing and satisfying for them in order to move forward. Furthermore, the perpetrator must accept accountability for a process to truly be transformative. Ultimately what she is interested in is what we do with people after they have been found responsible for causing harm. This exchange encouraged us to question what is and is not transformative in universities, despite how universities themselves may be framing SGBV response processes.

Overall, both speakers agreed that carceral methods might not be the answer to achieve accountability and justice, and we need more imagination and interventions for cultural and structural changes. The two main questions that emerged from the panellists and that we continue to reflect upon were: 1) how do we find reconciliation without truth? 2) What happens after a person with upheld findings is named by the university? What transformative justice mechanisms need to be in place to ensure justice for the survivors, change and re-integration into the community for the

perpetrator, and larger community accountability and transformation?

Impacts of New Legal Opinion in South Africa about Whether Universities Can Name Perpetrators

Joel and colleagues at Wits obtained a legal opinion⁶ on whether or not, under defamation and privacy laws

in South Africa, universities could publicly name people found responsible following disciplinary proceedings. He described how this legal opinion stated that universities should be able to name people found responsible for SGBV through internal disciplinary proceedings because it is in the public interest, and because a finding would have already been made at that stage. Joel suggested that these points can help to argue against the assumption that universities in South Africa are unable to name people they have fired or expelled for sexual misconduct. He stated that universities need to face up to the reality that they "can name, but have *decided not to name*." While there are arguments about under what conditions universities should name and thresholds for disclosure, he stressed that there is no blanket, non-specific argument stating it is impossible to name perpetrators in South African universities, therefore universities must consider when and how to undertake this step.⁷

Importance of Naming Perpetrators for Accountability and Justice?

Joel's intervention was focused on a formal statement by a university that names someone who has been fired, and includes an anonymised, careful account of what they have been fired for, which would not identify reporters and witnesses. He argued that naming is happening already (e.g. #RURetirementList, notes slipped under doors, Twitter, etc.), so the question is not whether or not to name. However, when a student names somebody who has carried out SGBV, that naming might not withstand legal scrutiny, so the student becomes vulnerable to a defamation lawsuit. In any discussion of naming, universities—as bodies with legal departments—are better positioned than other actors who are already engaged in naming. He also mentioned that institutions naming people with upheld

6 <https://onedrive.live.com/?authkey=%21AFi8yUc8agX5%2Dhc&id=8F07EA5A209D5COD%2112611&cid=8F07EA5A209D5COD&parId=-root&parQt=sharedby&o=OneUp>

7 It is important to note that the data protection and privacy legislative context is different in South Africa to many other jurisdictions so these arguments cannot be assumed to hold in a different legal context. For a discussion of balancing complainants' rights with responding parties' privacy in the UK context, see: Cowan, Sharon, Vanessa Munro, Anna Bull, Clarissa DiSantis, and Kelly Prince. 'Data, Disclosure and Duties: Balancing Privacy and Safeguarding in the Context of UK University Student Sexual Misconduct Complaints', *Legal Studies*, 2024, pp. 1-20, doi:10.1017/lst.2024.9

findings could take the burden off survivors from having to do the naming without any protections and often leading to backlash.

Joel emphasised that thinking of naming as a radical act would be a mistake, as it is conservative: he is advocating for naming only under very specific conditions (i.e. not in the context of unsubstantiated allegations and not during the ongoing investigation, but only after a finding of responsibility has been made). He suggested universities

offer a general description of the misconduct that does not identify people who do not want to be involved (e.g. survivors).

He made a connection between concerns about naming and “himpathy”, the concept described by Kate Manne (2018) in which male perpetrators of SGBV usually receive more sympathy than the women they have victimised. Joel noted that there is a disproportionate amount of concern (himpathy) for male university professors who can pay for lawyers to fight university cases, especially since there is a large attrition rate in these cases. Only a small number of people eventually go through university disciplinary processes, and an even smaller number are found responsible. Joel argued that the university failing to identify someone found responsible of SGBV is an extension of himpathy and reflects broader cultural concerns. While naming will not stop institutional abuses of power, he argued that it is still important to tell people about harms that have occurred and to make it clear that people were held accountable.

Judith wondered whether it would be possible to have a system whereby if someone applies for a job in a university, it would be a requirement of the hiring university to refer back to the previous employer and see if the applicant has a record of SGBV for which they have been found responsible.⁸ She thought this might be the middle ground, ensuring better communication between institutions. She argued that Joel’s proposal, while good, is limited and needs to be careful with how such information may be used by the institution for other purposes, especially against people from marginalised backgrounds.

Finally, referring to the Truth and Reconciliation Commission following the end of apartheid in South Africa, Joel asked whether there can be any reconciliation without truth. Naming, therefore, might be a process of accountability, in which communities reckon with the knowledge of harm and seek to find justice, heal, and move forward together. However, without such a process, naming can become a carceral act designed to shame and isolate perpetrators, attempting to permanently remove them from their communities. Therefore more transformative justice solutions are needed, in which naming may be an initial step, that lead to structural changes.

Panel 2: Challenges in Academic Publishing

The March 11th panel featured speakers discussing challenges in academic publishing on SGBV. This discussion was instigated by Routledge withdrawing the edited book, *Sexual Misconduct in Academia: Informing an Ethics of Care in the University*, from publication after receiving complaints relating to one chapter. Panellists were Donya Ahmadi, an Assistant Professor of International Relations at the University of Groningen; Alex Petit-Thorne, a doctorate candidate in anthropology at York University in Canada; Tom Dark, Head of Editorial (Books) at Edinburgh University Press; and Dirk Voorhoof, Emeritus Professor at the Human Rights Center at Ghent University.

Background to the Event

Anna began the webinar by giving background on the Routledge case. The book, *Sexual Misconduct in Academia: Informing an Ethics of Care in the University*, was published in March 2023 by Routledge (Taylor & Francis Group). In August 2023, the book was withdrawn from publication after Routledge released a statement saying they had received “a series of legal threats from various parties” with regards to one chapter (chapter 12, “The Walls Spoke, but No One Else Would: Autoethnographic Notes on Sexual Power, Gatekeeping within Avant-Garde Academia,” by Lieselotte Viaene, Catarina Laranjeiro, and Miye Nadya Tom). In September 2023, an open letter signed by thousands of academics around the

8 The 1752 Group are campaigning for universities internationally to join the Misconduct Disclosure Scheme, which does this: The 1752 Group (January 2024) ‘Briefing note no.4: Why higher education institutions should join the Misconduct Disclosure Scheme’ https://1752group.files.wordpress.com/2024/01/briefing-note-4_joining-the-misconduct-disclosure-scheme.pdf

See also coverage in Nature: Wild, Sarah. 2024. ‘How to Stop “Passing the Harasser”: Universities Urged to Join Information-Sharing Scheme’. Nature, March. <https://doi.org/10.1038/d41586-024-00795-1>.

world called for Routledge to re-publish the book.⁹ In June 2024, Routledge confirmed that it would be permanently withdrawing the book from publication, including 11 further chapters that were not subject to legal threats,¹⁰ despite an independent inquiry into the research centre in question that resulted in a public apology from the university to those victimised.¹¹ This webinar was convened to discuss the implications of and issues arising from this situation.

Academics' Experiences of Challenges in Publishing on SGBV

Alex and Donya discussed their respective experiences publishing on sexual misconduct and challenges they faced as academics writing publicly about this issue. Alex had written a chapter—entitled “Sexual Misconduct in Academic Liminal Spaces: Autoethnographic Reflections on Complaint and Institutional Response”—in the now-withdrawn Routledge book. Alex explained that the chapter was about their experiences of sexual harassment and stalking as a graduate student at a Canadian institution, and academic writing was an important tool in bringing this experience out of the “whisper network” into the realm of formal academic knowledge. Alex described the institutional betrayal (Smith & Freyd, 2013) they experienced as a result of their university’s response and explained that writing this chapter would, they hoped, let others know that their experiences are not unique, but rather part of institutional patterns of violence. Ultimately, they wrote this piece to ensure that harmful institutional responses are not swept under the rug, and to enable others to find this knowledge in the future.

Alex described how withdrawal of the Routledge book had affected them. Writing about sexual misconduct is emotionally and psychologically taxing to begin with, and when survivors write about their experiences, Alex explained, people may have already tried to silence them previously. Being further silenced through the publishing process was therefore triggering. As an early career researcher and graduate student, their career has also been impacted. They can no longer list the chapter as a publication on their curriculum vitae, and have also lost the time dedicated to writing this

chapter – a particular problem for graduate students, who have a limited window to publish before entering a precarious academic job market. Alex concluded that Routledge’s withdrawal of the book sends a troubling message to both survivors and early career researchers.

Donya has also experienced challenges with academic publishing on SGBV. In 2023, she published an academic article in *Women’s Studies International Forum* about the #MeToo movement in Iran.¹² In this article, as part of her wider analysis, she named a man who had been discussed online during the #MeToo movement. After publication, Donya was subjected to personal threats of being sued for defamation; the journal received a complaint about the article and the publisher opened an investigation; and her university received a complaint about her article and subsequently opened a disciplinary investigation into scientific misconduct against her.

These experiences had a profound impact on her; she had to take sick leave and she described how the situation has been horrendous on a psychological, physical, and material level. She had to research the legal issues that her situation brought up, find and pay for a lawyer, and faced backlash and retaliation for speaking out. She spent time and energy on this issue that was hugely disproportionate to the claims raised; she mentioned the man once in a single sentence, yet this naming had (at the time of the panel in March 2023) cost her three months of time and effort, thousands of euros in legal costs, and a semester of teaching and research. She described becoming paranoid about everything she writes and taking extra time and attention in reviewing her work to avoid this situation occurring again. However, the ability to reflect on and theorise this experience as a scholar was empowering, she argued, as it allowed her to analyse her experience and to stand above and outside of it, rather than feeling like a victim. Furthermore, having provided further evidence to the journal supporting the claim she has made in the article, it has not been withdrawn, unlike Alex’s still-unpublished chapter.

A Publisher’s Perspective

Panellist Tom Dark from Edinburgh University Press commented that he was not surprised by what Alex

9 The letter is available here: <https://www.buala.org/en/mukanda/open-letter-to-routledge-taylor-francis-group>

10 Routledge’s statement about its withdrawal of the book: <https://newsroom.taylorandfrancisgroup.com/statement-on-sexual-misconduct-in-academia/>

11 Dixon, Emily, ‘Portuguese University Apologises after Sexual Misconduct Claims’, Times Higher Education (THE), 14 March 2024 <<https://www.timeshighereducation.com/news/portuguese-university-apologises-after-sexual-misconduct-claims>>

12 Ahmadi, Donya. 2023. ‘Standing on Top of Society’s Sexist Load: Gate-Keeping Activism and Feminist Respectability Politics in the Case of the Iranian MeToo Movement’. *Women’s Studies International Forum* 99 (July): 102765. <https://doi.org/10.1016/j.wsif.2023.102765>.

and Donya experienced; while publishers are well-equipped to deal with issues such as plagiarism and conflict between authors, it appears that they are now facing a broader set of challenges. Industry bodies such as the Committee on Publication Ethics (COPE) have not yet produced guidance in this area. While, as Tom noted, accusations of libel and defamation against authors are issues publishers are more familiar with, responses vary hugely across the academic publishing landscape; for example, larger publishers may have in-house legal departments but smaller ones do not.

The broader context to the issues raised in this webinar, Tom described, is the exponential growth in volume of publishing within the industry in recent years; publishers may have limited time to work with authors and to understand their work. There is a risk, therefore, that publishers lose sight of their duty of care to the author. He suggested that publishers need to spend more time in the early stages of publication familiarising themselves with the work and possible risks to the author, so they can avoid complaint or lawsuits appearing later.

Situating Silencing Tactics In Context

There is a wider context to the silencing of academics and journalists writing about SGBV, as panellist Dirk Voorhoof explained; organisations and scholars in Europe have seen a significant increase in abusive lawsuits (i.e. lawsuits used to silence or intimidate people whose voices should be heard in the public interest) in the last four to five years. In 2020, the Coalition Against SLAPPs (Strategic Lawsuit Against Public Participation) in Europe (CASE) began a programme to gather more information about abusive lawsuits and respond to them; these lawsuits have been weaponised against investigative journalists, human rights activists, environmentalists, local action groups, academics, and sexual harassment survivors, and come with enormous emotional and financial costs. On the CASE website, there are over 820 cases reported as SLAPPs currently.¹³

Across Europe there is significant variation in legislation to tackle abusive lawsuits: in many EU countries, there is no notion of a SLAPP or definition of an abusive lawsuit. The EU, however, has now its anti-SLAPP Directive and member states have two years (until 7 May 2026) for the transposition of the guarantees against SLAPPs into their national legislation.¹⁴ Also,

the Council of Europe is demanding its 46 member states implement the 5 April 2024 Recommendation of the Committee of Ministers “on countering the use of strategic lawsuits against public participation”.¹⁵ Dirk argued for the necessity of fighting against abusive lawsuits in order to protect democracy and defend academic and journalistic freedom. This follows the European Court of Human Rights’ position that under democracies, people must not be afraid to share ideas and information, and society must be open to discussion and criticism.¹⁶ Dirk noted the need for case law as further support for whistleblowers and other vulnerable people speaking truth to power. Nevertheless, he described feeling positive about the direction of work to address anti-abusive lawsuits in Europe.

Positive Changes to Support Publishing about SGBV

Picking up on the theme of positive change, Anna asked the panel what needs to change, and what support academics and survivors need to be able to publish in this area. Alex described a positive experience of academic publishing about experiences of SGBV within university contexts, with the journal *Anthropologica*. The journal editors were very hands-on to ensure that any risks were mitigated and to support Alex. It is notable that a priority for *Anthropologica* is career development for early career researchers; in line with this, the editors offered extra support to ensure Alex as graduate student could publish their work, and Alex felt very supported throughout the process.

Alex also discussed their recent work on the American Anthropology Association’s Sexual Harassment Policy Working Group. About a dozen flagship journals publish under this Association’s auspices, including some of the largest journals. The working group recently added a provision to the Association’s sexual harassment policy that says these journals will not publish the work of authors who have been found in violation of institutional sexual violence policies. This move speaks to a growing commitment to ethical publication practices from the professional society.

For Donya, an issue was the weaponization of disciplinary or scientific integrity processes. She argued that her experience showed how they could be used to punish people who have spoken out about topics in the public interest, similarly to how Dirk described abusive

13 <https://www.the-case.eu/>

14 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401069

15 <https://rm.coe.int/09000001680af2805>

16 https://www.echr.coe.int/documents/d/echr/seminar_background_paper_2023_eng-1?download=true

lawsuits being used. She highlighted the relative lack of rights and protection for survivors in institutional—as opposed to extra-institutional—processes; being a tenured member of staff in the Netherlands with enough savings to pay for a lawyer gave her the privilege enabled her to fight against the allegations, which would be much less possible for those with uncertain migration status, on precarious contracts, or in other vulnerable positions. In terms of ways forward, she commented that she has previously worked with independent publishers when publishing more radical work. However, receiving legal threats could be even more challenging for these independent publishers than for large publishers (such as Routledge) because they may not have the financial or legal resources to counter them.

Tom emphasised that many publishers do want to publish critical work. In order to do so, he argued that it is possible for publishers to work with authors to attempt to minimise risks without compromising the message of the work. In order to do this, transparency and trust between publishers and authors are paramount.

Indeed, Dirk argued, publishers should not fear abusive lawsuits because such proceedings are in fact usually won by the defendant. More generally, publishers should consider proportionality when responding to abusive lawsuits. The Routledge response of withdrawing an entire book based on complaints against a single chapter is an example of a disproportionate response; he argued they had other options open to them, such as adding a note on the book's website to alert readers to the fact that complaints had been received about points in one chapter, while exploring ways forward. Higher education institutions also need to support academic staff and graduate students in publishing; he suggested universities should build up legal and financial support to fight against SLAPPs. Dirk also urged academics to become involved in the anti-SLAPP movement in Europe and to get involved with CASE.

Donya and Alex discussed the support they received while dealing with these issues. Donya had a lot of support through the Iranian women's movement and from students and colleagues at her university, notably in a petition set up by her students. This petition resulted in many of her colleagues discussing her case and supporting her¹⁷; this public support was a turning point for her because the confidentiality required by the university during its investigation had previously

isolated her and made her feel ashamed. Even with her support networks, however, it still took her some time to access a lawyer who understood her situation.

Alex also had support from colleagues, peers, and eventually the public. This public support was crucial for them, but they acknowledged that activism can come with a cost for those engaged in it. Like Donya, Alex was able to access legal counsel, but acknowledged that not everyone is able to. Institutions, however, are more likely to have the resources to fight these cases. Alex urged universities to take these risks seriously, to protect staff and graduate students and those supporting them, and to offer material support in cases of litigation.

17 Coverage of Donya's case in Groningen's university newspaper: <https://ukrant.nl/integrity-investigation-into-arts-lecturer-ug-calls-her-situation-particularly-unpleasant/?lang=en>

KEEP IN TOUCH

If you'd like to receive updates on the report from this series of webinars, and the recording of the previous webinar, [sign up to The 1752 Group mailing list](#) and to the [FemIDEAS project mailing list](#).

PARTICIPANT BIOGRAPHIES

Panel 1: Naming Perpetrators, Speaking Out

- **Chair: Adrija Dey** is Director of International Knowledge Exchange at The 1752 Group, Senior Research Fellow at the University of Westminster and PI of the FemIDEAS - Decolonising Sexual and Gender based Violence in Higher Education project.
- **Joel Quirk** is a Professor of Politics at the University of the Witwatersrand, researching enslavement and abolition, work and mobility, gender and violence, historical repair, and the history and politics of Africa. His latest work, co-edited with Annie Bunting and Allen Kiconco, is entitled *Research as More Than Extraction: Knowledge Production and Gender-Based Violence in African Societies* (Ohio, 2023).
- **Judith Levine** is a U.S. journalist and feminist activist, a contributing writer to the Intercept, and author of five books, the latest of which is *The Feminist & the Sex Offender: Confronting Sexual Harm, Ending State Violence*, co-authored by Erica R. Meiners.

Panel 2: Challenges in Academic Publishing

- **Chair: Anna Bull** is co-director of The 1752 Group and a Senior Lecturer in Education and Social Justice at the University of York.
- **Donya Ahmadi** is Assistant Professor of International Relations at the University of Groningen. Her research addresses an intersectional feminist critique of Iranian nationalism and she has published widely on this and related topics in academic journals and elsewhere.
- **Alex Petit-Thorne** is a doctoral candidate in anthropology at York University, Toronto. Their research focuses on queer community building and gender-based violence, and they authored a chapter entitled 'Sexual Misconduct in Academic Liminal Spaces: Auto-ethnographic Reflections on Complaint and Institutional Response' in the now-withdrawn Routledge book *Sexual Misconduct in Academia*.
- **Tom Dark** is Head of Editorial (Books) at Edinburgh University Press. He was previously Senior Commissioning Editor at Manchester University Press, with responsibility for social sciences and history, and has worked for Emerald Publishing.
- **Dirk Voorhoof** is an Emeritus Professor at the Human Rights Center at Ghent University, and a member of Legal Human Academy, the European Center for Press and Media Freedom (ECPMF), and the Global FOE&I Columbia experts network at Columbia University, New York. He has extensive involvement in advising the Council of Europe in relation to media law and freedom of expression, and is participating in CASE, the Coalition Against SLAPPs in Europe.

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