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Digital Knowledge Divides: Sexual Violence and Collective Emotional Responses to the Jian Ghomeshi Verdict on Twitter

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Abstract

While social media platforms like Twitter can be divisive, this research explores how they contribute to progressive reforms in cases dealing with sexual assault. We found that the Twitter content following the not-guilty Jian Ghomeshi verdict fell into two porous camps — verdict protesters versus verdict supporters — and mapped out the emotional and affective epistemologies embedded in the two sides. On the one side, verdict supporters supported the problematic dichotomies of guilty/innocent, victim/perpetrator, and credible/unreliable testimonies. On the other side, verdict protestors were generally critical of the inherently masculine notions of due process, judicial truth, and victim blaming. We argue that criminologists should take seriously how emotions both structure and merge from legal practices and outcomes, and in doing so, can promote a more conciliatory and effective criminal justice system. These implications suggest that the Canadian criminal justice system needs to integrate an intersectional consideration of emotions if it will be successful in promoting healing rather than punitive forms of punishment that offer little to the survivors of sexual violence.

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Introduction

The use of hashtags on Twitter has become a powerful tactic in efforts to combat gender inequalities (Clark, 2016). The recent #metoo and #timesup movements (started in 2006 by American activist Tarana Burke and internationally popularized in 2017 following the Harvey Weinstein allegations) have helped to bring stories of sexual assault and harassment to the forefront of public discourse. Amidst backlash, the oft-marginalized voices of victims¹ are amplified on social media, encouraging people to come forward with their stories and to express solidarity and support. Victims of colour often respond to sexual assault differently and face different issues than do white victims. For example, African American women are less likely to report sexual assault than are white women because they fear being seen as disloyal to their race, given the elevated rates of imprisonment in the Black community (Tillman et al., 2010). They are also more likely to be discredited as victims and viewed as more promiscuous and deserving of victimization (Maier, 2012). As increasing numbers of women come forward, we have, perhaps for the first time, witnessed swift ramifications for accused celebrities and other powerful men. While some of the most well-known include Bill Cosby, Louis C.K., Harvey Weinstein, Bill O'Reilly, Kevin Spacey, and Larry Nassar (to name a few), before these cases went viral on social media there was the Canadian trial of Jian Ghomeshi.

In this article, we move beyond our earlier media analysis of the emotional content posted on Twitter following the acquittal of Jian Ghomeshi (Coulling & Johnston, 2018) to account for the implications of digital knowledge, which are discussed in relation to the law's failure to successfully prosecute cases of sexual violence against women. Digital knowledge refers to the electronic accumulation of information enabled through an array of technological and organizational changes (Antonelli, 2017). Twitter content about the Ghomeshi verdict largely fell into two camps — that posted by those we describe as “verdict protesters” and “verdict supporters.” Twitter users on both sides of the debate created a collective and often emo-

tional sensibility by way of tweeted content (Pavan, 2017), which, at first glance, may appear to reify the divisive politics that social media platforms have been accused of promoting (Berenger, 2013); however, there were also times when diverse voices formed agreements and came together to form networks of collective action that have the potential to underpin positive social change.

After briefly describing the case and reviewing key literature on sexual violence and the media, we outline how we used emotional and affective epistemologies, forms of implicit knowledge, as sensitizing theoretical constructs to guide the analysis. Following a brief description of the methodology, we review the emotional Twitter content framing the two sides of this debate. We conclude with a discussion of the implications of our findings, specifically outlining our call for the Canadian criminal justice system to adopt a case formulation approach (which we define in the next section) to assessing and responding to accusations of sexual violence (Wheatcroft & Walklate, 2014). We build on this model, suggesting that a consideration of emotions needs to structure this approach in order for it to successfully promote healing rather than punishment alone.

Background of the Jian Ghomeshi Case

Jian Ghomeshi co-created and hosted *Q*, the highest-rated radio program in the history of the Canadian Broadcast Corporation (CBC). On October 24, 2014, before several allegations of sexual assault against him were made public by many Canadian media outlets, Ghomeshi took a leave from his show. Two days after he announced his leave, the CBC terminated his employment. Ghomeshi responded that day with a lengthy Facebook post accusing the CBC of firing him because of false allegations brought forward by “a jilted ex-girlfriend” (Toronto Star, 2014).

Over the course of several weeks, several major Canadian media outlets publicized more accusations of sexual assault and abusive behaviour against Ghomeshi, and lawyer Janice Rubin launched an internal investigation into the working environment at *Q*. On February 1, 2016, the police dropped two of the charges of sexual assault because the Crown claimed there was no reasonable chance of conviction. At

trial, Ghomeshi faced four counts of sexual assault and one count of overcoming resistance by choking (across three complainants²); he was acquitted on all five charges on March 24, 2016. In his decision, the judge explained that he did not find the complainants to be credible. The judge remarked that the first complainant's testimony "suffered irreparable damage" due to inconsistencies in her memory of events; he felt the second complainant had "consciously suppress[ed] relevant and material information" which indicated "a wilful carelessness with the truth," while the third complainant "was clearly 'playing chicken' with the justice system" because she "was prepared to tell half the truth for as long as she thought she might get away with it" (CBC News, 2016).

There was concurrent coverage of the trial by traditional and social media forums, where there were also related discussions about the nature of sexual assault, consent, and false allegations. As journalists live-tweeted trial coverage, the Twittersphere erupted when the judge read the not-guilty verdict. In digital spaces and networks, gender, race, sexuality, ability, and class collide and create tensions in terms of how sexual assault cases are understood (Salter, 2013; Fairbairn & Spencer, 2018). It is thus paramount to mobilize a framework that can make sense of online interpretations of sexual assault cases in ways that push our capacity to think about the possibilities of a criminal justice system that better responds to sexual victimization.

Sexual Violence, Justice, "Trial by Media," and Carceral Feminism

Alongside advancements in legal and procedural reforms (Spohn & Tellis, 2012), feminist and victimology scholars have rallied the experiences of countless survivors of sexual violence into impassioned calls for more carefully considered research, government responses, political commentary, and institutional policy (Belknap, 2010; Brown & Walklate, 2011; Christie, 1977; Johnson, 2017; Kelly, 2011; McGarry & Walklate, 2015; Stanko, 2007; Walklate, 2007). Despite progress in discourse and policy, some social, cultural, procedural, and institutional responses to sexual assault cases remain riddled with problematic assumptions about gender and controversies over what counts as truth (Walby et al., 2011; Walklate,

2014). The widely publicized idea that women often lie and “cry wolf” about sexual violence suppresses women’s willingness to report sexual assault and proliferates belief systems among police, prosecutors, and citizens that sexual assault accusations are frequently baseless and should be treated with indelicate caution in the criminal justice system (Brown & Walklate, 2011; Kelly, 2010).

The term “false allegation” has long been criticized for its lack of conceptual clarity and inability to capture accurate representations of truth in situations where the circumstances surrounding consent and disclosure are messy, complex, and entangled by competing interests (Ahrens et al., 2010; Fahs & McClland, 2016; Norfolk, 2011; Wheatcroft & Walklate, 2014). When methodologically rigorous research designs and consistent definitions and measurements are employed to estimate the number of false reports, statistics generally aggregate around 2% or lower in the US and Commonwealth nations (Lonsway, 2010; Spohn & Tellis, 2014). Higher false report percentages range between 30–90% (Jordan, 2004; Rumney, 2006) and tend to surface when law enforcement agents improperly categorize unfounded complaints on account of the complainants’ behaviour at the time of the incident; lack of cooperation with prosecutorial authorities; delayed reporting; or because researchers problematically accept that unfounded cases equate to false allegations (Konradi, 2007; Spohn & Tellis, 2014).

Rather than engender suspicion, accusatory language, adversarial tactics, re-victimization, or even impartiality as the beginning premise in adult sexual assault investigations (see Buchwald et al., 2005; Rumney, 2006; Saunders, 2012), Wheatcroft and Walklate (2014) advocate using a case formulation model that begins with “believability” in the evidentiary process. This model would weaken commonplace ideas that women who report sexual victimization do so as an act of revenge, fantasy, or to hide their own sexual appetite or inclination toward practices that some might label deviant, such as BDSM (D’Cruze, 2011; Gavey & Gow, 2001; Greer & Jewkes, 2005; Buchwald et al., 2005), which is important given that mass and social media networks perpetuate rape myths (Coulling & Johnston, 2018; O’Hara, 2012). It bears mentioning that journalists also publicize cases of sexual violence in ways that do not always benefit the defen-

dants, especially when their stories subscribe to highly emotive and sensationalized depictions of gender, race, and class (Barrie, 2015; Bhattacharyya, 2008; Brown Givens & Monahan, 2005; Jewkes, 2011; Kilty & Frigon, 2016; Kilty & Bogosavljevic, 2019). Case studies document how racialized minorities are vulnerable to false sexual assault charges and scapegoating by white communities (Patton & Yuly, 2007; Johnson, 2016). Even when contradictory evidence exists, the media and other stakeholders sustain white patriarchal hegemony by casting Black men in particular as violent animals out to harm white women. The concept “trial by media” captures the tensions and imbalances between court officials who are expected to conduct trials without external interference and journalists whose duty is to report news objectively (Chagnon & Chesney-Lind, 2015; Greer & McLaughlin, 2011, 2012; Middleweek, 2017). Indeed, “naming and shaming” (Greer & McLaughlin, 2012, p. 298) can desecrate an accused person’s right to the presumption of innocence, not to mention a survivor’s dignity and privacy. Unfortunately, while mobilizing the concept “trial by media” may expose the media’s tactics of victim blaming or unfair treatment of the defendant, it does little to showcase women’s resistance and activism against the patriarchal practices of the criminal justice system (Salter, 2013; Fairbairn & Spencer, 2018).

In spite of this resistance, liberal feminists have often equated legal reform success with increased convictions in cases of gendered violence (Richie, 2012). Bernstein (2010) conceptualized the rightward shift away from a redistributive or reconciliatory model of justice to supporting carceral paradigms of justice as carceral feminism. Demands for a punitive response to gendered violence have been critiqued for being paradoxical to the gains that the anti-carceral movement has made in rejecting the militarized and capitalist structures of the prison industrial complex (Bernstein, 2012; Richie, 2012). Moreover, reliance on the state to mete out punishment to perpetrators of violence only creates more violence, as exemplified by the violent nature of incarceration and the number of women and men who are sexually and physically assaulted in the penal system (Sweet, 2016). Given that criminalized people are disproportionately racialized, we must consider carceral feminist calls for harsh custodial sentences as

ignorant of the racial dynamics that structure the criminal justice system (Bernstein, 2010; Kim, 2018; Richie, 2012). Sweet (2016) suggests that changing the political, social, and economic landscapes that steer intersectional power relationships between men, women, and gendered Others — and which are a root cause of violence against women (Crenshaw, 1991) — would do more to end gendered violence.

Still, how a society increases accountability for rapists and better serves survivors of sexual violence is a difficult question to answer. Remaining optimistic about the individual capacity to change, some criminologists have encouraged the adoption of transformative and restorative justice frameworks to hold perpetrators of gendered violence accountable, and even to participate in survivors' healing processes (Braithwaite, 2002; Daly, 2006; Daly et al., 2013; Kelly, 2011; Rossner, 2011). For these practices to be successful, there must be a willingness among survivors, community members, and offenders to endure the stress of participation and to abandon more punitive conceptions of justice. Even when these elements are present, tensions persist over their efficacy (Cossins, 2008). Importantly, not only do these approaches challenge the root causes of gendered violence, they also increase the visibility of harms that “current remedies to gender violence enact on communities of colour, immigrants, poor people, lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) communities and people with disabilities” (Kim, 2018, p. 229). Transgender people of colour have taken leadership in the analysis of intersectional forms of violence and call for critical social movement strategies that are not complicit with gender policing, state violence, arrest, and incarceration (Smith & Stanley, 2011).

Notably, transformative and restorative justice approaches remain in limited use, and the case we examine in this paper was processed by way of the traditional criminal court trial. That said, Phillips and Chagnon (2020) note that it is important not to overemphasize some victims' alignment with the carceral state as that too can promote rape culture and constrict social movements seeking gendered justice from moving beyond the decarceration discourse, which in and of itself is not enough to enact the legal, social, and cultural changes needed to end sexual violence.

Virtualization and Acceleration of Digital Knowledge: Theorizing Twitter

Fairbairn and Spencer (2018) argue that social media has the power to shape cultural responses to sexual assault cases and may influence criminal justice procedures. Fundamental to their argument, they draw insights on speed and virtualization from Virilio (2002, 2008) and Virilio and Beitchman (2009). In what follows, we theorize Twitter by building on the theoretical framework employed by Fairbairn and Spencer. We argue that social media also accumulates implicit and explicit knowledge and are thus banks of digital knowledge.

Digital technologies shape our interpretation of time and space. The speeding-up these technologies offer — almost instantaneous contact — distorts social worlds by shrinking space and altering its dimensions and representations (Virilio, 2008; Virilio & Beitchman, 2009). Virilio (2000) refers to this phenomenon as an accelerated reality. Digital acceleration erodes the importance of public, geophysical space and bolsters an interactive image that is ready at all times. Digital technologies maximize the acceleration of time to the point that the continuum of time — past, present, and future — is less important than the (image of the) event, yet the primacy of audiovisual representation removes or blurs the kinetic experience of virtual presence. Many frame the result of this kind of detachment positively, as it (1) accelerates democratic participation, (2) increases the number and diversity of participants in the discussion (Virilio, 2002), and (3) (re)shapes unjust social and political spaces (Virilio, 2008).

On Twitter these three outcomes hold true. The speed with which one can post reactions to events and reactions to reactions is limited only by how long it takes to type up to 140 characters (which was the limit at the time of data collection), or post a photo, video, meme, or link. During our investigation, for example, 754 tweets were posted during the first 5 minutes of our query. Perhaps more important than the acceleration of democratic participation, Twitter's accessibility and virtuality invites participation from everyone with access to a computer or smartphone, including, importantly, those who are often silenced. Where victims of sexual assault may be hesitant to bring their

cases forward to police or to trial (Johnson, 2017), Twitter gives them a space where their voices can be heard. Twitter, then, stimulates and hosts massive volumes of diverse knowledge. Each tweet tweets in conversation with each other, aggregates of tweets, convergences of tweets in opposition, and a collection of all tweets on a particular subject. Thus, they represent forms of digital knowledge rarely accessible in other media.

In addition to welcoming diverse participants, Twitter also invites diverse expressions. The speed with which one can participate incites emotional reactions as opposed to statements that are crafted and calculated over time (like those presented before the courts); therefore, the digital knowledge hosted on Twitter includes both explicit and implicit ways of knowing that reflect varied voices and adversarial opinions. It is our contention that it is the convergence of these myriad voices and ways of knowing within this social media space that helps to reshape unjust social and political spaces.

Implicit Ways of Knowing: Emotional and Bodily Epistemologies

Implicit knowledge reflects that which is generated in an array of ways so as to capture, interpret, and describe our experiences (Shotwell, 2014). These include bodily responses and, since emotions are often felt in the body, affective feelings. When we speak of bodily responses, we mean, of course, the individual physiological body (Kemper, 1978); but bodies also respond with emotions that are structured by interpersonal and social power relations (Massumi, 2002). There are many theoretical orientations and analytic angles to the study of emotions, from the psychobiological to the social, indeterminate to conscious, or corporeal to discursive. We use emotions as a catchall term for what gets taken up in popular discourse and academic research as emotions, affect, feelings, sentiments, and moods. We acknowledge the distinctions between each of these terms, especially between the expressive feeling states of emotions, sentiments, and moods capture, compared to affect, which is the emergence of a physical manifestation of what will come to be known as emotion before we know it as such. Deleuze and Guattari (1987, 1994) define affect as the change that occurs when bodies collide or come into contact. Through this contact a body can affect, be

affected, or both. This is a power acted out as a reaction. At the same time, affect is also the body's continuous intensive variation in its capacity for acting and thus reflects the potential power to act upon, coerce, and force.

Our use of emotions in this paper includes affect and the in-betweenness (Muñoz, 2009) that emerges amidst virtual–actual, psychobiological–social, indeterminate–conscious, and corporeal–discursive responses to symbols in a culture (Ahmed, 2014; Seigworth & Gregg, 2010; Thoits, 1989). Our use of emotions is similar to how Campbell (1997) used feelings both as classic passions (e.g., anger, love, and fear) and shadow emotions (e.g., confidence), and how Barbalet (1998) mobilizes the notion of collective emotions. Following Campbell (1997), we view emotions as emerging through expression, not as antecedent to expression. One consequence of the surfacing of emotions through expression is that emotions can be misread (Rogers & Robinson, 2014). People may read the directionality of an emotional vector yet misread the emotion. For example, hate, fear, anxiety, and disgust all include withdrawal, and while we may view the withdrawal instigated by an actor's anxiety, we may misread it as hate. Since emotions need not be conscious, their interpretation can be difficult, and there is an expressive component to interpretation. (Mis)reading allows emotion to be taken up and directed consciously and discursively.

In sexual assault cases, social media has disproportionately focused on emotionally enraged expressions of victim blaming rather than women's resistance (Salter, 2013). Still, the digital world has the ability to transform the criminal justice system by reshaping the social response to sexual assault (Fairbairn & Spencer, 2018). Digital spaces allow for diversity as individuals give voice to their standpoints and encounter different views. Online spaces, then, can amplify the nuances inherent in these tensions (Coulling & Johnston, 2018). If we wish to leverage the insight of these nuances to help transform the criminal justice system and realize a more just and empathic understanding of and response to sexual assault, we must consider the implicit knowledge that is revealed through emotions, which is the aim of our analysis.

Method

We conducted a qualitative content analysis of the emergent and competing discourses that arose on Twitter during the six weeks following the announcement of the not-guilty verdict in the Jian Ghomeshi trial. Qualitative content analysis is particularly useful in this case because it fits data into a model of communication and allows the situation, socio-cultural background, and effects of the messages to be interpreted and categorized through a step-by-step process (Mayring, 2000). In our earlier analysis (Coulling & Johnston, 2018), we analyzed tweets posted within the first hours of the trial outcome (n=3,943) to reveal the visceral and emotive confrontations that facilitated divisions between verdict supporters and protesters. In this study, we examine the Twitter responses that followed thereafter (n=17,799) to capture the evolution in nuances, tensions, narratives, and confrontations over what constitutes an appropriate, practical, and/or more just approach to handling cases of sexual assault.

We coded the data by first reading through the archived tweets and grouping them by theme in a Microsoft Word document (Creswell, 2014). We then removed any duplicated retweets or redundant content from the document. The first and second author reviewed the coded and sorted data and discussed their reflections and considerations to ensure intercoder reliability. This does not mean that we do not have subjective biases. All three authors are critical of the criminal justice system's incapacity to adequately deal with cases of sexual assault, and some of the authors take an abolitionist stance on issues pertaining to criminalization and punishment. Despite our best efforts to democratically and objectively analyze the perspectives of tweeters on the Ghomeshi case, it was difficult not to take sides at times, which encouraged us to reflect on our own positionality and how it influenced this research. As a collaborative project, together we wrestled with the complex issues and notions of justice that emerge when accusations of sexual violence surface, and we tried to ensure that our argumentation speaks to the diverse perspectives we uncovered in the Twittersphere.

The final step was to analyze the themes, the ways that the various themes interacted, and the meanings that inform Twitter users'

expressions of positionality regarding the criminal justice system's current and prospective role in managing sexual assault cases. We were looking for layers of critique in support of, neutral to, and/or dissenting from the current practices of the criminal justice system. Dominant themes from our first study were used to categorize the data presented herein. Specifically, in the first study, we coded tweets affirming that the criminal justice system worked and tweets asserting that the criminal justice system did not work. We also identified that tweets from the former theme split into those that thought this was as it should be and those who lamented the way the criminal justice system worked. For organizational brevity in this paper, we sorted these themes into verdict supporters and verdict protesters.

For tweets to be included in our analysis, they had to contain the hashtag “#Ghomeshi”. Hashtags are used to link a tweet to a larger conversation (Bruns & Moe, 2014), so we interpreted these tweets as desiring to be a part of the public discourse on the trial and verdict. While informed consent is not always required for public data (Ackland, 2013), due to the sensitivity of the topic we took extra care to preserve anonymity and confidentiality by removing any usernames that were generated from our software (*Twitter Archiver*) following a retweet mention and transferring the text-only tweets into a separate spreadsheet. This practice blinded us to most personal details of Twitter users.

Imaginary Justice by Verdict Protesters

I was in such a good mood this morning until I opened Twitter to see #Ghomeshi trending. Oh the rage, the absolute f*cking rage I am feeling

This #ghomeshi judgement feels like a personal assault - something shared with all women particularly victims of assault #ibelieversurvivors

The first tweet expresses the author's rage; we suggest that there is a slow boil before rage spills out that occurs from the constant heat of daily personal assaults and patriarchal justifications of harassing behaviour. For verdict protesters, the Ghomeshi verdict signaled legal justification for violence against women. In the hours following the

verdict, Twitter content reflected this slow boil simmering and beginning to bubble over (Coulling & Johnston, 2018). There was an expressed rage by Twitter users who lashed out at the “personal assault” of the judgement, an assault they suggest is culturally shared amongst women. If rage is visceral, born from feeling pressed by the criminal justice system and the commonplace nature of sexual assault and Twitter’s reaction, then the volume of tweets of this nature showcases the cultural embeddedness of and complacency toward sexual violence and harassment. As personal accounts and views were tweeted in response to the Ghomeshi verdict, they began to collate under the hashtag #ghomeshi and thus moved beyond the personal to the political in a way that united women and some men in a public discursive battle to end sexual violence.

In both of the above tweets we see an initial reaction to the Ghomeshi verdict that is centred on “us” — an in-group consisting of women, victims of sexual violence and harassment, and their allies. They also signal the start of a point of rupture that extends outward beyond the border of survivors of sexual violence. The rage expressed in these tweets and felt affectively in the body (which is both physical and collective) arose in response to the continued manifestation of patriarchal power enacted upon women’s bodies and the female gendered subject. There is also a reactionary power to expressed rage as it comes to affect others who may reach out to comfort, mansplain, or troll the author. But this rupture becomes a capacity and power to act upon and coerce via lines of flight that begin internally and flow outward in solidarity to target the criminal justice system and broader culture for transformation. These lines of flight flowed through breakdown and healing, lashing out at Ghomeshi and the criminal justice system, and revolutionary transformation.

Breaking Down and Healing

We’re having a mass breakdown under the weight of a system that so evidently hates us. #Ghomeshi

I feel so drained after today. Tried to focus on the solidarity. Held my friend while she cried. Shame on this country. #Ghomeshi

The hatred that the criminal justice system directs toward survivors of sexual assault wears on the body, making it tired and potentially sick (see Coulling & Johnston, 2018). This breakdown exemplifies power as an emotional reaction exerted on the body as the body is affected by “the weight of a system that so evidently hates us.” But this breakdown was also met with self-care, comforting friends and giving space for tears, a reaction that also affects others. These tweets also attach emotions to the criminal justice system and the state. By affixing hate toward the system and shame against the country, these feelings and emotions circulate and orientate future judgements about patriarchy, the criminal justice system, and the country. In doing so, the emotions expressed in these tweets have the capacity to act upon the system and state.

These and other lines of flight erupt in varied and nuanced ways on Twitter that create capacities to act in transformative ways — a kind of transformative justice that is difficult if not impossible to come by via traditional criminal justice processes. For example, Twitter users worked through condemnation of Ghomeshi, the judge, and the judgement to explicate calls for changes to the system.

Hope once shock of verdict wears off, women & men see we need to work together against gendered violence. #Ghomeshi

Perhaps it's time to approach sexual assault reports with focus on #healing instead of crim law processes? #Ghomeshi

Here we see how this digital space facilitates the possibility for generating a collective voice that can unite Twitter users in their calls for criminal justice reform that is underscored by transformative and restorative justice principles of healing in lieu of punishment that does nothing to address the root causes of gendered violence.

Lashing Out

Emotions circulate through their stickiness, clinging to bodies and serving as cues in the future (Sedgwick, 2003; Sedgwick & Frank, 1995). In the following tweet we see that shame, guilt, and embarrassment clung to the women who brought charges against Ghomeshi. This tweet also shows the author's agency to act upon

Ghomeshi, imbuing him with a public guilt that he must carry forward. We do not know, however, whether or not Ghomeshi felt some measure of guilt. The adversarial nature of the criminal justice system does not allow for any emotional expression of guilt or sorrow by the accused, which would be taken up as “Truth” (Kilty & Frigon, 2016; Coulling & Johnston, 2018) and could therefore influence the court’s ruling and increase punishment. A court structured to focus on justice as retribution does not allow for the expression of emotions that might help with healing. This tweet, while directed toward Ghomeshi, also brings the victims of sexual assault into the conversation and connects Ghomeshi to his accusers by way of shared emotions.

I hope he suffers with guilt the same way those women suffered with shame, guilt, embarrassment, etc #JianGhomeshi #Ghomeshi #ottnews

By pointing out the shame, guilt, and embarrassment victims of assault face, this tweet illustrates the emotional turn inward and away from others that many victims experience. These emotions reveal the emotive desire to hide while being exposed (Sedgwick & Frank, 1995). By coming forward, victims are subject to increased witnessing which can invoke an even harder emotional turn away from this visibility. On Twitter, the voices and emotions of victims were amplified; their speed and virtualization accelerated in ways that led to a capacity that endeavoured to act on Ghomeshi. As we will see in the following tweets, the criminal justice system was also a target for reform.

How idiotic to think we don’t understand the verdict. We understand it. And that IS why we are angry. #Ghomeshi

FUCK YOU if u think a not guilty verdict means an innocent man
FUCK YOU if u believe #Ghomeshi The law believes rapists
#IBelieveSurvivors

The reaction by those opposing the Ghomeshi verdict was frequently met with explanations of due process and legal rationality, but emotional reactions to the verdict were not due to misunderstanding the legal footing upon which the verdict rests. In the first of the above tweets, the author emphasizes that their anger is oriented toward the

verdict and the legal precedent that grounds the verdict. While there was anger at the verdict itself, the second tweet demonstrates that this anger was predominantly directed toward the apparatus that separates what may or may not be classified as Truth. A large segment of the emotional tweets we read were directed toward the patriarchal legal canon and how the criminal justice system empowers men while subjugating women and the epistemic hegemonic masculinity that ranks men and dominant expressions of masculinity above women and the feminine.

A judge criticizing each of the women's actions after being assaulted while saying nothing about #Ghomeshi is #rapeculture at work.

Once again, we've sent girls the msg to be perfect victims, instead of telling boys not to rape. No mention of consent in #Ghomeshi trial

Re telling victims how to behave. Unless u understand the fear/shame/anxiety of reporting you **can't judge** the survivors actions. #Ghomeshi

These tweets illustrate how one strand of public discourse suggests that the criminal justice system mandates a lack of empathy toward victims of sexual violence while protecting accused persons; one way this is said to occur is by imposing notions of how “real” victims ought to behave (i.e., “be perfect”). As the first tweet articulates, this is one way that rape culture functions, reproduces, and gets subsumed into legal rationality. The imbrication of rape culture into the criminal justice system enacts power, as a capacity to act upon and coerce victims, which is manifested through critiques of their visceral emotional reactions as they attempt to cope with the assault and its implications on their bodies, relationships, and communities.

Revolutionary Transformation

The lack of understanding and the critique that the criminal justice system reinforces rape culture stirred emotional reactions toward the judge and his judgement. These emotional expressions are forms of reactionary power directed toward those who brought the injustice to life and who reified hegemonic masculinity and patriarchy in the

criminal justice system, where verdict protesters demonstrated a capacity to act upon underlying structural injustice. The nuances that arose in the Twitter content challenge judgements (both legal and on Twitter) in favour of a phenomenological understanding of experience. The emotional expressions noted above, then, are not only reactionary, they are also revolutionary forms of power that call for: (1) changes to the system; and (2) empathy to understand the emotions of those who report assault and thus how power acts upon the body.

The bravery of those women must never be forgotten. Canada must protect them, even if the justice system didn't. #IBelieveSurvivors #Ghomeshi

Instead of just calling to tear down the adversarial system this actually suggests building something new #Ghomeshi

We need special courts for rape that do not require victim to testify and be revictimized. Female judges. #Ghomeshi

The revolutionary forms of power that came to the fore on Twitter called for building a non-agonistic, intersectional justice system that would focus on protecting survivors and healing. Twitter users imagined a system in which healing could occur in a structure that embraced all voices such as through specialized courts with female judges. This call for female judges can easily be extrapolated to include other neglected and marginalized bodies, most notably Indigenous and other persons of colour. Tweets expressing displeasure with and disapproval of the criminal justice system in its current formation elicited reactions on Twitter that imagined a transformative future. Articulated 140 characters at a time, users began to make the imagined supportive culture a reality.

Feminist Imaginaries by Verdict Supporters

Verdict supporters held differing views about the meaning of feminism. Some tweeters characterized feminism as a kind of dogma for rejecting the established and tested principles of reasonable doubt and legal rationality enshrined in our judicial system. Others attacked feminism as a stagnant and divisive social movement that punishes and “vilifies” those who do not identify with it.

Idea for a Feminist Superhero: The Hoaxer: she mercilessly defeats her evil male opponents by accusing them all of rape. #Ghomeshi

#feminism is the radical idea that men must be convicted without evidence #Ghomeshi

#Ghomeshi you see, Feminism is like a cult. If you don't agree with their dogma they vilify you.

The imagined “feminist superhero” points to something key: if survivors of sexual violence are observed from a position of belief, as outlined in the case formulation approach (Wheatcroft & Walklate, 2014), then they have the capacity to act upon men. This capacity to act upon men is a revolutionary power that can transform the ways in which we conceive of sexual violence and justice. For those wanting to protect the patriarchal dividend that suppresses women’s testimony and engenders resentment against women’s rights progressions, the suspicion that characterizes the criminal justice system’s approach to claims of sexual violence must stay intact. Hence the “Feminist Superhero” is characterized more as a villain, unrelenting in her attempts to sway the masses away from buying into the current system’s rationality that it protects innocent people from false accusations. These verdict supporters are suggesting that calls to validate the ways survivors recall and experience sexual violence disguise the real motives behind feminist insurgency: to taste revenge and tame men’s grip over how justice is executed and understood.

The second tweet, while revealing a widespread belief of verdict supporters that there was not enough evidence to convict Ghomeshi, also sheds light on another tension. Some verdict supporters see feminists advocating the need to believe survivors as a break from an agreed upon social contract obligating citizens to subscribe to the foundational legal principle of the presumption of innocence. Any resistance to this established principle, no matter the reasons or emotions warranting the dissent, violates procedural law. Unlike the first two tweets, the third tweet does not denounce feminism for the solidarity it creates among women and marginalized populations, but it does suggest that feminism “others” those who oppose it. From the perspective of these tweeters, publicly expressing dissent against the verdict mirrors joining a cult and opposing the establishment, which

is synonymous with challenging “society,” or in this instance, the legal institution. Feminist opposition is interpreted as jeopardizing a foundational social institution upon which many people benefit, and social media, an accelerated medium of protest, intensifies the threat to this complicit type of masculine power exponentially.

Due Process

Other verdict supporters identified the principles of due process as embodying “true feminism.” They believed that protesters who condemned the outcome of the trial did so under the guise of a feminism that is far less critical and much more flawed than the positions of supporters who respect case “facts” and decisions as an important part of the reasoning process in forming a public opinion.

Feminism means women are adults & responsible/accountable for their actions. If you swear to tell the truth, do it. #Ghomeshi

Its women like the ones from the #Ghomeshi trial that ruin it for ACTUAL victims of rape. You don't lie about something that serious. Ever.

These tweets call into question critiques of the “ideal victim” discourse (Christie, 1986; Walklate, 2014) and positions Ghomeshi's accusers as unable to withstand being scrutinized for how they narrated their experiences. Yet, this view also assumes that women are simultaneously “trusting yet, in the sexual sphere, not to be trusted” (Wheatcroft & Walklate, 2014, p. 242). To refrain from condemning what many felt were lies or partial truths in the complainants' testimonies would mean accepting the clause that women should be held less accountable than men, albeit in a male-dominated and privileged system of justice. Verdict supporters frequently wanted traumatized survivors of sexual violence to live up to idealized conceptualizations about the juridical presentation of Truth; however, this position fails to consider how “‘testing the evidence’ in cases of sexual assault” and “the benchmark of believability and it [sic] associated anchored narratives results in an inverted process of evidence seeking” (Wheatcroft & Walklate, 2014, p. 245). Suggesting that women share the same capacity as men to be held accountable in a court of law and are powerful enough to overcome epistemic privi-

leges that determine what the standards of truth are promotes a gender-neutral version of feminism that does not accept that the judicial system creates and sustains gendered inequality in cases of sexual violence.

The second tweet warns that the hostilities and confrontations expressed by verdict protesters distract public attention from cases of “real” sexual assault, whereby the survivors, regardless of their trauma or experiences, are able to live up to the ideals of truth telling under heavy public and judicial interrogation. Many verdict supporters interpreted the survivors’ testimonies as false and accused them of lying about the nature of their relationship with Ghomeshi or colluding on social media in order to make their stories uniform. While the complainants vehemently denied the defence’s allegations that they lied about the nature of their relationships with Ghomeshi, the trial revealed two important facts that discredited their narratives and ultimately revealed the messiness of this case: (1) that they discussed the case amongst themselves before the trial commenced; and (2) they denied that they had contact with Ghomeshi after the assaults. These two facts contributed to the divide between verdict supporters, whose tweets often centred on the importance of honest and transparent testimony as central to following the rule of law, and verdict protesters, whose tweets largely emphasized the need to “believe women/survivors” and the emotional difficulty victims have coming forward with allegations of sexual violence. In this way, verdict protesters were more supportive of a case formulation approach while verdict supporters wanted to maintain the current adversarial legal approach.

Two Sides: Truth and Lies, Not Men and Women

Many verdict supporters also defended Ghomeshi’s lawyer, Marie Heinein, for acting in the best interests of her client. Some even commended her defence of Ghomeshi in the face of public protest and hostility as a noble and courageous act of feminine strength.

If you’re truly a feminist, you identify with Marie Heinen: who stood with facts against baseless rhetoric that infantilize women
#Ghomeshi

If a male lawyer represented #Ghomeshi and he was found guilty, would that lawyer be accused of “betraying” his gender? I didn’t think so.

#Ghomeshi’s lawyer is not wrong & she did not set women back 70 years...You can’t lie abt being sexually assaulted. THATS what puts us back

Henein, who was constructed by many protesters as an “evil” anti-feminist enabler of Ghomeshi’s acquittal, is depicted in the first tweet as the real feminist superhero because she protected the virtuous underpinnings of feminism. That is, the kind of feminism that pursues Truth even if it means protecting and siding with a man characterized by many as a violent threat to women. This representation reverses traditional conceptions of the male heroic figure; instead, it was a woman who rescued a powerful man from punishment while re-entrenching notions of ideal victimhood.

The second tweet understands Henein’s public reprimand as reflecting a deep-seated hatred toward women. Henein is applauded for reaching the top of a male-dominated profession and winning a high-profile case. Yet some felt she was attacked over a failure to meet an imagined feminist and womanly responsibility *not* to defend Ghomeshi or to alter her courtroom tactics so that the prosecution would have had a better chance at winning and satisfying the broad public belief in Ghomeshi’s guilt. Doing so, of course, would be anti-thetical to her job and to justice, which is why the second tweeter identifies her work as exemplifying feminist strength.

The third tweet, however, recognizes that while there is someone to blame in the case, the fault belongs with the survivors. Henein is rendered innocent of setting women’s rights back, but the complainants, who were thought to be lying or exaggerating in their testimony, are cast as lepers to the feminist movement. The stakes are high if survivors are labelled insurgents to feminism and deceivers of humankind — a viewpoint (ironically) shared by many tweeters who expressed hyper-masculine hatred toward women and feminist movements in general (Coulling & Johnston, 2018).

Presumption of Innocence or a Broken System?

Most verdict supporters backed the existing adversarial justice system, and some commented on the frightening implications that could accompany abolishing or reforming the criminal justice system.

Forgoing reasonable doubt for only shaky testimony leads to issues like David Milgaard. #Ghomeshi

As long as the Liberals keep #C51 in place, we all should be thrilled with the presumption of innocence and S.11 of the Charter. #ghomeshi

Both of these tweets evidence concern that protesters want people accused of sexual assault to lose their constitutional rights to a presumption of innocence and due process. The first tweet refers to a renowned case of wrongful conviction in Canada, where David Milgaard spent 23 years in prison for the rape and murder of nursing assistant Gail Miller, until he was exonerated by DNA evidence in 1997. The second tweet references the increasing surveillance measures and laws that skew accountability and provide the government with the right to spy on its citizens and gather evidence against them without a warrant. While these statements are difficult to decontextualize because of the 140 characters Twitter provided users to express their opinion, they beg the question of whether the presumption of innocence contributes to the generation of legal practices that disadvantage victims of sexual assault. The tension in this argumentation calls us to ask: who do these laws protect? How do we measure due process if the blatant disadvantages survivors of sexual violence face in seeking justice are a necessary evil to protecting defendants against state abuse (Walklate, 2014)?

One discursive thread that gave us pause (and hope) was when verdict supporters empathized with protesters who viewed this case as part of a longstanding pattern of neglect and abuse toward women in the criminal justice system. Simultaneously, these sentiments were accompanied by frustration over calls for punitive justice.

Our legal system fails survivors of sexual assault. After #Ghomeshi, should feminists be looking past prisons?

Dec: “The system is broken, free Steve Avery from jail!” Mar: “The system is broken, send #Ghomeshi to jail!”

Man, when people want blood – people want blood. #Ghomeshi

Interesting how the same people who savaged Harper’s “tough on crime” agenda now want the criminal burden of proof lowered... #Ghomeshi

These tweeters were less concerned with debating whether or not Ghomeshi’s acquittal represented a travesty of justice than with acknowledging that the criminal justice system is deeply flawed when it comes to trying sexual assault cases. What they dispute in the emotive discourses offered by verdict protesters is their reliance on punitive responses to the gendered inequity of the criminal justice system. These tweets lament, mock, and express confusion over what they see as a lack of critical thinking or contradiction on the part of those who felt a guilty verdict and subsequent sentence of incarceration would have been a victory for feminism, which Bernstein (2010, 2012) critiques as carceral feminism. As the second tweet illustrates, the same individual posted in December about the broken system’s failure to protect the poor, citing the American Steven Avery³ case as a miscarriage of justice, then posted in March that the system was broken because Ghomeshi was acquitted but should have been incarcerated. These tweets reflect how anger toward an institution seen as corrupt or broken can simultaneously manifest in both liberatory and punitive ways. The last tweet notes the irony of leftist opposition to conservative tough-on-crime politics that result in greater reliance on incarceration and the simultaneous demand for a punitive carceral response in a case where a man is acquitted of sexual violence. The incongruity of rejecting then supporting a carceral agenda when it pertains to violence against women is a problematic paradox inherent to carceral feminist agendas (Bernstein, 2010, 2012; Kilty & Orsini, 2019; Richie, 2012).

While leftist and feminist movements in Canada have both been involved in resisting and upholding the demand for increased incarceration, it is noteworthy that they recently protested the right-wing criminological agendas of the conservative Harper government (2006–2015) (see Prince, 2015). It is therefore interesting to find that

the few tweets in the entire dataset that called for healing pulled readers in the direction of imagining alternative criminal justice practices. These tweets respect, in some sense, the understandably emotive responses of verdict protesters, yet speculate how sexual assault legislation could advance without succumbing to punitive justice and mass incarceration.

Erasure of Race

Our analysis of public responses to the Ghomeshi verdict focused on the tensions between verdict supporters and protesters, and how these divisions are contoured in gendered ways. One lone tweet in the entire dataset spoke of race, something that was absent in mass and social media content and that was rarely discussed by researchers leading up to or following the verdict.

White women want brown men jailed on women's word alone.
#IbelieveSurvivors #Ghomeshi #WhyWomenShouldNotVote

Ghomeshi was born in London, UK, to Iranian parents, and the women who accused him of abuse were white. And while it is important to acknowledge that this quote problematizes the absent discussion about race in this case and the need to preserve due process and the presumption of innocence, it also mobilizes deeply troubling patriarchal commentary that women should not be permitted to vote because they are untrustworthy — a historically common trope and myth afforded to victims of sexual violence (Belknap, 2010; Gavey & Gow, 2001; Kelly, 2010; Wheatcroft & Walklate, 2014). When we shared our preliminary findings at a national sociology conference in Canada, one of the panelists questioned us about the invisibility of race in the case. She remarked, “I argue that race is always there, even when it is not there.” At the end of the panel discussion, a Brown male graduate student commented that white celebrities who are accused of sexual violence, like Woody Allen, still get to be a part of society, while the careers of people of colour, like Jian Ghomeshi, are ruined.

We suggest that the absence of any real discussion of race in the Twitter content is a convergence that speaks to three things. First, Ghomeshi, while a racialized man, often “passed” as white; early in

his career he actively presented himself as “Jean” so that he would be more easily accepted by white and Francophone Canadians (Kingston, 2014). Second, Ghomeshi’s celebrity and popularity as the host of *Q* familiarized him to Canadians; “one of us” Twitter users centred their commentary more on the shock that a well-known and well-liked public figure could commit acts of sexual violence, issues of due process, and the need to believe survivors. This contributed to the divide we uncovered between verdict supporters and verdict protesters and speaks to the tensions in the content between calls for individual versus collective accountability. Verdict protesters echoed carceral feminist sentiments for greater collective accountability for sexual violence that do not adequately consider the racial implications of criminalization processes (Richie, 2012). Despite this, it is noteworthy that the verdict protesters’ demand that we believe survivors reflects one of the premises of the case formulation approach (Walklate, 2014; Wheatcroft & Walklate, 2014) and thus the difficulties and tensions that emerge from trying to envision how to enact progressive calls for legal reform while balancing due process. On the other hand, by prioritizing due process, verdict supporters emphasized individual accountability and thus the Canadian state’s and law’s supposed race-neutrality (where the default standard is white) and objectivity (Maynard, 2017).

Finally, the tweets also reveal the potential emotional and affective difficulty Twitter users may have in directly speaking about race. Given that the Canadian state has historically and continues to express a problematic sense of race-neutrality as a form of multiculturalism (Maynard, 2017), we suggest that citizens are unprepared as to how to speak about race in a thoughtful way, thus making these types of discussions appear to be and/or to feel too painful, confusing, or even shameful. Ultimately, the statements we received at the conference and the outlier tweet about race direct our attention to the need for an intersectional framework to assess public perspectives on sexual violence and calls for action in cases of sexual assault.

Discussion, Synthesis, and Implications

Thus far we have tried to present the two sides of the Twitter content — verdict protesters versus verdict supporters — democratically

(Fairbairn & Spencer, 2018): we identified and presented key themes in the Twitter content but did not pass judgement on the veracity of the claims made. Instead, we mapped out the emotional and affective epistemologies embedded in the weeks-long national “tweetstorm” that followed the Ghomeshi verdict, noting the main opposing beliefs, tensions, and nuances in the content posted by verdict supporters and protesters with an eye to considering how gender structured or was implicated in said content. We took up the call for criminologists to take publicly expressed, collectively felt emotions and opinions seriously, especially when considering efforts to reform legislation and/or respond to accusations of sexual violence, even when these positions are engulfed by competing notions of truth, expressions of hatred, and problematic assumptions regarding gender, race, and class (Mopas & Moore, 2012). The question then becomes, can collectively felt, publicly expressed emotions regarding sexual violence contribute to progressive social and/or legal reforms that would better recognize and take efforts to counter gendered forms of inequality? We believe so, and henceforth offer a discussion of some of the potential implications of these viewpoints.

Following Wheatcroft and Walklate (2014), we advocate for the use of a case formulation model with respect to sexual violence, which “premises belief as its opening gambit. This method would aim to disprove the ‘believability hypothesis’ model rather than using disbelief as the general framework from the outset” (p. 246). Moreover, a case formulation approach “allows for more than mere description, diagnosis, or statistic” by seeking a contextual explanation that “identifies origins of the problems and addresses individual need, thus minimising the potential for the aggravating influence of myth and stereotype” (Wheatcroft & Walklate, 2014, p. 246). This is particularly important given the patriarchal cultural context and traditions that structure our social and legal institutions (Heberle & Grace, 2008; Machado et al., 2010; Spohn & Tellis, 2012, 2014). We contend that one potential way to combat the influence of patriarchal norms and bolster a case formulation model is by moving toward an integrative consideration of the role of emotions and how they both structure and emerge from legal practices and outcomes. Reflecting the emotional narratives that we uncovered in the data, and how they

worked to unify and collectivize groups on both sides of the debate, we suggest that emotions can be redirected in such a way that they can promote a more conciliatory and effective justice system.

The adversarial nature of the legal system promotes problematic dichotomies – guilty/innocent, victim/perpetrator, and credible/unreliable testimonies, to name but a few. This means that due process, as it currently functions, fails to encourage expressions of guilt and remorse that might jeopardize one's defence (Greer & McLaughlin, 2012; Gurnham, 2016; Kilty & Crépault, forthcoming; Kilty & Frigon, 2016). While Lady Justice is conceptualized as impartial and emotionless, we know that emotions structure criminal justice proceedings as well as public responses to certain cases and their outcomes (Greer & McLaughlin, 2011; Kilty & Crépault, forthcoming; Kilty & Frigon, 2016), which is why we suggest that a better way to reconcile competing claims of truth is for healing to be the goal, rather than only punishment and incarceration. This approach can improve judicial accountability, as an agreed upon truth of the events is typically required (Daly, 2006; Daly et al., 2013).

However, a system that permits a critical exploration of the emotional impacts of crime and punishment must be one that recognizes how intersectional markers of difference (i.e., gender, race, class, ableism, sanism, ageism, and so on) (Heberle & Grace, 2008; Salter, 2016) create power relationships that drive both violence against women and our legal and cultural responses to it. As feminist scholars advocate, we must centre what counts as gendered violence within the patriarchal and racialized cultural context that gives rise to and reinforces those acts and expressions of violence (Machado, et al., 2010; Richie, 2012; Walklate, 2014). As Walklate (2014, p. 75) writes, “[c]entring patriarchy determines the what, how and who questions in relation to such violence and clearly puts men and their behaviour on the academic and policy agendas.” Feminism's longstanding ability to engage in self-reflexive critique can be mobilized to encourage social and cultural reflection about the commonplace nature of gendered violence (Heberle & Grace, 2008) and the problematic gendered and racialized assumptions that blame victims, accuse women of making false allegations, and characterize women as manipulative liars looking to execute revenge fantasies against innocent men.

Beyond engaging in a theoretical discussion about the role of emotions in relation to the data set, our reading of the Twitter content offers an important finding about the nature of online social media communication platforms. Notably, that despite popular claims that social media is creating a more intolerant and divisive politics, society and culture (Berenger, 2013), these mediums do have the potential to act as a unifying force (Pavan, 2017), promoting a sense of emotional connection and collectivity by way of active, albeit sometimes hostile, participation in debate and discussion about contemporary examples and historical forms of social injustice. Although we found tweeted content on both sides of the spectrum, which critics might argue is demonstrative of the divisive us-versus-them politics social media reifies, our analysis demonstrates that a more coherent synthesis of views is possible. What we found most interesting and hopeful were the points of convergence in the narratives created by what, at first glance, appear to be two opposing sides. For example, many verdict supporters acknowledged that the criminal justice system is flawed and that it routinely fails victims of gendered violence while also professing support of and belief in due process and the need to protect the presumption of innocence.

We found that the hashtag #Ibelievesurvivors, which emerged in relation to the Ghomeshi case, was taken up and interpreted in different ways by verdict supporters and protesters. While verdict protesters used this hashtag as a way to (unknowingly) promote some of the principles outlined in Wheatcroft and Walklate's (2014) case formulation model — including beginning a criminal investigation into sexual assault with the premise that the accuser is to be believed rather than from the position of trying to discredit their claims — verdict supporters were skeptical that this would threaten due process. The problematic here is that it is very difficult to craft a nuanced commentary about a complex issue that different groups of people will be able to empathize with, in 140 characters. Perhaps the biggest critique of Twitter as a medium is that the limited character structure facilitates visceral emotional content production, which can be simultaneously divisive and unifying, rather than more tempered argumentation. However, accepting that adversarial criminal justice does not inherently protect due process, and in some cases can actu-

ally hinder it, our call to incorporate an integrative consideration of emotions offers a pathway toward a more progressive, intersectional approach to doing justice. Empathy, after all, stimulates mutual understanding and opens up lines of communication between groups who might otherwise only feel and express anger toward and contempt for one another, which is necessary if healing is centred as one of the core goals of justice.

Notes

1. There is tension regarding the most appropriate terminology to describe people who have experienced sexual violence; while victim is most common, some suggest that the term survivor communicates a more positive connotation that moves away from the stasis of a victim identity (Kelly et al., 1996).
2. A complainant is a person who brings forth a formal complaint in a court of law; in this case, the complainants were the women who accused Jian Ghomeshi of sexual violence.
3. Avery was the subject of the Netflix 10-episode documentary *Making a Murderer*, which examines allegations of police and prosecutorial misconduct, evidence tampering, and witness coercion.

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