

RESEARCH ARTICLE

Sexual offense victims' responses to the question #WhyIDidntReport? Examining restorative justice as an alternative dispute resolution mechanism

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Abstract

The aim of the present study was to examine barriers to reporting sexual offenses as reflected in texts by victims who participated in the #WhyIDidntReport protest that revolved around the reasons for not reporting sexual offenses. Content analysis was used to analyze 95 public posts of Israeli victims published on social media. The findings revealed two main barrier dimensions—personal and social—each comprising several main themes. The most common barrier in the personal dimension was difficulty naming or labeling the experience as a sexual offense to begin with. The most prominent barriers in the social dimension were the power gap between offender and victim, and concern with others' reactions. We discuss the theoretical and practical implications of our findings from the perspectives of alternative dispute resolution, with focus on restorative justice as an optional platform for victims.

1 | INTRODUCTION

Every woman who shared her story during this intensive year has helped me, so maybe my story will also help someone, and strengthen the understanding that if you

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choose to be a young liberated woman, you don't have to pay a price for it. [...] you are not a walking invitation for an attack. And the fact that many years have passed doesn't mean anything, even if the President of the United States tells you otherwise.

This quote is from a post by a victim who chose to share her story in a recent social protest on sexual offenses. Tarana Burke launched the #MeToo movement in 2006 to empower young women of color victimized by sexual violence by way of sharing and empathy. More than 10 years later, those two simple words took the entire world by storm. In mid-October 2017, the #MeToo protest erupted on social media, and prepared the ground for another widespread protest, almost a year later: #WhyIDidntReport. Both addressed the scope of the phenomenon, as well as the “conflict” between victims and the justice system, and specifically why so many victims failed to report. As such, they are milestones on the way to transforming society's attitudes and launching the next stage of the revolution which put the spotlight on the failures of the justice system and the need to explore alternatives (Hemel & Lund, 2018; Peleg-Koriat & Klar-Chalamish, 2020).

The information age has created new space for victims of sexual violence to share their stories (e.g., Bogen et al., 2018; Lowenstein-Barkai, 2020). The current study joins the literature on this topic by applying a novel approach: examining victims' obstacles to reporting sex offense and doing justice through their spontaneous disclosures via social media and #WhyIDidntReport. Our basic assumption is that the recent web protests represent, among other things, a call for alternative ways of doing justice (Kohn, 2019; Peleg-Koriat & Klar-Chalamish, 2020), and that the automatic linking of reporting to law enforcement authorities and the credibility attributed to victims is fundamentally erroneous. Hence, the present study seeks not only to understand barriers to reporting but, based on that understanding, also to examine options for coping with those barriers, and to discuss the option of alternative solutions for victims, particularly restorative justice (RJ).

1.1 | Social attitudes toward sexual offenses

Recent decades have witnessed changes in social attitudes toward sexual offenses. In the second half of the 20th century, the feminist movement worked to raise awareness of and change social attitudes toward violence against women (Jülich, 2001). Recently, social media platforms have contributed to the construction of a new scale of social values regarding sexual offenses and the rape culture that denies, justifies or minimizes them (Rentschler, 2014). Victims access online communities to seek advice and support and tell their story (O'Neill, 2018), bringing together gender and other related struggles, thereby regaining some of the agency lost due to the offense and the societal reactions to it (Wänggren, 2016). Social media platforms enable open discourse that challenges common assumptions about the legal system and alternative ways of resolving disputes and facilitate open discussion on victim blaming, the scope of the phenomenon, and its definition (Rentschler, 2014).

In many countries, this consciousness-raising process has been attended by growing disillusionment with the criminal justice system (CJS). Extensive reforms in sexual offense laws and procedures internationally, and growing emphasis on responding to the victims' needs (Keenan, 2014; Koss & Achilles, 2008), have resulted in revised legal definitions (e.g., of consent), and courtroom processes (e.g., allowing remote testimonies), together with efforts to encourage victims to report and to improve police response (Heydon & Powell, 2018). Despite this progress, outcomes are yet to be seen in terms of changing the victims' experience, reducing the number of cases, or increasing conviction rates (Keenan, 2014; Peleg-Koriat & Klar-Chalamish, 2020). The automatic link made between “justice” and the CJS, as well as the low

rate of reports and convictions, mean that in practice justice is denied to most victims. For example, the Association of Rape Crisis Centers in Israel (2017, 2018) reports that only 13.7% of victims who contact the centers choose to report, while 84% of the reports end with no charges.

Do policymakers channel the resources in the right direction? Is it time to look for alternatives to the CJS? The present study posits that to answer these questions, we need to understand the roots of these failures. It also posits that the social protests described below constitute fertile ground for a comprehensive study on the reasons why victims do not report, which will help policymakers develop alternative ways to contend with this issue.

1.2 | Barriers to reporting

Previous studies have indicated several barriers to reporting sexual offenses and doing justice. To understand the processes that prevent victims from reporting sexual offenses, we need a deep understanding of the broad context – the social structures and relationships within which sexual offenses occur (Carbone-Lopez et al., 2016; Khan et al., 2018). Much of the literature focuses on victims' negative experiences with the CJS. Patterson et al. (2009) found that victims were reluctant to turn to the police and other formal systems because they doubted their ability or willingness to protect them from the offenders and feared further psychological harm. Others found that police officers tended to disbelieve victims who were inconsistent in recounting details or who expressed shame or self-blame about aspects of their own conduct (Lorenz et al., 2019; Venema, 2016).

A growing body of research indicates that sex offense victims are often denied help by law enforcement systems, and that whatever help they do receive often leaves them feeling doubted, blamed, and revictimized (Campbell & Raja, 2005). These negative experiences are referred to as “second rape” (Madigan & Gamble, 1991), “second assault” (Martin & Powell, 1994), or “secondary victimization” (Campbell & Raja, 1999).

Beyond those associated with the CJS, other barriers include shame, guilt, and embarrassment; not wanting friends or family members to know about the sexual offense; living in an isolated environment; fear of encountering mistrust and even revenge; and the belief that there is insufficient evidence (Ahrens, 2006; Zinzow & Thompson, 2011). Some barriers may be more significant depending on victims' sociocultural background or their relation to the offender (Taylor & Gassner, 2010). Additionally, male victims are often afraid of homophobic treatment, and that they would not be taken seriously (Hammond et al., 2017).

Collin-Vézina et al. (2015) focused on offenses against minors, and distinguished between three different but interrelated categories of barriers that prevent child victims from reporting. Internal barriers—self-blame, defense mechanisms (e.g., minimizing the offense and suppressing memories), and developmental immaturity at the time of the abuse—affect victims' ability to understand the experience. Barriers associated with others include a violent or dysfunctional family that sometimes knows about the abuse and ignores it, absence of a close family or social circle victims feel they can turn to, fear of intervention by the authorities, and a power gap between offender and victim. Finally, societal barriers include inability to distinguish between what is and is not permissible due to lack of social and educational discourse on sexuality-related issues, lack of available support services, and concerns associated with a victim image, such as fear of being perceived as “crazy”. Thus, multiple factors make it difficult for victims to acknowledge and report sexual offenses, constituting a significant barrier to “achieving justice” and leading to one of the most significant public protests on this issue.

1.3 | #MeToo and #WhyIDidntReport

In October 2017, women around the world started using the hashtag #MeToo on social media to identify themselves as sexual offense victims. Many then shared their story, often naming the perpetrator. Starting with Hollywood women, the practice quickly spread throughout the world, including Israel. Naming the alleged perpetrator resulted in sanctions against them in the workplace, or in their voluntary resignation (Hemel & Lund, 2018; Peleg-Koriat & Klar-Chalamish, 2020).

As in other recent protests, social media served as the main platform. The simple and immediate mode of sharing and exposing enabled many women to break the silence and “step forward” with a single keystroke. In the first 24 h after the first #MeToo hashtag was used by actress Alyssa Milano, 12 million women used it (Mendes et al., 2018). Based on an understanding that uses of the term #MeToo were not isolated events, but rather represented a genuine trend of exposing previously hidden sexual offenses, the extent of the phenomenon was rapidly being internalized by the public (Peleg-Koriat & Klar-Chalamish, 2020).

By late September 2018, the new hashtag #WhyIDidntReport erupted following a tweet by former US President Donald Trump, asking why professor Christine Blasey Ford, who accused his Supreme Court nominee Brett Kavanaugh of sexual assault, did not report her decades-old allegation. Ford claimed that Kavanaugh assaulted her in 1982, when they were both in high school. Following her allegations, Trump tweeted: “I have no doubt that, if the attack on Dr. Ford was as bad as she says, charges would have been immediately filed with local Law Enforcement Authorities...” (Trump, September 21, 2018). This statement represents a social perception according to which, if you have been sexually victimized, you must report it to the CJS, since this is deemed the exclusive proof of victimization. According to this (distorted) view, if the victim has not reported to the police—as statistics show happens in most cases—she must be lying.

Like the #MeToo protest, the new hashtag spread rapidly throughout the world. This social protest primarily shifted the discourse concerning barriers to reporting from the academic to the public arena. According to Lowenstein-Barkai (2020), in Israel, #MeToo generated about 85,000 entries in both social media and websites, whereas the #WhyIDidntReport campaign prompted 1100 social media debates, with more than 47,000 likes and 5970 responses. This enthusiastic local support reflected the change brought into contemporary Israeli culture by social media: Israeli women began challenging the patriarchy and “doing feminism” online.

Hence, and considering both the theoretical and practical importance of the protest, the present study seeks to understand the conflict and the discourse on social media around the #WhyIDidntReport protest, and to examine barriers to reporting as reflected in Israeli victims' posts during the protest. A deep and comprehensive understanding of these barriers may contribute to developing alternative pathways to justice.

2 | METHOD

The present study employed qualitative content analysis of posts by victims of sexual offenses. Conventional content analysis is effective in researching such complex and sensitive phenomena since it allows access to and analysis of sensitive empirical material, as well as construction of categories and attributes derived from the data (Hsieh & Shannon, 2005; Krippendorff, 2018).

Following recent studies that have shown social media to be ideal platforms for disclosing sexual victimization (Bogen et al., 2018; Peleg-Koriat & Klar-Chalamish, 2020), the present study has benefitted from the fact that they enable victims to express themselves more freely. Given their

asynchronous nature and lack indications of users' authority or status, they enable access to relatively intimate aspects of their daily lives (Alaggia & Wang, 2020). Moreover, posts and tweets provide access to users' thoughts without the threat of researcher reactivity (as in interviews) or observer effects, which often bias participants' responses, a major issue in studies of victims of sex offenses.

2.1 | Sample

A total of 95 posts were analyzed. Note that the passive nature of our dataset prevented us from obtaining comprehensive demographic information on the participants. Relevant data could only be collected if they were reported in the post itself or somewhere else on the participant's profile, whose availability was inconsistent. Providing information on variables such as age, gender, or socioeconomic status would have required assumptions by the researchers. Accordingly, no sample characteristics are reported.

2.2 | Data collection

In the present study, 112 unthreaded public posts were identified on Facebook and Twitter. We focus specifically on these platforms as they have become key sites where virtual start public conversations (Papacharissi, 2014). We collected the data during the protest's first and most active period – October 1–9, 2018: Hebrew posts tagged #WhyIDidntReport or #DidntReport by both women and men who presented themselves as victims. The data were gathered entirely without using login information and therefore only publicly available data were utilized.

Nevertheless, since participants did not actively choose to be a part of the current study, the content of the posts was copied onto a new document that contained all the relevant data without the writer's identifying details, except gender. Throughout this article, following the Association of Internet Researchers' (2012) recommendations for, we used pseudonyms and made minor revisions in users' word choices to retain their original meanings without enabling others to trace them back to the authors through a Google search. This method has been commonly applied in studies analyzing posts published as part of social protests (e.g., Harrington, 2020; Kim, 2017). The study has been approved by the Yezreel Valley College Institutional Ethics Committee (YVC EMEK 2020-71).

The posts used in this study were found by means of a search based on the two keywords "DidntReport" and "WhyIDidntReport". Three main patterns were identified: (1) Posts describing a sexual offense without reference to barriers to reporting; (2) Posts explaining the writer's decision not to report; and (3) Posts describing of what happened after the decision to report. Since the purpose of the present study was to understand barriers to reporting, the nine posts classified as Type 1 and the eight classified as Type 3 were omitted. The final sample consisted of 95 Type 2 posts (72 by women, 20 by men, and three posts whose writer's gender could not be identified). Descriptive statistics of the sample are presented in Table 1.

2.3 | Procedure and instruments

The present study did not examine specific hypotheses, but formulated hypotheses based on the participants' own themes and theories. In the first stage, we identified the main themes

TABLE 1 Descriptive statistics for the sample ($N = 95$)

		<i>n</i> %	
The post writers gender	Men	20	21.1
	Women	72	75.8
	Unknown	3	3.2
Gender of the offender described in the post	Men	85	89.5
	Women	3	3.2
	Unknown	7	7.4
The victim: minor/adult	Minor	45	47.4
	Adult	24	25.3
	Minor and Adult	9	9.5
	Unknown	17	17.9

emerging from the posts published as part of the protest, and the main barriers to reporting. To this end, the content of the 95 posts was analyzed through the following substages: (a) in-depth reading of the content by the two researchers separately; (b) rereading the content to identify recurring themes in the various posts; (c) conceptualizing the contents into themes, defined by each researcher separately; and (d) organizing and combining the themes by the two researchers, and dividing them into two main categories: the personal and social dimension¹ (see Figure 1).

In the second stage, statistical analysis was performed, including systematic enumeration of the subjects and their frequency in the sample. Coding and counting were carried out separately by a research assistant and one researcher. Any discrepancy was examined and decided by the other researcher until final agreement was reached concerning the themes presented in each post. Note that some of the posts included references to more than one theme, and were therefore classified as containing two or more. In addition to encoding the themes, each post was also encoded as a post whose author is identified ($n = 69$) or unidentified ($n = 26$), the gender of the offender described in the post, and whether the sexual offense was committed when the victim was a minor or an adult (see Table 1).

3 | FINDINGS

Analysis of the 95 posts revealed two categories of barriers that prevented victims from reporting the offense. The first, the “personal dimension”, included reasons associated with the victim's inner world, their feelings, and thoughts (e.g., lack of understanding regarding the offense when it occurred, confusion, inability to describe what occurred, fear, anxiety). The second, defined as the “social dimension”, included reasons associated with family, community, or social factors (e.g., power gap between victim and offender and the victim's dependence the offender, lack of trust in the legal system, negative reactions from others when the victim disclosed the offense, or concern with negative reactions from others).

3.1 | The personal dimension

Qualitative content analysis revealed three main themes associated with the victims' inner world, assigned in the present study to the personal dimension.

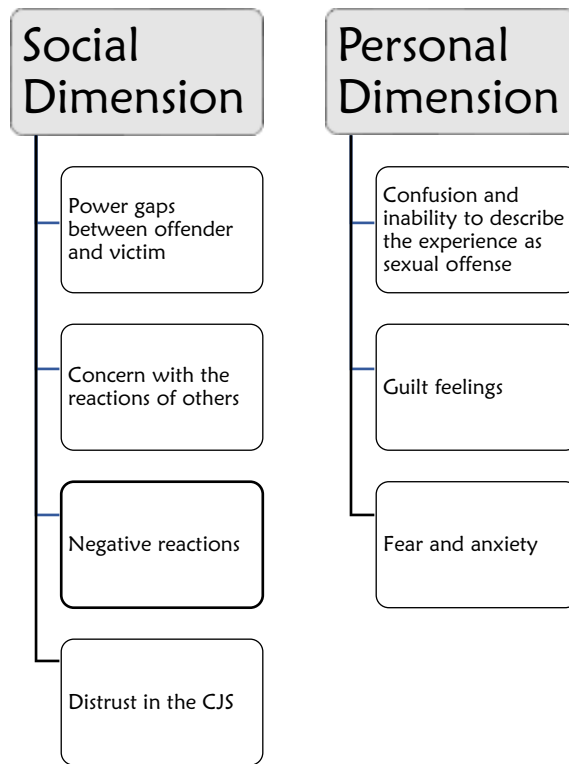


FIGURE 1 Division into categories and themes

3.1.1 | Confusion and inability to describe the incident as sexual offense

The texts reveal numerous statements describing the victims' difficulty at the time in labeling the experience as a sexual offense, and in understanding that it was an unacceptable act, coupled with a great deal of confusion that prevented them from understanding what happened, labeling it as a sex offense and subsequently doing something about it. Thus, one writer describes her difficulty in understanding what happened for long time: "I did not report because it took me many years to understand what happened and until I could attach the right words to what happened there". Another writer describes the difficulty in understanding the offense and giving it a name: "I did not realize then that it was wrong to touch my private parts".

3.1.2 | Guilt

Many victims describe their "choice" not to report the offense as associated with feeling guilty about what happened or about bringing it on themselves, and therefore deserving the consequences. Thus, for example, one writer describes her sense of guilt, linking the offense to her behavior: "I was 16 and thought it was my fault and that I brought it on myself by going out with a 25-year-old guy, and I went with it". Another writer describes the mechanism of guilt as follows: "I blamed myself for the assault, because I wasn't a good, obedient girl".

3.1.3 | Fear and anxiety

The victims describe fear and anxiety that caused them not to report the offense. Fear and anxiety appear in different contexts – powerlessness, panic, and paralysis. For example, one writer describes the feelings she had as a child who was sexually abused by her father: “I remember the feeling of fear, my heart racing, and my body freezing”. Another writer describes the sense of panic, anxiety, and powerlessness: “I could not speak at all because of the shock, I was so afraid of humanity that I had a panic attack at that moment”.

3.2 | The social dimension

Qualitative content analysis revealed four themes engaging with “explanations” based on family, community, or social factors. These themes were assigned to the social dimension.

3.2.1 | Power gaps between offender and victim

Many victims describe their weakened state and the power gap between them and the offender as being associated with not reporting the offense. Usually, this is accompanied by a description of a relationship of dependency in a work, family, or career setting, alongside concerns about the price the victim might pay if they reported the offense. Thus, for example, one victim describes the power gap and the offender's ability to influence her future: “He was an admired professor and a man of considerable power and connections”. Another description that highlights the power gap and fear of suffering harm appears in another victim's post: “He was a former minister, a man with a lot of power and a political career who would only become more powerful, and he could crush me like an ant”.

3.2.2 | Concern with Others' reactions

The victims' posts indicate significant concern with negative reactions by others (family, community, friends, or colleagues). They describe concern with reactions such as lack of support, lack of trust, or even blame. The concerns are not based on actual experience, but rather on the victim's belief that others will find it hard to accept their story, that they will not believe them, or lay the blame on them and their behavior. For example, one victim wrote: “I did not report because I knew my family would take his side since he was a friend of my mother's, he still is”. Another victim described her general lack of confidence at the time in receiving support from others: “I was afraid that no one would believe me... what they would think and say about me”.

3.2.3 | Negative reactions

This theme refers to victims who decided to share their story, and experienced negative reactions of mistrust and blame and therefore decided not to take it any further by reporting the offense. For example, one victim described the reactions she received when her parents heard about the offense: “When my parents found out they did not believe me. They blamed me and

they were angry with me. I even got beaten”. Another victim described her friends’ and family’s reactions: “When I tried to tell my family and friends, they told me I flaunted sexuality, and why did I dress the way I did, and that I have tits so I cannot wear a white shirt, and that it was nighttime so why was I hanging out in a bar?”

3.2.4 | Distrust in the criminal justice system

The victims describe the decision not to report as based on their general lack of trust in the CJS, and lack of belief that their complaint will be accepted and handled properly. In some cases, the lack of trust reported by the victims is based on experience, and in others, it is not explicitly explained. For example, one victim described her lack of trust thus: “I did not report because I knew the police and the lawyers would not take my word against his”, and another writer describes her fear of the interrogation process: “I was afraid of the ‘second rape’ I’d have to undergo during the investigation”.

3.3 | Quantitative analysis

In the second stage of the study, statistical analysis was performed to examine the frequency of the themes identified. As shown in Figure 2, the most common barrier in the personal dimension was confusion and inability to describe the incident as a sexual offense (36.8% of all posts sampled referred to this barrier), followed by fear and anxiety (26.3%), and guilt (20.1%). In the social dimension, 62.1% mentioned a barrier associated with power gaps, 32.6% related concern with the others’ reactions, 13.7% mentioned lack of trust in the CJS, and only 10.5% referred to hostile responses from others.

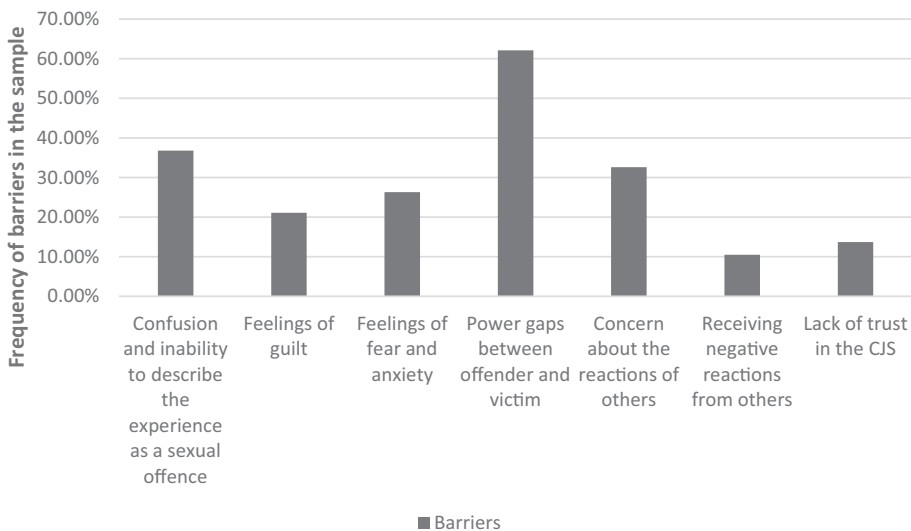


FIGURE 2 Percentage of posts addressing each of the barriers in the sample. On average, each post refers to 1.99 barriers; 79% of posts refer to a social barrier; 74% include reference to a personal barrier; 46.2% of posts refer to both barrier types

4 | DISCUSSION

The present study examined barriers to reporting sexual offenses and to doing justice, as reflected in texts by Israeli victims who participated in the #WhyIDidntReport protest, and challenged the assumption that the justice system was the main arena for dealing with sexual assault. Using a novel approach—social media as both a research site and a data collection method—we obtained rich, unfiltered preliminary data and gained important and unique insights into the way victims discussed a highly relevant contemporary social justice issue.

The victims' choice to deal with the offense by using social media as an arena for achieving justice and explore their "conflict" with the offender and/or justice system, is addressed in recent studies that suggest viewing the #MeToo movement as a call to develop alternative dispute resolution mechanisms, such as RJ (Kohn, 2019; Peleg-Koriat & Klar-Chalamish, 2020). The present study seeks to follow that research direction and examine victims' answers to the question, why I did not report. We believe that the present findings, based on the victims' authentic voice, can contribute to the development of alternative ways of achieving justice, better suited to the victims' needs. At the same time, they also reveal significant barriers to reporting that emphasize the need for preliminary and parallel educational and awareness-raising processes to ensure access to justice. In what follows, we focus on one of the major available alternatives to the CJS: RJ. One of the common definitions of RJ is "a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future." (Marshall, 1996, p. 37). In RJ conferencing, all parties affected by an offense are brought together: the victim, the perpetrator and if appropriate, family members, friends, and community representatives (Zehr, 2002). Following thorough preparation, the participants meet in a structured, facilitated process to discuss the offense and its effects on the main and secondary victims. This may be done by means of various RJ practices such as victim-offender mediation, family or community group conferencing (Umbreit & Armour, 2011).²

In the preparation stage, the facilitators (usually two) ensure a safe space for the participants, considering the victim's psychological readiness as well as the offender's risk factors (including levels of sincerity and remorse). The preparation often consists of the facilitators meeting the victim to hear about their expectations, needs and wishes. Next, both meet the offender and finally other family members, supporters, or friends. The facilitators conduct the meetings back and forth to assess safety needs and the potential scope of dialog (Keenan, 2014; Koss, 2014).

During the process, the offender is called upon to acknowledge the results of their actions and the suffering they have caused, and become aware of opportunities to make amends. Alleviating the harm can be achieved if the offender acknowledges the harm they have caused, and the extreme hardships experienced by the victim and others who have been impacted by the offense(s); the offender has to accept accountability, and be willing to address the needs that have arisen as a result (Zehr, 2002; Roche, 2003).

The practice of RJ for sexual offenses has been growing gradually from the 1990s, among other things thanks to the understanding that it can meet victims' unique needs and facilitate justice for them, as well as the offenders, their family members and the relevant community (McGlynn, 2011; McNevin, 2010). Conducting an RJ process usually depends on the offender's ability to acknowledge their accountability, and requires the consent of both victim and offender. Therefore, it has been claimed that RJ cannot be presented as an alternative mechanism in all sexual offense cases, but only in those that meet these two conditions (Shapland, 2014). However,



developing the RJ option in sexual offense cases does not seek to abolish or replace the CJS, but rather to expand the range of responses for sexual offense victims.

As mentioned, the focus of this article is to examine how RJ processes can deal with the barriers identified above. In the personal dimension, many victims described fear, anxiety, guilt and shame that prevented them from reporting the offense. Unlike legal procedures, RJ processes are based on the offender's acceptance of accountability. It is clarified from the outset that the victim is not to blame, as often happens during legal processes. Taking part in a process wherein the offender acknowledges accountability and the victim has support from the family members or other supportive people can help reduce the victims' feelings of self-blame and aid their healing (Daly & Stubbs, 2006; Herman, 2005; McGlynn et al., 2012; McNevin, 2010; Wager, 2013).

In a study that examined RJ conferencing in sex offense cases in Project Restore in New Zealand, victims described the process as empowering and as the beginning of a long journey toward healing (Jülich et al., 2010). Similarly, a study that examined the RESTORE Program in Arizona found that all victims agreed with the statement that they had joined it to restore their sense of control (Koss, 2014). In another study, McGlynn et al. (2012) interviewed a victim who took part in RJ conferencing with a family member who had assaulted her in childhood. The process enabled the victim to sound her voice and gain control over the process and that she experienced it as a turning point in her life, leading her to stop blaming herself and to place the blame on the offender. Wager's (2013) scoping study found that RJ programs could meet victims' needs when they were designed specifically to deal with this type of offense. Finally, Daly and Wade (2017) compared RJ conferences with other mechanisms of justice and found that they ensured significantly higher degrees of victim participation and voice. The focus on victims and their needs, the ability to sound their voice, and their ability to control and choose – all facilitate empowerment that can contribute to the healing process. From the perspective of the victims, the principles of the RJ approach enable recognition and validation of the offense, and vindication for not being to blame.

Another common barrier in the personal dimension was difficulty in naming or labeling the experience as a sexual offense. In the literature, labeling an experience as a sexual offense is described as a breakthrough that allows the victim to attain psychological freedom. A significant turning point for the victim is acknowledging that they are a victim and relinquishing the ideal perception they may have needed in the past to protect themselves against the sense of powerlessness and loss of control, bound up in the sexual victimization experience (Littleton et al., 2009; Surfis et al., 2013).

Labeling an experience that meets the behavioral definition of a sexual offense is influenced by psychosocial mechanisms designed to “protect” the victims by beliefs about and attitudes toward sexual offenses, as well as beliefs regarding their relationship with the offender (Khan et al., 2018; Peterson & Muehlenhard, 2011). Not naming the experience as a sexual offense allows the victim to minimize it, to feel in control, avoid facing it and, in some cases, to continue viewing the offender as a person, partner, or good friend who at most suffered a one-time lapse in judgment. According to Lelaurain et al. (2017), victims' help-seeking process involves three major phases: problem recognition, decision to secure assistance, and determining who to engage to secure urgent aid. Therefore, the first stage of problem recognition is crucial to subsequent actions such as filing a police complaint or tort claim, or alternative dispute resolution such as mediation or RJ.

The social media protests that inform the present study help promote the first stage, which is essential for completing the help-seeking process – redefinition of sexual offense and a

reevaluation of its acceptability through sharing victims' stories. In cyberspace, they are joined by websites and social media that host stories by victims and help challenge the hegemonic "rape script" that features monstrous perpetrators and helpless and vulnerable victims, and misrecognizes the highly more common acts of sex offense that do not conform to it (Loney-Howes, 2018).

While RJ processes in themselves cannot provide a complete solution for the naming barrier, they can contribute to coping with it in two ways. First, RJ processes focus on the harms of wrongdoing more than on the rules that have been broken (Umbreit & Armour, 2010; Zehr, 2002), and may therefore take place even in the absence of precise naming – the sense of harm and the offender's acknowledgement of causing it are enough. Note, moreover, that the more accessible RJ processes become, they will be able to meet the needs of a growing number of victims, expanding the possibility to achieve justice. For instance, stories of women who described being sexually abused by men who, during intercourse, removed the condom unbeknownst to them (Brodsky, 2017), or stories of sexual violence by relationship partners (Harrington, 2020).

Second, RJ processes have educational value as they can contribute more broadly to the naming of the phenomenon and hence to awareness raising. Among other things, RJ processes express the community's responsibility for educating its members. By including other community members in addition to the victim and offender, more people gain unmediated understanding of the implications of sexual assault. Thus, RJ processes serve to clarify community norms and convey a deterrent educational message to both those directly present and those they will talk to in the future (Bottoms, 2003; Van Ness, 2002).

In the social dimension, we found that the most prominent barriers were offender-victim power gaps and concern with others' reactions. RJ processes rely on participation by both the offender and victim and are based on an understanding of power relations and the need to cope with them (Hayden & van Wormer, 2013; Morris, 2002). In coping with power gaps—evident in the case that led to the current protest (Christine Blasey Ford and Brett Kavanaugh)—the RJ approach can empower the victim and help her cope with the offender, assuming he is willing to participate and acknowledges his responsibility for the harm done. The RJ process may take place long after the actual incident, after the offender has undergone a personal process leading to acknowledgement. The process itself may be used to reflect the full meaning of his actions to him, among other things by highlighting the power gap and its significance at the time of the abuse.

Power gaps, which stem from the very essence of a sexual offense, complicate the process of achieving justice, and often make it impossible (Daly & Curtis-Fawley, 2006; Koss, 2000; McGlynn et al., 2012). Practically, an RJ framework seeks to deal with the "built-in" power imbalance between the victim and the offender by means of a fair process, support for the "weak" party, and challenging the "strong" one (Morris, 2002). Power balance can be achieved by using multiple practices, such as granting the right to speak, managing the speaking order, providing suitable support for the participants, and taking care of seating arrangements.

The RJ process is also relevant to overcoming fear of others' responses. Similar to the way it enables coping with the power gaps barrier, certain characteristics of the process contribute to coping with this fear as well. They include the victim's full control of the process and the requirement that they agree to the participation of anybody else; close professional support and careful management of the process by the facilitators; the confidentiality of the process; and the constant reiteration that the victim is not to blame (Daly & Curtis-Fawley, 2006; Daly & Stubbs, 2006; Jülich et al., 2010; Koss, 2000; McGlynn, 2011; McGlynn et al., 2012; Wager, 2013).

Given its strengths in both the personal and social dimensions, the proponents of applying RJ in sexual offense cases suggest that especially in gender-related offenses, they can serve as an empowering experience that can reduce trauma, and eventually even increase the number of sexual offense complaints filed with the police (Daly & Stubbs, 2006; van Wormer, 2009). However, RJ processes have also been subject to criticism in the context of sexual abuse. Some critics emphasized the potential for reproducing the patriarchal social attitudes by simulating legal processes (Coward, 2000; Daly, 2005; Daly & Stubbs, 2006; Herman, 2005). This criticism dialogues with radical feminist criticisms of the mediation process, arguing that in seeking “harmony”, it reproduces gender power gaps by encouraging women to compromise instead of stand up for their legal rights (Curtis-Fawley & Daly, 2005). Others claim that in sexual abuse cases a “voluntary” process such as RJ is completely out of the question, since the victim’s fear and marginalized position do not really enable her to reject restorative proposals by the offender, and may therefore reach dissatisfactory agreements or forgive under constraint (Daly & Curtis-Fawley, 2006; Koss, 2000; McGlynn et al., 2012; McNevin, 2010).

Such criticisms have been raised since the 1980s, particularly against mediation processes in divorce cases, which are substantially different from RJ processes (Curtis-Fawley & Daly, 2005; McGlynn et al., 2012). As mentioned, RJ (unlike mediation) does not assume “equal parties” but defines an “offender” and a “victim” in advance, with the former’s acknowledgement of his responsibility being a condition for entering the process (McGlynn, 2011; McGlynn et al., 2012). Moreover, the RJ process does not minimize the abuse or “push” the parties to reconcile (Daly & Stubbs, 2006; Koss & Achilles, 2008).

Another concern with RJ has to do with the fear of revictimization during or after the process. Critics have been skeptical regarding the ability of RJ processes do cope with the risks involved (Daly & Curtis-Fawley, 2006). Again, feminists’ negative experience with previous forms of court-sponsored mediation has left a legacy of deep mistrust in new forms of conflict resolution (Ptacek, 2010). Specifically, it is argued that since the offenses have originally occurred in the context of power gaps, an informal procedure not backed by state power will find it difficult to confront the offender with his acts (Daly, 2005; Hudson, 1998). Moreover, the very process may facilitate manipulative and coercive behavior, placing the victim at risk (Daly, 2005; Daly & Curtis-Fawley, 2006; Daly & Stubbs, 2006; Wager, 2013). At the very least, the victim is bound to be disappointed, having developed unrealistic expectations regarding RJ (Mika et al., 2002; Wager, 2013).

In evaluating this criticism, recall that it has mainly been raised in family violence cases. Moreover, a study using randomized controls trials has shown that most victims participating in RJ processes, even in cases of severe harm and violence, have not been revictimized or otherwise harmed due to their participation in RJ conferences together with their victimizers (Sherman et al., 2005). Finally, in this paper we refer only to RJ processes facilitated by dedicated trained professionals (Acorn, 2004; Daly & Curtis-Fawley, 2006; Koss, 2000; McGlynn et al., 2012).

Empirical support for victims’ interest in adding RJ programs to their existing options was provided by Marsh and Wager (2015), who examined public attitudes to RJ in cases of sexual abuse. They found that 81% of all respondents, and 70% of those who defined themselves as victims, would be willing to bring together a victim and an offender; 56% of victims expressed interest in RJ conferencing in addition to existing criminal procedures; and 30% expressed interest in conferencing as an alternative to CJS. Those most interested in this option were victims who had chosen not to file a complaint. This study shed light on victims’ own attitudes to RJ, despite the aforementioned criticisms by those seeking to speak on the victims’ behalf.

Another interesting finding of the present study is that the voices of victims reporting distrust in the CJS as a barrier to reporting were less dominant: the victims chose to focus on other barriers. We believe that this choice does not necessarily suggest that they have no issue with the CJS, but that in response to Trump's question, the victims chose to describe a wide range of less-obvious barriers, that are more informative by indicating the post-victimization complexity and the fundamental reasons for the incompatibility of the traditional legal process.

Many of the studies examining barriers to reporting have focused nearly exclusively on underused and largely ineffective CJSs (Daly & Bouhours, 2010; Felson & Paré, 2005; Patterson, 2011). The recent protests have generated a public and academic debate about the attitude of the CJS toward sexual offense victims, and the urgent need for a fundamental reform that will make the victims' encounter with the criminal process more supportive (Chamallas, 2018; Gash & Harding, 2018; Hemel & Lund, 2018). Focusing on texts by sexual offense victims presents a broader and more complex picture, which ultimately exposes the existing system as unable to address the complexity of the abuse. For example, some of the victims' choice of referring to barriers such as guilt or fear of others' reactions suggest that existing services fail to address these barriers. We may therefore assume that the victims have chosen to point out these specific barriers in response to the question, because overall, they make it difficult for them to report to the CJS.

Overall, this mapping of multiple individual and social factors that impede reporting is consistent with the model presented by Collin-Vézina et al. (2015), which focuses on minor victims. Importantly, it adds another layer to the literature by proposing the inclusion of RJ processes among options available to victims, in order to better provide for their needs.

Alongside the present study's contributions, it also has several limitations that should be addressed in future research. First, the sample comprises women and men who chose to share their story online. It is reasonable to assume that many victims chose not to do so due to technological issues or lack of access to social media and more importantly, due to the very barriers discussed in the study.

In addition, this study is informed by the assumptions that in their answers, the participants meant to counter Trump's claim that "if the attack on Dr. Ford was as bad as she says, charges would have been immediately filed with local Law Enforcement Authorities", and thus that these answers referred to barriers in reporting to these authorities. But it is possible that certain participants meant reporting to other entities, such as rape crisis centers.

Moreover, although some of the posts and tweets provided demographic data such as age, gender, or the nature of the sexual offense, given the unobtrusiveness of the data collection we are unable to provide a comprehensive demographic portrait of our participants and are therefore unable to determine their representativeness. Last, the study was conducted in Israel. Israel has a unique and diverse sociocultural context, but the mainstream Jewish family is generally considered to be Western, with patterns resembling those in other industrialized countries (Kulik et al., 2016). Still, caution should be exercised in arriving at generalizations based on our findings.

In conclusion, the current study contributes to the literature by identifying two main categories of barriers and classifying them as the personal and social dimensions, each comprising several themes. Despite the distinction made between the personal and social dimensions, the framework encompassing both dimensions can be described as a wide range of concepts, myths, and attitudes toward sexual offenses and the CJS. We hope this study would provide an opportunity for further research in the field, for policy change, and for rethinking the importance of channeling existing resources in the right directions: education, raising awareness, and developing alternative dispute resolution mechanisms such as RJ.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions

ENDNOTES

- ¹ Note that the two categories emerge from the data. We have made no preliminary assumptions and relied on no previous classifications, such as Collin-Vézina et al. (2015) distinction between three categories.
- ² In this paper, “RJ” refers to RJ processes based on personal encounters between victim, offender, and others affected by the offense, such as victim-offender mediation and RJ conferencing.

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