POST OR PROSECUTE? FACEBOOK, THE CRIMINAL JUSTICE SYSTEM AND SEXUAL ASSAULT VICTIMS' NEEDS

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In recent years, social media have become a dominant arena for sexual assault victims to participate in the discourse on sexual violence and the social response to it. This collaborative discourse space allows victims of sexual assault to reveal their stories of victimization and stimulate public discourse about the (dys)function of the criminal justice system. This Article explores empirically, for the first time, how sexual assault victims who participated in the online discourse on Facebook about sexual assault perceived the capacity of social media to meet their needs compared to that of the criminal justice system. Findings are based on 499 responses to an online survey circulated on Israeli Facebook pages in 2016, the year before the launch of the #MeToo movement. The survey asked respondents to rank the subjective relative importance of eighteen potential therapeutic, criminal justice-related, personal, and social needs of sexual assault victims. It also asked respondents whether Facebook and the criminal justice system have the potential capacity to address each of the eighteen needs.

Findings show that, generally, the level of appreciation of the criminal justice system was low and that it was perceived as unable to adequately address any of their needs. Its capacity to address therapeutic needs was perceived as lowest, but respondents reported that the criminal justice system was incapable of addressing even needs that are at the heart of the criminal justice enterprise and directly relate to its formal goals, such as incapacitation, deterrence, and severe punishment. By contrast, most respondents perceived Facebook as capable of providing adequate responses to therapeutic needs. Comparison of the scores achieved by each mechanism shows that the perceived capacity of Facebook to address victims' needs was valued higher than that of the criminal justice system in thirteen of eighteen needs, most of them therapeutic. The only needs that the criminal justice system was perceived to address better than Facebook were those associated with the assailants' accountability. We also checked whether social media and the criminal justice system substitute or complement each other and found a moderate level of complementarity between them. Overall, the perceived weighted capacity of Facebook to address the needs of victims was more than twice that of the criminal justice system. The gaps in how victims appreciated the different ways in which the two mechanisms met their needs shed light on the forces underlying the #MeToo movement.

Findings also reveal that neither channel can fully address the needs of sexual assault victims. Each mechanism appears to meet some needs better than the other and to have its relative limitations. Victims deserve more than one path available to justice. Our findings show that instead of renouncing the criminal justice system as a relevant arena where victims can seek justice, we should reexamine how to improve its performance for victims by learning some lessons from social media platforms.

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I.   INTRODUCTION

With growing awareness of the limitations of the criminal justice system and the high levels of distrust in it,[1] in recent years, alternatives to the adversarial punitive criminal justice process have emerged both within and outside the legal system. Among other alternative, community-based justice platforms, social media has become a dominant arena for sexual assault victims to participate in the discourse on sexual violence and the proper social responses to it.

In recent years, there has been an increase in the use of social media worldwide as platforms for sexual assault victims seeking justice.[2] Even before the outbreak of the #MeToo movement, various online platforms have created collaborative discourse spaces that allowed victims of sexual assault to reveal their stories of victimization. On these sites, victims can share with the public the harm they suffered and the consequences of sexual assault for their lives, stimulate public discourse on the (dys)function of the criminal justice system, and at times also "punish" the alleged assailants online, without having initiated a legal process or in addition to it.[3] Testimonies that appear on Facebook pages suggest that some of the victims chose this platform to supplement therapy, rape crisis

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1.   Some reject using the term "criminal justice system" and suggest using an alternative term, such as "criminal legal system" or "criminal injustice system." There are various reasons for the high level of distrust in the punitive, adversarial criminal justice system. Critics point out its inefficiency (high cost-low benefit), ineffectiveness in reducing crime (either by deterrence or rehabilitation), inhumanity toward crime victims as well as lawbreakers, racism, and arbitrariness. For a discussion of the various critiques, see generally, for example, Hadar Dancig-Rosenberg & Tali Gal, *Restorative Criminal Justice*, 34 CARDOZO L. REV. 2313, 2314–15 (2013).

2.   We use the term "victims" throughout the Article to refer to women and men who were sexually assaulted. This term emphasizes the harm that was imposed on them by the assailant and the damages that the assault created in their lives. Some have criticized the use of this term, pointing out the stigmatization that it might create by stressing the weak and vulnerable sides of those being sexually abused. Such critics prefer to use the term "survivors" to emphasize the bravery and resilience, rather than helplessness, of those who were assaulted following the trauma they experienced. We respect each of these terms and recognize the importance of letting victims/survivors themselves decide which terms apply to them. In this Article, we chose to use the term "victim" for reasons of simplicity and consistency. In another article in this series, which explores victims' perceptions of using the practice of shaming their assailants online, we used the term "survivors." This is to say that no normative preference underlies these choices. For an analysis of the pros and cons of using each of the terms, see generally Hadar Dancig-Rosenberg & Noa Yosef, *Crime Victimhood and Intersectionality,* 47 FORDHAM URB. L.J. 85 (2019).

3.   For analyzing the function of social media as an alternative, informal platform for the healing of sexual assault victims and the shaping of public discourse on sexual violence, see, for example, Anastasia Powell, *Seeking Rape Justice: Formal and Informal Responses to Sexual Violence Through Technosocial Counter-Publics*, 19 THEORETICAL CRIMINOLOGY 571, 573 (2015); Lena Wånggren, *Our Stories Matter: Storytelling and Social Justice in the Hollaback! Movement*, 28 GENDER & EDUC. 401, 406 (2016); Bianca Fileborn, *Justice 2.0: Street Harassment Victims' Use of Social Media and Online Activism as Sites of Informal Justice*, 57 BRIT. J. CRIMINOLOGY 1482, 1485–86 (2017).

centers, or the criminal justice system. Other victims turned to social media after their expectations of obtaining relief from the criminal justice system were disappointed or because they did not trust the legal system in the first place.

In all these cases, social media appeared to function not only as a space where those who have experienced sexual abuse could heal but also as a means to circumvent the classic gatekeepers who shape the public discourse on sexual assault, including legal actors. The emerging virtual platforms raise questions about the promise they offer to victims, community members, and society as a whole, especially in comparison with the formal, state-based criminal justice system. They also raise questions about the perils and risks they entail.

This Article is part of a series in which we report the findings of a large empirical project that explored the role of social media as an alternative or complementary justice mechanism for sexual assault victims.[4] In the large project, we explored the victims' perceptions of the potential of social media, both separately and in comparison with the criminal justice system, to function as an effective justice mechanism. We compared the victims' motivations and reasons for turning either to the online channels or the criminal justice system. We investigated the emotional processes that victims experienced when participating in the online discourse on sexual assault compared to those they faced in the course of the criminal process. We explored the positive and negative consequences of online participation compared to those of participation in the criminal process, the victims' attitudes toward shaming their assailants online, and their justifications for doing so or refraining from it.

The research question at the heart of this Article concerns the perceived capacity of social media to address sexual assault victims' needs compared to that of the criminal justice system. We chose to focus on the victims' needs based on Howard Zehr's claim that "justice begins with needs."[5] As Zehr put it, justice "[must] begin by identifying and seeking to meet human needs. With crime, the starting point must be the needs of those violated."[6]

Previous studies focused mainly on measuring victims' satisfaction with justice mechanisms or their therapeutic/anti-therapeutic consequences. Kathleen Daly suggested reconceptualizing research questions that had so far focused on these issues.[7] She suggested asking: "Does a justice mechanism have the capacity to address one or more of victims' justice needs (or interests), and to what extent does it do so?"[8] This study took on this challenge and went one step further. Rather than measuring *whether* each mechanism separately is capable of

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4. By referring to social media as a potential mechanism for achieving justice, we do not refer to its technical, algorithmic features only but mostly to the community- and social-oriented activities that it allows, which create spaces for victims to share, communicate, respond, and interact with one another. *See generally* Hadar Dancig-Rosenberg & Anat Peleg, *Online Shaming and the Power of Informal Justice*, HARVARD J. L. & GENDER (forthcoming 2024).

5. HOWARD ZEHR, CHANGING LENSES: A NEW FOCUS FOR CRIME AND JUSTICE 191 (1990).

6. *Id.*

7. Kathleen Daly, *Reconceptualizing Sexual Victimization and Justice*, *in* JUSTICE FOR VICTIMS: PERSPECTIVE ON RIGHTS, TRANSITION AND RECONCILIATION 378, 387 (Inge Vanfraechem, Anthony Pemberton & Felix Mukwiza Ndahinda eds., Routledge 2014).

8. *Id.*

meeting the victims' needs, it explored, for the first time, the *perceived relative capacity* of two mechanisms—the criminal justice system and Facebook (representing the social media platform)—to do so, from the victims' perspective. By juxtaposing the perceived capacities of the two mechanisms to satisfy the needs of sexual assault victims, we learned about the relative strengths and weaknesses of each mechanism and the extent to which they address the victims' needs.

Our findings are based on 499 responses to an online survey we circulated on Israeli Facebook pages. The data were collected between July and December 2016, the year before the launch of the #MeToo movement. Respondents were self-reported sexual assault victims who had been participating in the online discourse on Facebook about sexual assault. The survey consisted of three main parts. The first part included sociodemographic information about the respondents, details relating to the sexual assault they experienced, details about the forms and patterns of participation in the online discourse about sexual assault, and information about the respondents' contact with the criminal justice system following the assault. The second part focused on respondents' perceptions of the relative importance of eighteen potential needs of sexual assault victims. The list of needs was assembled based on the literature and included various therapeutic, criminal justice-related, personal, and social needs. The third part explored the respondents' perceptions of the potential capacity of Facebook and the criminal justice system to address each of the needs listed in the second part. We asked respondents to rate each of the eighteen needs on a 5-point scale ranging from 1 (lowest importance) to 5 (highest importance). Finally, we asked them to indicate, with a binary response option, whether each mechanism has the potential capacity to address each of the eighteen needs.

Findings show that, generally, the level of appreciation of the criminal justice system was low. Most respondents believed that the criminal justice system was unable to adequately address *any* of their needs and that its capacity to address their therapeutic needs was lowest. More worrisome, however, was that participants perceived that the criminal justice system was incapable of addressing even needs at the heart of the criminal justice enterprise and directly related to its formal goals, such as incapacitation, deterrence, and severe punishment. By contrast, most respondents perceived Facebook as capable of providing adequate responses to eight needs, mostly the therapeutic ones. Comparison of the scores achieved by each mechanism shows that the perceived capacity of Facebook to address victims' needs was valued higher than that of the criminal justice system in thirteen of eighteen needs. The only needs that the criminal justice system was perceived to address better than Facebook were those associated with the assailants' accountability: severe punishment, incapacitation, and compensation. Overall, the weighted capacity of Facebook to address the needs of victims was more than twice that of the criminal justice system.

Despite the lower appreciation that the criminal justice system received than Facebook, our findings show that neither justice channel can fully address the needs of all sexual assault victims. Each mechanism appears to meet some needs better than the other and to have its relative limitations. Victims deserve

more than one path to justice available to them. Thus, our findings show that instead of renouncing the criminal justice system as a relevant arena where victims may seek justice, we should reexamine how to improve its performance for victims by learning some lessons from virtual channels. From a wider public perspective that exceeds the victims' individual interests, the ability of the criminal justice system to meet its public objectives in addressing sexual abuse depends on the willingness of victims to cooperate with the system. Therefore, in the face of competing platforms, the criminal justice system must increase its efforts to serve as a relevant alternative for victims. Such efforts may include addressing the emotional aspects of victims' participation in the criminal justice process—for example, by integrating social workers at police stations and in the courtroom to support victims throughout the process and make it more accessible. Social media platforms can also be used as a resource for learning about victims' wishes, expectations, and experiences and even for collecting evidence.

Our study presents the perspective of sexual assault survivors in Israel, a country whose criminal legal system is largely based on the Anglo-American legal culture.[9] Similarly to other Anglo-American jurisdictions, the Israeli criminal justice system is based on the principles of the rule of law and the protection of individual rights.[10] The criminal justice process in Israel is adversarial, where the parties to the process are the State and the accused/defendant. Crime victims are not formal parties and have limited participation rights.[11] Most criminal cases end in pleas.[12] At the same time, there are differences between the U.S. and Israeli criminal justice systems stemming from structural, cultural, and social factors. For example, the Israeli system is national and centralized; appointed professional judges are the sole decision-makers; and mandatory social security provides access to some welfare services to individuals.[13] By contrast, in the U.S., the criminal justice system is decentralized; juries are involved in criminal decision-making alongside elected judges; and social welfare services are not accessible to all.[14] Another difference concerns the punitive orientation of the two systems. Although the Israeli penal code, which originated in English law, determines retribution as the leading principle in punishment,[15] incarceration rates and severity of punishment in Israel are typically lower than those for the same

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9.   Some characterize Israel as a mixed jurisdiction in many aspects. *See, e.g.*, Eliezer Rivlin, *Israel as a Mixed Jurisdiction*, 57 MCGILL L.J. 781, 781 (2012) ("Historically, during the time of the Ottoman Empire, the land of Israel was ruled by Turkish law, which was followed by British law during the time of the British Mandate. Today, Israel's legal system still reflects a mixture of civil law and common law.").

10.   *See id.* at 783–84.

11.   *See* Efrat Shoham & Lior Gideon, *Are Crime Victims Being Gagged Under the Israeli Criminal Justice Procedures?*, 3 INT'L J. CRIMINOLOGY & SOCIO. 5, 10–12 (2014).

12.   In 2021, 74% of the defendants whose cases ended signed plea agreements. *See* OFFICE OF THE STATE ATTORNEY, 2021 [YEAR SUMMARY 2021] 40, https://www.gov.il/BlobFolder/generalpage/prkfiles2/he/2021-year-report.pdf [https://perma.cc/WPY7-QJQZ].

13.   *See* Amnon Straschnov, *The Judicial System in Israel*, 34 TULSA L.J. 527, 527–28 (2013); Ben Weinberg, *Welfare State of Exclusion*, JEWISH CURRENTS (Jan. 20, 2020), https://jewishcurrents.org/welfare-state-of-exclusion [https://perma.cc/SM28-9QD4].

14.   *See* Straschnov, *supra* note 13, at 527–28.

15.   *See* Israeli Penal Code § 40B (on file with author).

crimes in the U.S. but higher than in many Western European countries.[16] Despite these differences, this study provides some lessons that apply beyond its original geographic space. We bear in mind that the study presents the perceptions of sexual assault victims in Israel and does not purport to generalize its findings; some of the insights are relevant to other Anglo-American societies, including the U.S., and *mutatis mutandis*, to other Western democracies whose judicial systems are far removed from the adversarial one. The common features of sexual assault crimes, as well as the post-traumatic symptoms and shared consequences for victims, cross geographic borders and attest to the universal experience of sexual assault despite the idiosyncratic characteristics it may display in different societies. The shame, the self-blame, the social stereotypes, the fear of social rejection, and the hardship of rebuilding trust are only some of the features that sexual assault victims share worldwide.[17] Despite differences between legal systems, the global spread of #MeToo proves that victims of sexual assault in Western democracies share many similar misgivings with the criminal justice system, irrespective of its structure.

Our study captures the moments before the eruption of the #MeToo movement. At that time, victims already recognized the existence of two distinct forms of justice: one formal and state-managed, the other informal and community-based.[18] Eventually, #MeToo was not only an outcry against sexual assault but equally against the ineffectual way in which legal systems worldwide deal with it.[19] Naturally, it was pure coincidence that our survey was conducted a few months before the outburst of the movement, but retrospectively, our findings show how the respondents' attitudes, as revealed below, are the same ones that soon thereafter led to the extensive support that the movement enjoyed worldwide. These attitudes can be regarded as precursors to the drive that led to the #MeToo movement. They can explain, to some extent, the reasons why the #MeToo movement resonated so widely across the globe. The gaps in how victims appreciated the different ways in which the two mechanisms met their needs shed light on some of the forces and causes that underlie the #MeToo social movement.

The Article proceeds as follows. Part II discusses the various needs of sexual assault victims and the potential of the criminal justice system and social media to address them, based on past studies. Part III outlines the research method. Part IV presents our findings regarding the relative importance that victims attribute to their various needs and the relative perceived capacities of the two mechanisms, the criminal justice system and Facebook, to address these

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16. *See Incarceration Rates by Country 2023*, WORLD POPULATION REV., https://worldpopulation review.com/country-rankings/incarceration-rates-by-country (last visited July 5, 2023) [https://perma.cc/GKH3-AAP7].

17. *See* Naeemah Abrahams et al., *Worldwide Prevalence of Non-Partner Sexual Violence: A Systematic Review*, 383 LANCET 1648, 1653 (2014) ("The psychological effects of sexual violence and the high prevalence we found confirm that it is a pressing health and human rights concern requiring serious attention.").

18. *See supra* note 3 and accompanying text.

19. Leigh Goodmark, *#MeToo and the Failure of Law*, GENDER POL'Y REP. (May 22, 2018), https://genderpolicyreport.umn.edu/metoo-and-the-failure-of-law/ [https://perma.cc/4F6X-SZWP].

needs. We also describe the joint capacity of the two mechanisms to address victims' needs and the complementarity ratio between the mechanisms. Part V discusses the significance of the findings and concludes with some lessons that the criminal justice system can learn from the study.

II. SEXUAL ASSAULT VICTIMS SEEKING JUSTICE ON SOCIAL MEDIA AND THE CRIMINAL JUSTICE SYSTEM

A. Sexual Assault Victims' Needs

In the last few decades, scholars have explored various needs of crime victims in the wake of the harm they suffered. A systematic review of thirty-three empirical studies conducted between 1980 and 2009, focusing on the self-expressed needs of crime victims, identified six main clusters of needs: *emotional* (*e.g.*, initial response, support, self-recovery, apology, recognition, assistance with trauma processing, regaining control); *criminal justice-oriented* (*e.g.*, legal aid, participation or nonparticipation in the criminal justice process, needs reflected in procedural characteristics such as transparency and neutrality of the decision makers, respectful treatment, gaining a meaningful opportunity to be heard and provide input, needs reflected in outcomes such as various punishment goals—deterrence, incapacitation, retribution, material and immaterial restitution); *informational* (*e.g.*, explanations about services, processes, and optional modes of operations; information about the assailant, the crime, and the motives; access to information through translation); *practical* (*e.g.*, transportation, assistance with domestic tasks and paperwork, medical assistance); *financial* (*e.g.*, compensation, return of money, financial aid); and *basic* or *primary* (*e.g.*, immediate safety; preventing revictimization; protection of others; emergency requirements such as food, clothing, and housing).[20]

Concerning criminal legal processes, scholars have found that victims may be interested in procedural justice not less than in distributive justice.[21] The importance of the outcome notwithstanding, victims may care more about being treated fairly, sensitively, respectfully, and without bias by criminal justice officials.[22] They may feel satisfied if they believe that the police and the courts treated them with respect even if the assailant was not convicted or punished at the end of the process.[23] Perceptions of high procedural justice and legitimacy

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20. *See* Annemarie ten Boom & Karlijn F. Kuijpers, *Victims' Needs as Basic Human Needs*, 18 INT'L REV. VICTIMOLOGY 155, 160–61 (2012).

21. Procedural justice is often defined as consisting of four key elements: voice, respect and dignity, neutrality, and trustworthy motives. For a collection of studies that found connections between victims' satisfaction in the criminal justice process and procedural justice components that are unrelated to the outcomes of the process, see Malini Laxminarayan, Mark Bosmans, Robert Porter & Lorena Sosa, *Victim Satisfaction with Criminal Justice: A Systematic Review*, 8 VICTIMS & OFFENDERS 119, 120 (2013). For a study that found that victims of crime place a significant value on procedural justice in contacts with the police, see Irina Elliott, Stuart D.M. Thomas & James R.P. Ogloff, *Procedural Justice in Victim–Police Interactions and Victims' Recovery from Victimisation Experiences*, 24 POLICING & SOC'Y 588, 588 (2014).

22. *See* Laxminarayanan et al., *supra* note 21, at 131.

23. *See* Elliott et al., *supra* note 21, at 446–47.

increase the willingness of crime victims to cooperate with the police, the prosecution, and the courts.[24]

The general categories of expressed needs listed above appear to be mentioned by crime victims across almost the entire spectrum of offenses but not every victim has every need.[25] Victims reported that some needs were most urgent in the aftermath of the crime, whereas others emerged in the longer term.[26] To the best of our knowledge, almost no research has been conducted on the prioritization of needs from the victims' perspective.[27]

Victims of violent crimes appear to be more likely than those of crimes against property to report basic, primary needs related to safety and protection from the assailant.[28] In the category of violent crimes, more people need a court decision than in other categories of crime.[29] Based on an overarching review of literature on victims' needs, it also appears that victims of severe offenses express a need for emotional support, followed by a need for information, more often than do victims of less severe offenses.[30] Two categories of victims were found to have unique needs: surviving relatives of victims of homicides and victims of violence, including domestic violence and sexual assault, in particular, committed by a known offender.[31] Victims of sexual assault and those of non-sexual crime have demonstrated different coping mechanisms and punitive reactions because of different psychological consequences.[32]

Scholars have mapped and identified central categories of needs and interests that victims of sexual assault expect to have met to feel that justice has been achieved.[33] These categories include **voice**, namely being given an opportunity

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24. Tom Tyler and others have shown that when people perceive the police and the courts as acting with fairness, they ascribe more legitimacy to them and therefore are more willing to cooperate with these institutions. *See* Jason Sunshine & Tom R. Tyler, *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing*, 37 LAW & SOC'Y REV. 513, 534–36 (2003); Tom R. Tyler, *Procedural Justice, Legitimacy, and the Effective Rule of Law*, 30 CRIME & JUST. 283, 323 (2003); TOM R. TYLER & YUEN J. HUO, TRUST IN THE LAW: ENCOURAGING PUBLIC COOPERATION WITH THE POLICE AND COURTS 157 (2002).

25. *See* ten Boom & Kuijpers, *supra* note 20, at 162.

26. *Id*. at 165.

27. The only study we found is one conducted in New Zealand, in which thirty-two victims of serious crime and/or family violence whose cases had been heard in family, district, or high court ranked the three justice needs/elements (out of 13) that were most important to them. *See* PETRINA HARGRAVE, VICTIMS' VOICES: THE JUSTICE NEEDS AND EXPERIENCES OF NEW ZEALAND SERIOUS CRIME VICTIMS—RESEARCH REPORT (Victim Support New Zealand 2019). Support was most frequently cited as the most important need, ranked among the top three by more than one-third of participants (n=11), followed by voice (n = 10), and information (n = 8).

28. ten Boom & Kuijpers, *supra* note 20, at 167.

29. *Id*.

30. *Id*. at 168.

31. For example, victims of domestic or sexual violence expressed a need for the repair of relationships with the offender or with the wider community. Gender appears not to be a standard variable in research focusing on identifying the needs of specific groups of victims. The authors of the systemic review mentioned above reported that based on sporadic results, they found that women appeared to have a greater need for emotional support than men. *See id.* at 164.

32. *See* Ulrich Orth, *Punishment Goals of Crime Victims*, 27 LAW & HUM. BEHAV. 173, 183–84 (2003).

33. For a sample list of studies that explored sexual assault victims' needs, see Judith Lewis Herman, *Justice from the Victim's Perspective*, 11 VIOLENCE AGAINST WOMEN 571, 579 (2005); Daly, *supra* note 7, at 387; Haley Clark, *What is the Justice System Willing to Offer? Understanding Sexual Assault Victims/Survivors Criminal Justice Needs*, 85 FAM. MATTERS 28, 29–34 (2010); Fileborn, *supra* note 3, at 1484–85; Harry Mika,

to express their thoughts and share their experience, as they perceive it, in their own words and in a meaningful way;[34] **validation**, an acknowledgment that the victim was harmed and a feeling that her story is believed and supported by others; **recognition** of the wrongfulness of the action and **vindication,** understood as absolving the victim from any hint of blame; and **accountability of the assailants** by taking responsibility for their acts.[35] The assailants' accountability may take the form of facing social or legal consequences, being denounced by the community, admitting their acts, or apologizing for what they did. Some victims expressed their desire to see the assailants severely punished, losing their freedom and social status.[36] This desire may be framed as related to **retribution**. Others have mentioned an expectation to receive **compensation** as a financial source to use for covering expenses associated with the harm caused by the assault, but mostly to pay for therapy.[37]

There is no consensus among victims regarding **apology**. In a study of gendered-violence victims' views on justice in the aftermath of victimization,[38] Herman explained that for some victims, a sincere apology from the assailant was perceived as significant because it demonstrated that the assailant indeed assumed responsibility for the harm.[39] Other victims were interested in receiving an apology from family members, relatives, and community members who may have failed to protect them actively, passively, or by believing them.[40] In this

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Mary Achilles, Ellen Halbert, Lorraine Stutzman Amstutz & Howard Zehr, *Listening to Victims–A Critique of Restorative Justice Policy and Practice in the United States*, 68 FED. PROBATION 1, 2 (2004); Laura M. Monroe et al., *The Experience of Sexual Assault: Findings From a Statewide Victim Needs Assessment*, 20 J. INTERPERSONAL VIOLENCE 767, 772–73 (2005); Mary P. Koss, *Blame, Shame, and Community: Justice Responses to Violence Against Women*, 55 AM. PSYCH. 1332 (2000); Hadar Dancig-Rosenberg, *Sexual Assault Victims: Empowerment or Re-Victimization? The Need for A Therapeutic Jurisprudence Model*, *in* TRENDS & ISSUES IN VICTIMOLOGY 150, 150–74 (Natti Ronel, K. Jaishankar & Moshe Bensimon eds., Cambridge Scholars Publishing, 2008); Nadia Wager, *The Experience and Insight of Survivors Who Have Engaged in a Restorative Justice Meeting with Their Assailant,* 16 TEMIDA 11, 19–22 (2012); JENNIFER TEMKIN & BARBARA KRAHÉ, SEXUAL ASSAULT AND THE JUSTICE GAP: A QUESTION OF ATTITUDE (2008).

34.   *See, e.g.*, Shirley Julich, *Views of Justice Among Survivors of Historical Child Sexual Abuse: Implications for Restorative Justice in New Zealand*, 10 THEORETICAL CRIMINOLOGY 125, 130 (2006). Based on interviews with twenty-one survivors of child sexual abuse, it found that the desire to share the story in a safe forum was common to all participants.

35.   *See id.* at 129.

36.   SUSAN L. MILLER, AFTER THE CRIME: THE POWER OF RESTORATIVE JUSTICE DIALOGUES BETWEEN VICTIMS AND VIOLENT OFFENDERS 160 (N.Y. Univ. Press 2011). But Herman found that the desire of victims to see their assailant punished by incarceration was present when they feared that he would reoffend and hurt them or others. In other words, survivors did not perceive incarceration in itself as a first desired social response. *See* Herman, *supra* note 33, at 594–95.

37.   *See, e.g.*, Bruce Feldthusen, Olena Hankivsky & Lorraine Greaves, *Therapeutic Consequences of Civil Actions for Damages and Compensation Claims by Victims of Sexual Abuse*, 12 CAN. J. WOMEN & L. 66, 75–83 (2000) (reporting the results from a qualitative study, based on interviews with eighty-seven sexual assault victims who turned to the legal system to take civil action or file for compensation). Almost all respondents reported that financial goals had been secondary to therapeutic expectations. *Id.*

38.   In Herman's study from 2005, more than half the interview sample experienced sexual assault in adulthood, adolescence and/or childhood, and the other half witnessed or experienced domestic violence. Herman, *supra* note 33, at 580.

39.   *See id.* at 586–89.

40.   Feldthusen et al., *supra* note 37, at 76–77. 38% of claimants stated that they hoped to receive an apology from either the perpetrator or the responsible third parties.

case, the apology could help restore the relationships that were damaged because of the victim's feeling that she was abandoned and betrayed by the people surrounding her. Some victims regarded the assailant's apology as a manipulative strategy aimed at enlisting the sympathy of community members, thereby weakening the victim.

Another need cited by victims who turned to the legal system was **participation**, that is, the victim's ability to contribute her opinion on the assailant's case in an impactful manner.[41] Participation is often equated with giving victims a voice, but it has additional dimensions.[42] Some studies expanded on participation by including the need for information and control. **Information** includes the desire to properly assess the process and the roles of each legal player and obtain legal information about the nature of the assault.[43] Similarly to the need for participation, **control** involves a sense of power over the case and process. Some claim that this need serves to counter the loss of agency and control experienced by many victims during and following the assault.[44] Victims who turned to alternative interventions also indicated the need for **confidentiality and privacy**.[45]

In a meta-synthesis of fifty-one qualitative studies aimed to elicit the essence of healing following sexual violence as described by adults who experienced it as children or as adults, four domains of healing were identified.[46] The first is **managing memories**, which refers to the victims' need to create and organize a whole memory of the traumatic event.[47] This includes receiving explanations for what happened and why and filling memory gaps by obtaining answers and clarifications from the assailant or other people who can provide them. The second is **restoring relationships** that have been disrupted by the betrayal of trust caused either by the acts of the assailant, the failure of others to protect the victim, or inappropriate reactions to the victim's decision to disclose what happened.[48] The need to re-establish relationships includes the expectation to receive social support and acceptance nonjudgmentally.[49] The third is

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41.   *See, e.g.*, ARIE FREIBERG & ASHER FLYNN, VICTIMS AND PLEA NEGOTIATIONS: OVERLOOKED AND UN-IMPRESSED 22–23 (2021).

42.   *See, e.g.*, VICTORIAN L. REFORM COMM'N, THE ROLE OF VICTIMS OF CRIME IN THE CRIMINAL TRIAL PROCESS: FINAL REPORT 132–33 (2016) (elaborating on various forms of survivors' participation in criminal proceedings).

43.   Some studies have shown that rape victims were not always aware that what had occurred was rape. *See, e.g.*, Courtney E. Ahrens, *Being Silenced: The Impact of Negative Social Reactions on the Disclosure of Rape*, 38 AM. J. CMTY. PSYCH. 263, 271 (2006).

44.   *See* Clark, *supra* note 33, at 34.

45.   Michelle L. Munro-Kramer, Alexandra C. Dulin & Caroline Gaither, *What Survivors Want: Understanding the Needs of Sexual Assault Survivors*, 65 J. AM. COLL. HEALTH 297, 301 (2012) (exploring components of alternative campus interventions for sexual assault victims, based on interviews and focus groups with victims, healthcare providers, and advocates).

46.   *See* Claire Burke Draucker et al., *The Essence of Healing from Sexual Violence: A Qualitative Meta-synthesis*, 32 RSCH. NURSING HEALTH 366, 366, 370 (2009) (analyzing quotes from 1,219 male and female (90%) interviewees who were survivors of child sexual abuse and adult sexual assault). *See also* Wager, *supra* note 33, at 22 (combining the various interests of survivors relating to processes taking place as a result of the assault into four healing and justice needs).

47.   *Id.*

48.   *Id.*

49.   *See* Munro-Kramer, Dulin & Gaither, *supra* note 45, at 297, 301.

establishing a **sense of safety** by constructing as safely as possible a lifeworld both for the victim and for others who might be hurt in a similar way by the same assailant.[50] Some victims emphasized the need to **deter** other potential assailants to **prevent** others from experiencing the same harm.[51] As Clark's work with sexual assault victims elucidates, one of the motivations of victims to pursue justice is their desire to enhance public safety.[52] This victims' need, therefore, extends beyond the individual to the social and political levels. Feminist criminologists have pointed out the victims' desire to combat the prevalence of sexual assaults by **raising public awareness** and to **promote a broader educational and social change** in relation to sexual violence, gender hierarchies, and rape culture.[53] The fourth area of healing is **restoring the victim's self** by overcoming the propensity to engage in self-blame or adopt a self-perception of being "ruined" or "dirty."[54]

There are natural connections and synergies between the various needs, justice perceptions, and promoters of healing that scholars have identified and categorized. Overall, sexual assault victims need society to voice a clear condemnation of the wrongdoing as a way to affirm the solidarity of the community with the victim and to pass the shame on to the assailant.[55] Victims can experience recognition, validation, and vindication by having an opportunity to present their story, regain control by participating in their case (if a trial is held), and see the assailant accept responsibility (either within the criminal justice system or through alternative processes, such as restorative justice).[56] But victims of sexual assault may have different needs in different degrees. Fileborn suggested that it may be more accurate to describe victims' justice needs as existing along a continuum based on the circumstances and levels of severity of the assault.[57]

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50. *See* Wager, *supra* note 33, at 22.

51. Feldthusen, Hankivsky & Greaves, *supra* note 37, at 76. The desire to prevent re-victimization or potential victimization of other people has overwhelmingly appeared in survivors' explanations of the factors that influenced their involvement in the criminal justice system. *See* DEAN G. KILPATRICK, HEIDI S. RESNICK, KENNETH J. RUGGIERO, LAUREN M. CONOSCENTI, JENNA MCCAULEY, DRUG-FACILITATED, INCAPACITATED, AND FORCIBLE RAPE: A NATIONAL STUDY 45 (2007); *see also* Debra Patterson & Rebecca Campbell, *Why Rape Survivors Participate in the Criminal Justice System*, 38 J. CMTY. PSYCH. 191, 196 (2010).

52. Clark, *supra* note 33, at 35.

53. The desire to create social change and raise public awareness is reflected mostly in the victims' online activism, as shown in the studies of Fileborn, *supra* note 3, at 1492–93 (uncovering how disclosing experiences of street harassment represents the political practice of consciousness-raising); Carrie A. Rentschler, *Rape Culture and the Feminist Politics of Social Media*, 7 GIRLHOOD STUD. 65, 69 (2014) (arguing that young women's use of social media "produces, organizes, and deploys a capacity to respond to cultures of harassment and sexual violence"); Wånggren, *supra* note 3, at 402 (examining the use of storytelling on the *Hollaback!* site as a feminist pedagogy and consciousness-raising practice).

54. For criticizing judges for using narratives that perpetuate and increase the perceptions of victims as "ruined," see generally Maybell Romero, *Ruined*, 111 GEO. L. J. 237 (2022).

55. *See,* e.g., Clare McGlynn, *Challenging Anti-Carceral Feminism: Criminalisation, Justice and Continuum Thinking*, 93 WOMEN'S STUD. INT'L F. 1, 4 (2022); Herman, *supra* note 33, at 597.

56. *See* McGlynn, *supra* note 55, at 4.

57. Fileborn, *supra* note 3, at 1485.

B. Sexual Assault Victims and the Criminal Justice System

Almost twenty years have passed since Judith Herman, in her influential study on justice from the perspective of sexual assault victims, vividly described the traumatic encounter of victims with the criminal justice system. Herman portrayed the criminal justice system as an institution that was not designed to meet victims' needs and expectations but functioned as an apparatus antithetical to their needs. Breaking down each of the victims' needs and referring to the incompetence of the system to address them, she concluded:

> The wishes and needs of victims are often diametrically opposed to the requirements of legal proceedings. Victims need social acknowledgment and support; the court requires them to endure a public challenge to their credibility. Victims need to establish a sense of power and control over their lives; the court requires them to submit to a complex set of rules and bureaucratic procedures that they may not understand and over which they have no control. Victims need an opportunity to tell their stories in their own way, in a setting of their choice; the court requires them to respond to a set of yes-or-no questions that break down any personal attempt to construct a coherent and meaningful narrative. Victims often need to control or limit their exposure to specific reminders of the trauma; the court requires them to relieve the experience. Victims often fear direct confrontation with their perpetrators; the court requires a face-to-face confrontation between a complaining witness and the accused. Indeed, if one set out intentionally to design a system for provoking symptoms of traumatic stress, it might look very much like a court of law.[58]

Many studies have since echoed the same message, describing the "secondary victimization" victims experience when they turn to the criminal justice system.[59] In addition to failing to address the victims' needs, the system perpetuates and reinforces the feelings of alienation and loss of control created by the assault,[60] generates additional post-traumatic symptoms, and replicates the assault. The victims' experience in the criminal justice system has often been described as a "second rape"[61] and the judicial text as a "third rape." The reference to the victim as an object rather than a subject replicates the silencing she experienced in the traumatic event.[62]

In the last decades, there has been a change in social awareness of sexual assault, which has been reflected also in the legal sphere. Changes have taken place in various Western countries, both in substantive and procedural laws

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58. Herman, *supra* note 33, at 574.

59. *See, e.g.*, JULIE A. ALLISON & LAWRENCE S. WRIGHTSMAN, RAPE: THE MISUNDERSTOOD CRIME 194 (1993); Debra Patterson, *The Linkage Between Secondary Victimization by Law Enforcement and Rape Case Outcomes*, 26 J. INTERPERSONAL VIOLENCE 328 (2011); Uli Orth, *Secondary Victimization of Crime Victims by Criminal Proceedings*, 15 SOC. JUST. RSCH. 313, 321 (2002).

60. For a discussion of the criminal process as a source of trauma and re-traumatization in sexual assault cases, see Negar Katirai, *Retraumatized in Court*, 62 ARIZ. L. REV. 81, 89–92 (2020); *see also* Romero, *supra* note 54, at 269.

61. *See* McGlynn, *supra* note 55, at 5.

62. *See* Susan Ehrlich, *Perpetuating—and Resisting—Rape Myths in Trial Discourse, in* SEXUAL ASSAULT IN CANADA: LAW, LEGAL PRACTICE AND WOMEN'S ACTIVISM 389, 390 (Elizabeth A. Sheehy ed., 2012).

regarding sex crimes and victims' rights.[63] But cases of sexual assault have remained significantly underreported to law enforcement agencies worldwide,[64] and one of the reasons for not turning to the criminal justice system is the lack of trust in it.[65] Despite some legal attempts to amend the law and make accommodations based on a better understanding of the psychosocial aspects of sexual assault, victims keep reporting unsatisfying and even traumatic experiences in the criminal justice process.[66]

A few main difficulties recur in the testimonies of victims who have participated in the criminal justice process: exclusion and loss of control, fear, and unfairness.[67] Regarding exclusion, many were surprised to discover that their role in the process was marginal, and despite the enormous effect of the sexual assault on their lives, the main focus of the criminal justice process was on the defendant, not on the victim's needs, wishes, or concerns.[68] Their marginal role in the trial, as witnesses only, creates a sense of alienation and loss of control and a feeling of being betrayed.[69] In particular, victims often felt that they lacked a meaningful opportunity to make their voices heard in the criminal justice process.[70] Even when they were ostensibly allowed to have their say in court, for

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63. *See, e.g.*, FED. R. EVID. 412; Criminal Code, R.S.C. 1985, c C-46, § 276(1) (Can.). In Israel, in the last decade, there has been growing awareness of sexual violence as a social phenomenon. Some changes in legislation and case law reflect greater sensitivity and awareness of the psychosocial aspects of sexual trauma and the way they affect victims' behavior. *See, e.g.*, § 354, Panel Law, 5737-1977 (Isr.).

64. *See, e.g.*, U.S. DEP'T OF JUST., CRIMINAL VICTIMIZATION, 2016: REVISED, 7 (2018) (a study by The USA National Crime Victimization Organization, revealing that of the 323,450 sexual assaults against individuals aged twelve years or older that were reported to the organization, only 23% were reported to the police); Catherine M. Reich, Gwendolyn D. Anderson & Richard Maclin, *Why I Didn't Report: Reasons for Not Reporting Sexual Violence as Stated on Twitter*, 31 J. AGGRESSION, MALTREATMENT & TRAUMA 478, 478 (2021) (estimating a reporting rate in the range of 10% to 37%); Bonnie S. Fisher, Leah E. Daigle, Francis T. Cullen & Michael G. Turner, *Reporting Sexual Victimization to the Police and Others: Results from a National-Level Study of College Women*, 30 CRIM. JUST. & BEHAV. 6, 24 (2003) (reporting that only 2.1% of 4,466 female college students reported their sexual victimization to the police); ASS'N OF RAPE CRISIS CTRS. IN ISRAEL, AN ANNUAL REPORT 22, 28 (2017) (reporting that only 13.7% of the victims who turn to rape crisis centers also choose to report to the police, and that approximately 84% of the complaints filed to the police end with no charges); Shana Conroy & Adam Cotter, *Self-Reported Sexual Assault in Canada, 2014*, STAT. CAN. (July 11, 2017), https://www 150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/14842-eng.htm [https://perma.cc/WV9Y-5JMQ] (noting how according to the 2014 General Social Survey on Victimization, more than 83% of sexual assault incidents were not reported to the police); *Sexual Offences in England and Wales Overview: Year Ending March 2020*, OFF. FOR NAT'L STAT. (Mar. 18, 2021), https://www.ons.gov.uk/peoplepopulationandcommunity/crimeand justice/bulletins/sexualoffencesinenglandandwalesoverview/march2020 [https://perma.cc/4JU7-JWAE] (stating that fewer than 16% of female victims and fewer than 19% male victims of sexual assault by rape or penetration aged sixteen to fifty-nine years reported it to the police).

65. Reich, Anderson & Maclin, *supra* note 64, at 486. Based on a recent analysis of 469 Twitter tweets concerning reasons for not reporting, 5% of the victims preferred not to report because of a lack of trust in the legal system and a belief that no action would be taken on their behalf. Fisher and colleagues found that 28.6% of 4,466 female college students who were sexually assaulted stated that they feared the police would not think the assault was serious enough, and another 10.8% feared being treated with hostility by the police or other agents of the criminal justice system. *See* Fisher, Daigle, Cullen & Turner, *supra* note 64, at 27.

66. *See* HARGRAVE, *supra* note 27, at 2.

67. These three key barriers to justice are not special to sexual assault victims but were reported also by victims of other crimes. *See id.*

68. Monroe et al., *supra* note 33, at 767; Herman, *supra* note 33, at 581.

69. HARGRAVE, *supra* note 27, at 4.

70. *See, e.g.*, Clark, *supra* note 33, at 34.

example through victim impact statements, at times, this opportunity felt token-istic[71] because it was constructed and mediated by a specified system of substantive and evidentiary rules, leading to a significant gap between victims' "authentic" voice and the "processed" voice considered admissible.[72]

Fear was also reported to be a key barrier for victims in the criminal justice system,[73] and victims expressed deep apprehension about engaging with it. First, they feared for their physical safety, especially provoking the assailant's retaliation by initiating contact with law enforcement.[74] Second, they feared for their emotional and psychological wellbeing, given the potential encounter with the assailant during the criminal process, the stress of being intimidated in court, and the anxiety that their reputation would be damaged in the course of an insensitive and humiliating police investigation or cross-examination.[75] Studies have confirmed that these fears were grounded in reality; victims commonly suffer from what they describe as insensitive and disrespectful treatment by criminal justice officials.[76] Third, they also feared that at the end of the day, despite investing enormous energies and personal resources, they would feel that justice had not been achieved in their case.[77]

The gap between victims' expectations and the reality they face in their encounters with the criminal justice system generates feelings of unfairness. The criminal justice process and its outcome are focused on the defendant, the relevant question being his guilt or innocence, and all the efforts are directed at

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> In the end it was disempowering. In the end I couldn't speak my truth. There was no space to speak my truth whatsoever. And the words that I had spoken, the contexts were twisted and used to say the opposite to what I meant. So, it did the opposite. It didn't just not enable me to speak my truth, it actually spoke lies using my words.

71.   HARGRAVE, *supra* note 27, at 2. *See also* Kim ME Lens et al., *Delivering a Victim Impact Statement: Emotionally Effective or Counter-Productive?*, 12 EUR. J. CRIMINOLOGY 17, 27 (2014).

72.   Dancig-Rosenberg, *supra* note 33, at 158.

73.   HARGRAVE, *supra* note 27, at 2; FREIBERG & FLYNN, *supra* note 41, at 20–21.

74.   *See* HARGRAVE, *supra* note 27, at 2.

75.   *See id.*

76.   *See, e.g.*, Richard B. Felson & Paul-Philippe Pare, *Gender and the Victim's Experience with the Criminal Justice System,* 37 SOC. SCI. RSCH. 202, 202 (2008) (comparing sexual and physical assault victims' dissatisfaction with police treatment and showing that the former were more dissatisfied with police treatment because they did not think that the police showed sufficient sensitivity); Rebecca Campbell, *Rape Survivors' Experiences with the Legal and Medical Systems: Do Rape Victim Advocates Make a Difference?* 12 VIOLENCE AGAINST WOMEN 30, 30 (2006) (reporting that rape survivors who dealt with the police without the aid of a rape victim advocate commonly indicated that police officers were reluctant to take their report, told them that their cases were not serious enough to pursue further, asked them about their prior sexual history, and asked them whether they had responded sexually to the rape; after their contact with the legal system, most rape victims reported experiencing multiple types of distress); Hadar Dancig-Rosenberg & Anat Peleg, *Emotion Processing of Sexual Assault Survivors in Criminal Proceedings and on Facebook*, 3 LAW, SOC'Y & CULTURE 343, 378 (2020) [Heb.] (describing, based on in-depth interviews with sexual assault victims who decided to report their case to the police, their emotional experiences during the criminal justice process and during online participation; most of the victims reported negative emotional experiences during the criminal justice process, which created feelings of shame and self-blame, anxiety and fear, frustration and anger, disappointment and despair); Patterson, *supra* note 59 (revealing, based on interviews with twenty rape victims who reported the rape to the criminal justice system, many forms of secondary victimizations in cases that were not prosecuted).

77.   But fear has also been found to be a motivating factor for engaging in the justice system. Some felt a duty to report in light of fear for their and their community's safety. *See* HARGRAVE, *supra* note 27, at 2.

proving it according to legal definitions and rules. The adversarial structure of the Anglo-American criminal justice process constructs the legal discourse in a way that expropriates the story of victimization from the victim. The psychosocial complexity of sexual assault increases the feeling of unfairness that victims experience. Sexual assault victims differ from victims of other crimes in that there are almost no other crimes that lead to such intense feelings of shame and self-blame as sex crimes.[78] The shame of victims is so internalized that it might permeate everything they say about what has happened to them, especially in the intimidating and hostile atmosphere of a courtroom, where they are expected to testify with assurance, clarity, and coherence.[79] The requirement for coherence leads to a certain preference for simple and consistent stories, whereas the stories of sexual assault victims naturally tend to be complex and often confused.[80] Feminist scholars pointed to the difficulty in mediating between the criminal law, which is characterized by simplistic thinking and relies on a dichotomous presentation of situations, and stories of sexual assault, which are characterized by emotional complexity.[81] The dichotomous nature of the legal discourse, which is also manifested in its fundamental perceptions and evidentiary rules, makes it difficult for victims and community members to assimilate the confusing message conveyed by an acquittal of a defendant, even when the complainant is credible and trustworthy. The disparity between what is perceived as "factual truth" and what is considered to be the "legal truth" creates an unacceptable discrepancy in the eyes of victims; this is how lack of fairness looks.

Yet, although much of the literature paints a gloomy picture of the capacity of the criminal justice system to meet victims' needs, for some victims, turning to the criminal justice system and initiating a criminal process against their assailant constitutes a positive experience and fulfills, at least partially, some of their desires. Some victims have indicated, consistent with their need for participation, that involvement in the criminal proceedings against their assailant had a therapeutic effect. For example, Yanay's research demonstrates that some victims perceived talking about their trauma in court as a significant step that made them feel that justice had been done.[82] One victim explained that for him, the court decision functioned as a formal confirmation that he, indeed, was abused by the assailant.[83] Others described that it was important for them that the court

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78. *See* Karen G. Weiss, *Too Ashamed to Report: Deconstructing the Shame of Sexual Victimization*, 5 FEMINIST CRIMINOLOGY 286, 286 (2010); Dancig-Rosenberg, *supra* note 33, at 160.

79. Dancig-Rosenberg, *supra* note 337, at 160.

80. Mary I. Coombs, *Telling the Victim's Story*, 2 TEX. J. WOMEN & L. 277, 290–91 (1993).

81. *See, e.g.*, Katharine K. Baker, *Gender and Emotions in Criminal Law*, 28 HARV. J.L & GENDER 447, 466 (2005); Hadar Dancig-Rosenberg & Dana Pugach, *Pain, Love, and Voice: The Role of Domestic Violence Victims in Sentencing*, 18 MICH. J. GENDER & L. 423, 448–49 (2012). *See generally* Deborah Tuerkheimer, CREDIBLE: WHY WE DOUBT ACCUSERS AND PROTECT ABUSERS (2021) (explaining how the legal system is structured to dismiss sexual assault victims).

82. Uri Yanay, *An Innovation in Criminal Law: Sexual Assault Victim Impact Statement*, *in* TRENDS IN CRIMINOLOGY: THEORY, POLICY AND PRACTICE 264–66 (Meir Hovav, Leslie Sebba & Menachem Amir eds., 2003).

83. *Id.* at 256.

defined them as victims and laid the blame on their assailants.[84] By making this clear distinction, the court helped them rid themselves of their self-blame and the confusion they might have felt regarding what had happened to them.[85] The study by Elliott, Thomas & Ogloff, based on in-depth interviews with victims, revealed that "validation of victimisation [sic] experiences by the police was beneficial in addressing the negative psychological consequences of crime by giving victims a sense of closure, empowerment, and making them feel safer."[86] Some sexual assault victims who were interviewed in that study indicated that the way the police responded to them had a powerful effect on their wellbeing.[87]

Turning to the formal legal system can facilitate a transition from merely speaking about the harm to an experience of action and agency. For some victims, making their voice heard in the criminal process, especially in court, can be a meaningful way of obtaining social recognition of the injustice caused to them.[88] Some victims perceived the court as the entity that represents society.[89] Having lost their trust in their fellow citizens following the sexual assault and often feeling betrayed by a society that failed to protect them, they believed that the court had the power to restore trust by putting things right and relieving victims of the responsibility for the harm caused to them.[90] Barbara Hudson argued that "formal criminal justice is still the recognized way of demonstrating that society takes something seriously."[91] The court was perceived as the authority confirming that something serious had happened and that someone else was accountable for the harm.[92]

C. Sexual Assault Victims and Social Media

In the last few years, even before the emergence of the #MeToo movement, social media has created supportive spaces worldwide where survivors can share their testimonies of sexual victimization and describe the ongoing effect of sexual violence on their lives.[93] Emerging work in this field has pointed to the potential and the limitations of online forums to address victims' needs.

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84. *Id.*

85. *Id*.

86. *See* Elliott, Thomas & Ogloff, *supra* note 21, at 588.

87. *See, e.g.*, *id*. at 597. The testimony of participant #98: "It was empowering experience, telling and being heard by police, I felt validated, respected;" and of participant #15:

> [The police] acknowledged it was a crime as before everyone including my family ignored that, and although the case did not proceed, I got closure because of the way police treated me: my nightmares gone, I have started exercising, eat better, my social relationships improved, I feel happy that I can go on with my life.

88. Edna Erez, *Who's Afraid of The Big Bad Victim? Victim Impact Statements as Victim Empowerment and Enhancement of Justice*, 1999 CRIM. L. REV. 545, 551.

89. Barbara Hudson, *Restorative Justice and Gendered Violence: Diversion or Effective Justice?*, 42 BRIT. J. CRIMINOLOGY 616, 629 (2002).

90. *Id.*

91. *Id.*

92. *Id*.

93. *See* Sophie Sills et al., *Rape Culture and Social Media: Young Critics and a Feminist Counterpublic*, 16 FEMINIST MEDIA STUD. 935, 937 (2016); Michael Salter, *Justice and Revenge in Online Counter-Publics: Emerging Responses to Sexual Violence in the Age of Social Media*, 9 CRIME, MEDIA, CULTURE 225, 229 (2013).

On the one hand, social networks have been described as a mechanism situated somewhere between the state and the community that can function as a platform for achieving **informal justice** for victims.[94] Studies have described how online forums have become sites of **healing and recovery** for some victims.[95] By sharing their experience and using their own narratives, as part of a discourse that often takes place in a supportive environment, victims are able to make their **voices** heard and obtain **recognition** and **validation** by those who believe them. This helps relieve their feeling of shame and self-blame and makes them feel that they are "not alone."[96] Sharing personal stories and responding to others helps **process the trauma** and receive an **immediate response** to emotional, therapeutically-oriented needs without having to pass the classical gatekeepers of public discourse, such as legal agents and journalists.[97] Several recent studies have shown that participating in #MeToo and related social movements has assisted victims by building communities of **support** and solidarity.[98]

The technosocial features of social media, such as accessibility and interactivity, the asynchronous nature of online communication, and the possibility to control the content, have increased the ability of victims to participate as active players.[99] By using their narratives, **receiving information**, choosing how to respond (if at all), and even closing their account and shutting down their participation when they so desire, victims have made social media into a platform where they can exercise their agency and **regain control** after losing it in the course of the traumatic event.[100] The various forms of participation (reading passively, commenting on others' posts, or sharing personal testimonies) and the types of channels available to victims (private or open forums, requiring disclosure of the assailant's identity or not)[101] allow victims to find the outlet that fits their needs. Some victims have indicated that their online participation initiated a process of **self-empowerment** in which they became mentors to others.[102] By supporting others, they found meaning in what they have experienced,

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94.   Powell, *supra* note 3, at 573.

95.   *See* Mindi D. Foster, *Tweeting About Sexism: The Well-Being Benefits of a Social Media Collective Action*, 54 BRIT. J. PSYCH. SOC'Y, 629, 629 (2015); Kristin K. Gundersen & Kristen L. Zaleski*, Posting the Story of Your Sexual Assault Online: A Phenomenological Study of the Aftermath*, 21 FEMINIST MEDIA STUD. 840, 848 (2021) (exploring, based on interviews, the motivations of twenty victims for sharing their stories of victimization online and revealing four key motivations: seeking to challenge the rape culture; seeking empowerment and voice; seeking validation; and seeking a process of healing); Powell, *supra* note 3, at 573; Fileborn, *supra* note 3, at 1483.

96.   Powell, *supra* note 3, at 581; Fileborn, *supra* note 3, at 1486; Wånggren, *supra* note 3, at 407.

97.   Rentschler, *supra* note 53, at 79; Powell, *supra* note 3, at 581; Wånggren, *supra* note 3, at 407**.**

98.   Anabel Quan-Haase et al., *Mapping #MeToo: A Synthesis Review of Digital Feminist Research Across Social Media Platforms*, 23 NEW MEDIA & SOC'Y 1700, 1707 (2021).

99.   Moors and Webber indicated that these features may make online platforms an ideal outlet for sharing stories of sexual assault victimization. Rosetta Moors & Ruth Webber, *Engaging in Cyberspace: Seeking Help for Sexual Assault,* 20 CHILD & FAM. SOC. WORK 40, 41 (2012).

100.   Gundersen & Zaleski, *supra* note 95, at 846–47.

101.   *See* Deborah Tuerkheimer, *Beyond #MeToo*, 94 N.Y.U. L. REV. 1146, 1168 (2019) (proposing a taxonomy consisting of four types of unofficial online channels for reporting sexual misconduct, categorized along two key dimensions: whether or not the accuser is anonymous and whether access to the channel is restricted or open to the public).

102.   Dancig-Rosenberg & Peleg, *supra* note 76, at 374; Gundersen & Zaleski, *supra* note 95, at 847.

discovered their path to recovery, and transformed the traumatic event into a source of growth.

Focusing on socially-oriented needs, feminist scholarship described the phenomenon of sharing sexual assault experiences online as a proper response to rape culture by challenging it "via social media that blends testimonial, advice giving, and cultures of support."[103] Through online channels, victims can achieve "epistemic justice" to counter the prejudice that sexual assault victims often face when reporting to the formal system by deliberately avoiding voicing doubts about the victims' stories and sending a message of confidence.[104] The perception of social media as a tool to combat rape culture allows individuals to build communities that act as what Nancy Fraser termed "counter-publics,"[105] where "culturally and discursively marginalized or silenced groups engage in resistant and/or critical speech that is ordinarily delegitimized and excluded from the public sphere."[106] On these forums, "justice can be a collective, rather than individual, pursuit."[107] Victims can collaborate to **increase public awareness,** reconstruct perceptions of sexual assault in the public sphere, and simultaneously meet their personally-oriented needs by providing support and a safe sharing space.[108] This collective action can lead to institutional change and reforms, and often does.[109]

Social media can also serve as an arena where victims can try to promote criminal justice-oriented needs, such as **prevention** or **deterrence**. By exchanging information, disclosing the identity of assailants (using the practice of online shaming),[110] and gathering evidence,[111] they can warn potential victims about dangerous assailants and discourage the latter from continuing their sexual violence. With the emergence of "cancel culture,"[112] which has dramatically accelerated since the outbreak of the #MeToo campaign, social media appears to have developed the capacity to fulfill the need of **incapacitating** assailants by creating a collective social and moral rejection that functions also as a form of **social punishment**.[113]

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103. A study in New Zealand analyzed the activity of seventeen online activists who were devoted to challenging rape culture and described their actions as creating online communities that counter sexism. *See* Rentschler, *supra* note 53, at 68; Sophie Sills et al., *supra* note 93, at 938, 942.

104. Tuerkheimer, *supra* note 101, at 1181.

105. Nancy Fraser, *Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy*, 25/26 SOC. TEXT 56, 67 (1990); *see also* Salter, *supra* note 93, at 226.

106. Powell, *supra* note 3, at 579–80.

107. Fileborn, *supra* note 3, at 1485.

108. Gundersen & Zaleski, *supra* note 95, at 841.

109. *See, e.g.*, Tuerkheimer, *supra* note 101, at 1184–85 (explaining a Hollywood contract clause that discusses sexual misconduct and a review of the federal judiciary sexual harassment).

110. *See* Hadar Dancig-Rosenberg & Anat Peleg, *Online Shaming and the Power of Informal Justice*, 47 HARV. J. L. & GENDER (forthcoming 2024) (drawing on twenty in-depth interviews conducted before and after the viral spread of the #MeToo movement, with sexual assault victims who have shared their stories on Facebook, uncovering both their justifications and objections to using online shaming).

111. Rentschler, *supra* note 53, at 66.

112. Pippa Norris, *Cancel Culture: Myth or Reality?*, 2021 POL. STUD. 145, 146.

113. *See* Maja Andreasen, *A Monster, a Pervert, and an Anti-Hero: the Discursive Construction of Harvey Weinstein, Kevin Spacey, and Louis C.K. in Humorous #MeToo Memes*, FEMINIST MEDIA STUD. (2022), https://doi.org/10.1080/14680777.2022.2047089 [https://perma.cc/QYU9-DCRY].

Notwithstanding the promises of social media for sexual assault victims, scholars have pointed out its limitations in addressing some of the victims' needs. Social media does not meet the therapeutically-oriented needs of all individuals or achieve vindication and self-empowerment because "not all girls and women have equal access to the support of online networks and activists."[114] Loney-Howes argued that online channels can perpetuate hierarchies and stereotypes concerning various types of rape, silencing the voices of certain groups of victims.[115] Therefore, online sites have been described as "spaces with limited or partial justice, with certain voices projected more loudly than others."[116] In a study on street sexual harassment victims, Fileborn found that for some, "disclosing online was a retraumatizing, rather than healing, experience."[117] Powell argued that there is "an inherent loss of control of one's narrative of victimization as soon as it is shared online."[118]

Studies have also warned against the risk of perpetuating gender power relations through social media discourse by degrading practices. Rape culture-based behaviors can be found in the online discourse on sexual violence.[119] At times, online platforms "extend the harm of sexual violence through further harassing, humiliating, shaming and blaming victim-survivors."[120]

Another weakness of social media concerns assailants' accountability. Informal networks "often fail to provide full or even partial accountability."[121] During the #MeToo campaign, very few assailants have accepted full responsibility by admitting, sincerely apologizing, compensating the victims, or being legally punished.[122] Those who expressed remorse usually did not sincerely apologize but were seeking to minimize their losses.[123] Some were facing consequences and had to step down from public life or quit their jobs after being "named and shamed" by victims, but often denunciation did not lead to admission of guilt or legal sanction.[124] At times, even naming alleged assailants did not lead to shaming because participants in the online discourse rallied around the accused, blaming the victims.[125] Fileborn and Powell have argued that there

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114. Salter, *supra* note 93, at 226.

115. Rachel E. Loney-Howes, *Beyond the Spectacle of Suffering: Representations of Rape in Online Anti-Rape Activism*, 33 OUTSKIRTS 1, 13 (2015).

116. Fileborn, *supra* note 3, at 1486.

117. *Id.* at 1497.

118. Powell, *supra* note 3, at 582.

119. For example, a study that analyzed Twitter tweets (n=603) involving several prominent rape cases in the U.S. found that most tweets (n=344) included victim blaming. Victim-blaming content received more retweets than content supporting the victim. *See* Megan Stubbs-Richardson, Nicole E. Rader & Arthur G. Cosby, *Tweeting Rape Culture: Examining Portrayals of Victim Blaming in Discussions of Sexual Assault Cases on Twitter*, 28 FEMINISM & PSYCH. 90, 102, 103 (2018).

120. Powell, *supra* note 3, at 579.

121. Margo Kaplan, *Reconciling #MeToo and Criminal Justice*, 17 OHIO STATE J. CRIM. L. 361, 369 (2020); *see also* Tuerkheimer, *supra* note 101, at 1150, 1187.

122. *See, e.g.*, Lesley Wexler & Jennifer K. Robbennolt, *#MeToo, Time's Up, and Theories of Justice*, 2019 U. ILL. L. REV. 45, 69–91 (2019).

123. *Id.*

124. *Id.* at 73–74.

125. Powell, *supra* note 3, at 582–83.

was a risk in conceptualizing the technosocial practices of victims in the online sphere as informal justice because it might convey a wrong message of trivialization of sexual violence and diminish the responsibility of the state to act, which for some victims is important.[126]

The literature shows that no concrete justice mechanism is optimally capable of addressing all victims' needs or is completely futile and ineffective. Each justice response has its benefits and limitations. Scholars persuasively argued that various justice mechanisms can fulfill particular justice needs of some victims, under given circumstances and at specific points in time, while failing to do so for other victims or for the same ones under different circumstances or at a different time.[127]

III. METHODOLOGY

We designed an online survey to compare the perceived potential capacities of the criminal justice system and Facebook to address sexual assault victims' needs. The survey was written and answered by the respondents in Hebrew (see Appendix 1 for a translation of the survey to English). It consisted of three main parts.[128] The first part included sociodemographic information about respondents (age, gender, education, etc.); details relating to the sexual assault they experienced (type of assault, time of assault, relation to the assailant, etc.); details about the forms and patterns of participation in the online discourse about sexual assault (shared their story of victimization, commented on posts of others, or passively read); and information about respondents' contact with the criminal justice system following the assault (reported to the police or not). The second part focused on respondents' perceptions of the relative importance of eighteen potential needs of sexual assault victims. The third part explored the respondents' perceptions of the potential capacity of Facebook and the criminal justice system to address each of the needs listed in the second part.

We chose to focus on Facebook as an informal justice platform because, in Israel, this platform has been the largest and the most commonly used during the time of data collection (today, it is the largest social platform both in Israel and worldwide).[129] Because we were seeking to compare the potential capabilities of Facebook and the criminal justice system to provide adequate responses to the victims' needs, respondents had to be familiar with both mechanisms, at least to

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126. *Id.* at 582; Fileborn, *supra* note 3, at 1497.

127. *See* Fileborn, *supra* note 3, at 1485–86; Powell, *supra* note 3, at 583; Daly, *supra* note 7, at 381.

128. The survey included a few additional questions that were not related to the research questions at the heart of this Article but to other questions that we sought to explore as part of our large project. For the sake of clarity, we included the questions on which the findings reported in this Article are based in Appendix 1. *See infra* Appendix 1.

129. *See Data on Social Media and Online Platform Use in Israel*, ISR. INTERNET ASS'N (2021), https://en.isoc.org.il/data-and-statistics/data-on-social-media-and-online-platform-use-in-israel-2021 [https://perma.cc/XQB9-JM77]. Other social media platforms that are popular in Israel are either smaller in scale or more focused on specific targeted populations or themes. For example, during the time of data collection, Twitter in Israel was dominated mostly by journalists, politicians, and public figures. Instagram has an audio-visual orientation and LinkedIn is professional and job market-oriented.

some degree. Because the criminal justice system is the traditional, mainstream justice mechanism, we assumed that respondents had some level of acquaintance with it, if not first-hand, at least based on second-hand experience. Facebook, however, as an arena for seeking justice for sexual assault victims, was a relatively new channel in Israel, not necessarily known and accessible to everyone.[130] Therefore, we aimed to distribute the survey to sexual assault victims who were Facebook users, and we defined the study population as self-reported sexual assault victims who had been participating in the online discourse on Facebook on sexual assault.[131] Retrospectively, it transpired that at least 24% (n=120) of respondents were familiar first-hand with both systems (*i.e.*, filed a complaint to the police and participated in some form of the discourse on Facebook about sexual assault).[132] During data analysis, we controlled for the "reported to the police" factor to identify differences in the perspective of the respondents but found no significant difference between those who did and did not file a complaint.

Our choice of allowing respondents to define themselves as "sexual assault victims" may have created a bias because it may have affected respondents' answers, even unconsciously, by reducing their rich and multiple identities to a main one that emphasized their victimization. But we chose to design the survey as self-report-based and to share with the respondents our choice to define the condition of "being a victim of sexual assault" as a condition for participating in the survey because we wanted them to focus on the needs that arose from their experience of victimization.

To reach the relevant study population, we chose Facebook groups and pages in Israel as the vehicle for distributing the online survey. One type of channel we used consisted of personal Facebook pages of sexual assault victims who have chosen to share their testimonies online anonymously or by identifying themselves. Another distribution channel was Facebook pages of "communities of interest," namely Facebook groups that function as platforms for public discussions about sexual assault, victimhood, feminism, and social change. Because of ethical reasons relating to the sensitivity of the study population, we avoided reaching out to potential respondents through a random sample, asking whether they had been sexually assaulted. Instead, we let them reach out to us by

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130.   In 2013, a Facebook group named "One of One" was established in Israel and soon became a popular channel for sexual assault survivors to share their stories of victimization. Later, some survivors established private Facebook pages and other online communities launched Facebook groups, which became additional arenas for an online discourse on sexual assault in Israel. *See* Judy Maltz, *The Trailblazing Israeli Movement That Predated #MeToo*, HAARETZ (Oct. 7, 2018), https://www.haaretz.com/israel-news/2018-10-07/ty-article/. premium/the-trailblazing-israeli-movement-that-predated-metoo/0000017f-e5cf-d97e-a37f-f7ef921a0000 [https://perma.cc/H2BH-L9KS].

131.   *See infra* Table 2. Note that the study sample does not necessarily represent the study population. Because of ethical constraints having to do with the sensitivity of sexual assaults, the study respondents were not randomly sampled, and therefore a selection bias might exist. But we were not able to design an effective and ethical way of producing a random sample of the population. Therefore, findings should be interpreted with caution.

132.   *See infra* Table 4. The 24% is the lower boundary of the respondents who were familiar first-hand with the criminal justice system because there may have been respondents who have had first-hand experience with it but did not file a complaint following the sexual assault they experienced.

voluntarily completing the survey that was distributed online. To minimize a potential selection bias, we diversified the channels by which we circulated the survey, asking people who have not been victims of sexual assault to share the online survey on their walls. The study was approved by the Faculty of Law Institutional Review Board of Bar-Ilan University.

IV. FINDINGS

A. Data Description

We collected data from 499 responses[133] to the online survey we circulated across Israeli Facebook pages. The data were collected between July and December 2016, the year before the launch of the #MeToo campaign. Most of the responses (74%) were completed in July 2016.

<u>Descriptive Statistics</u>

Four hundred sixty-four respondents (93%) identified themselves as female, twenty-seven (5.4%) as male, and the remaining eight (1.6%) as either nonbinary or did not indicate their gender, and 55.1% were less than thirty years old at the time of completing the survey (Table 1). We divided the types of assault into four categories that are not mutually exclusive: sexual harassment,[134] obscenity, rape/sodomy, and sexual assault within the family. Because of the special severity and characteristics of sexual assault within the family, we counted any assault within the family as relatively severe, although it is orthogonal to the other three categories. As shown in Table 2, 61% of the respondents reported that they were victims of relatively severe assaults (rape/sodomy and assault within the family).

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133. *See infra* Table 1. Originally, 546 respondents participated in the survey, twenty-one of whom did not experience sexual assault and therefore were excluded from the database. Another two respondents left all answers blank. Of the remaining 523 respondents, twenty-four were minors (less than eighteen years old) and were also excluded from the database, leaving 499 adult participants.

134. *See infra* Table 1. Since 1998, sexual harassment has constituted a criminal offense under Israeli law, with a maximum sentence of two to five years imprisonment, depending on the circumstances. *See* Prevention of Sexual Harassment Law, 5758–1998, SH 166 (Isr.), https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/asia/prevention%20of%20sexual%20harassment%20law%205758-1998/israel%20-%20prevention%20of%20sexual%20harassment%20law.pdf?vs=1712   [https://perma.cc/CQ6A-7YQM].

TABLE 1: AGE DISTRIBUTION

Age group	N	%
18-30	275	55.1%
30-40	133	26.7%
40-50	53	10.6%
50+	33	6.6%
Did not indicate	5	1.0%
Total	**499**	**100.0%**

TABLE 2: DISTRIBUTION OF TYPE OF ASSAULT

Type of offense	N	%
Sexual harassment	77	15.4%
Obscenity	113	22.6%
Rape or sodomy	189	37.9%
Sexual assault within the family	112	22.4%
Did not indicate	8	1.6%
Total	**499**	**100.0%**

We deemed the time when the assault was committed to be possibly relevant to the way victims perceived the capacity of Facebook and the criminal justice system to address their needs because of two reasons: first, victims' perspectives may have changed over time, and they may have changed their opinion about their needs and the capacity of each system to address them; second, Facebook has been in existence only for a few years at the time the data were collected, therefore by definition, it was not a relevant available platform for addressing the immediate needs of victims in the case of assaults that occurred more than eight years before the survey was conducted.

Table 3 shows that the time of the assault varies from less than a year before completing the survey to more than eight years. The variance in the time of the assault made it possible to explore the potential effect of this parameter.

TABLE 3: TIME OF THE ASSAULT

Time of assault	N	%
Less than a year	32	6.4%
1-2 years	39	7.8%
2-4 years	48	9.6%
4-6 years	43	8.6%
6-8 years	47	9.4%
8+ years	287	57.5%
Did not indicate	3	0.6%
Total	**499**	**100.0%**

The victims' practical experience in using the criminal justice system, Facebook, or both may have affected their perceptions of the capacity of these mechanisms to address their needs. Victims who reported to the police, those who published their testimony on Facebook, and those who did both or neither may have differed in the importance they ascribed to each need and to the capacity of each mechanism to address their needs because of different preferences, perceptions, and personal characteristics. Moreover, these subgroups may have experienced assaults under different circumstances (even if technically they suffered from the same "type" of assault) that led them to seek justice in the way they did. These different circumstances could affect the relative importance they ascribed to each need and their level of trust in the criminal justice system and Facebook. Table 4 shows that one-third of the respondents published a testimony on Facebook and approximately a quarter filed a complaint with the police. Most of the respondents who published their stories of victimization on Facebook did not file a complaint and *vice versa*. Only 10% of respondents did both. Half the respondents neither reported to the police nor published their testimony on Facebook, but all participated in the discourse on Facebook on sexual assault by commenting on posts of others or by reading them.

TABLE 4: POSTING TESTIMONY ON FACEBOOK VS. REPORTING TO THE POLICE

	N	%
Published a testimony on Facebook	168	33.7%
Reported to the police	120	24.0%
Both	51	10.2%
Neither (but participated on Facebook in other forms)	253	50.7%
Did not answer one of the questions or both	9	1.8%
Total	**499**	**100.0%**

B. *Victims' Perceptions of the Relative Importance of Their Needs*

The second part of the survey focused on respondents' perceptions of the relative importance of eighteen potential needs of sexual assault victims. Based on the literature described in Part II, we designed a model of eighteen potential needs that sexual assault victims may have. We identified each need with a short title (one to six words) without adding explanations or definitions. We allowed some flexibility in the meaning and interpretation respondents attributed to each need.

We asked respondents to rate each need on a 5-point scale ranging from 1 (lowest importance) to 5 (highest importance). The mean rates are summarized in Figure 1. The results show that the needs fall into four categories of importance. Intra-group differences in means are small, and the confidence intervals overlap, whereas inter-group differences are more significant, and confidence intervals do not overlap. The first group of most valuable needs contains eight needs that were rated above 4.5: recognition and validation, self-recovery, support, raising public awareness, regaining control, immediate response, trauma processing, and incapacitation. Most of these needs are therapeutically oriented and, therefore, less in the focus of the criminal justice system. The second group of highly valued needs contains the following, rated lower than 4.5 but higher than 4: receiving information, self-empowerment, severe punishment, seeking justice, deterrence, and voicing. The third group contains three needs: compensation, shaming, and receiving an apology, which were rated above 3 but below 4. The lowest-rated need, and the only one rated below 3 (the middle score), was revenge.

FIGURE 1: PERCEIVED IMPORTANCE OF VICTIMS' NEEDS
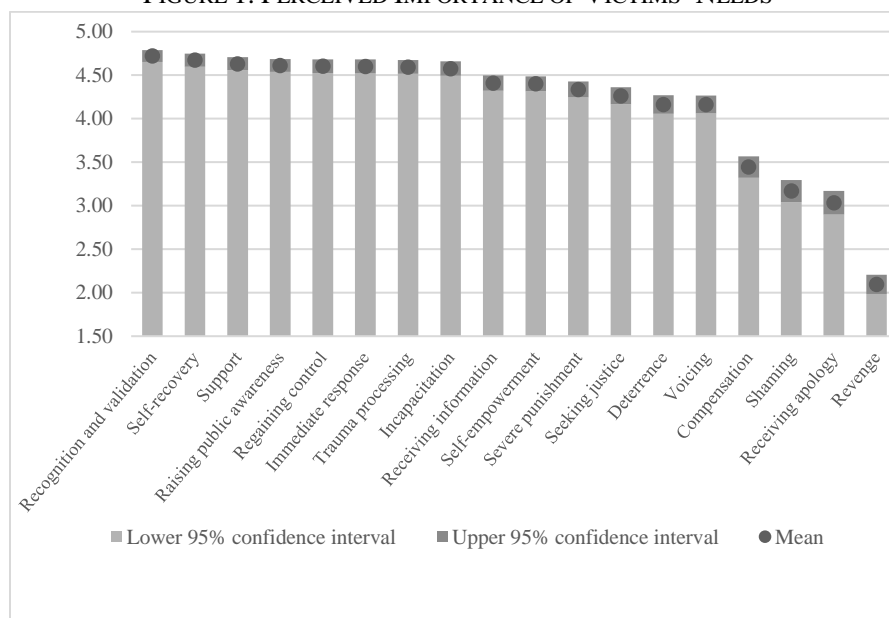
Table 5 shows that the median rate (p50) of fourteen of eighteen needs was 5, and eight needs were rated 5 by at least three-quarters of the respondents (p75). None of the needs were given a rating of 5 by the 10th percentile of respondents. The only need that was rated only 1 by at least 25% of the respondents was revenge, which was also the lowest-rated need on average. Revenge was also the only need that was not rated 5, even by the 90th percentile. Indeed, 40% of the respondents rated revenge only 1, and only 6% rated revenge 5.

TABLE 5: DISTRIBUTION OF THE PERCEIVED IMPORTANCE OF NEEDS

Need	N	Mean	p10	p25	p50	p75	p90
Recognition and validation	458	4.72	4	5	5	5	5
Self-recovery	431	4.67	4	5	5	5	5
Support	454	4.63	4	5	5	5	5
Raising public awareness	461	4.61	3	5	5	5	5
Regaining control	458	4.60	3	5	5	5	5
Immediate response	456	4.60	3	5	5	5	5
Trauma processing	460	4.59	3	5	5	5	5
Incapacitation	459	4.58	3	5	5	5	5
Receiving information	453	4.41	3	4	5	5	5
Self-empowerment	457	4.40	3	4	5	5	5
Severe punishment	471	4.34	3	4	5	5	5
Seeking justice	462	4.26	3	4	5	5	5
Deterrence	453	4.16	2	3	5	5	5
Voicing	461	4.16	3	4	5	5	5
Compensation	462	3.44	1	3	4	5	5
Shaming	456	3.17	1	2	3	4	5
Receiving apology	461	3.03	1	2	3	5	5
Revenge	454	2.10	1	1	2	3	4

These findings show that fourteen of the eighteen needs received high or very high ratings. All needs, except revenge, were rated above the middle rate, indicating that most of the victims felt that most of the needs were highly important to them. The therapeutically oriented needs received the highest scores on average. This finding is consistent with the literature, which stresses the importance that victims attribute to processes of healing and recovery following sexual abuse. Revenge was rated as the least important need. Although the survey was based on self-report, which may increase bias (victims may tend, even unconsciously, not to admit that they are vengeful), this finding deserves attention because it contradicts a popular stereotype that underlies some "tough on crime" policies, according to which "victims seek revenge" and do not hesitate to express this desire.[135] Shaming was also rated relatively low, and its absolute score was slightly above the middle rate (3.17). Respondents' reservations about

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135. *See, e.g.*, Miriam Krinsky & Liz Komar, *"Victims' Rights" and Diversion: Furthering the Interests of Crime Survivors and the Community*, 74 SMU L. Rev. 527, 535–39 (2021); Anthony McGrath, *"In Whose Service?"—The Use and Abuse of Victims' Right in Ireland*, 2009 JUD. STUD. INST. J. 78, 83.

shaming were also reflected in responses to a question in the survey asking whether participants disclosed the identity of the assailant: less than 10% of those who posted their story of victimization online named and shamed their assailant. But the different scores that revenge and shaming received suggest that respondents did not interpret shaming as a form of revenge. Another indication of this is the moderate correlation between the rate given to shaming and revenge (ρ=.534).[136] Although using shaming may reflect an urge to retaliate, it can also attest to entirely different motives, such as a willingness to deter assailants; warn other potential victims about the assailant to prevent more harm; encourage others to report to the police when they realize that they were not the only ones who were hurt by the same person; and in the case of public figures or politicians, serve the public by uncovering the real face of elected officials and celebrities.[137]

Perhaps counter-intuitively, needs that reflect personal-oriented interests did not receive higher scores than those that concern social-oriented interests. In some cases, personal-oriented needs, such as receiving an apology or compensation, were rated lower than some social-oriented ones, such as deterrence or raising public awareness. This finding supports previous studies showing that sexual assault generates needs that go beyond the private interests of the direct victim. Victims showed concern about the social implications of sexual violence and sought remedies that address these community-wide implications.

Of the needs that reflect classic criminal justice-oriented interests (severe punishment, incapacitation, deterrence, and revenge, which can be associated, to some extent, with retribution), incapacitation received the highest score, followed by severe punishment, deterrence, and revenge. The finding concerning incapacitation supports previous studies showing that sexual assault victims care especially about risk prevention. On average, most important for victims was their safety and that of other potential victims. The different scores that each of these needs received indicate that respondents distinguished between them in how they interpreted their meaning. Although, on occasion, severe punishment can provide incapacitation or deterrence and may be associated with retributivism, respondents did not consider these three needs to fully overlap severe punishment. In addition to the differences in the average score of these needs, the moderate correlations between the four also suggest that respondents attributed a different meaning to each of these needs.[138] Indeed, incapacitation can be achieved not only by severe punishment but also by noncriminal and even extralegal, social practices that impose restrictions on assailants and *de facto* incapacitate them (*e.g.*, online canceling).[139] Similarly, deterrence is not necessarily achieved by imposing severe punishment but mostly through high enforcement

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136.   *See infra* Appendix 2. The full correlation matrix is detailed in Appendix 2.

137.   *See* Dancig-Rosenberg & Peleg, *supra* note 110, at 6.

138.   *See infra* Table 9. The correlation coefficient between severe punishment and incapacitation is 0.48; between severe punishment and deterrence 0.463; between severe punishment and revenge 0.286; between incapacitation and deterrence 0.489; between incapacitation and revenge 0.224; and between revenge and deterrence 0.366.

139.   *See infra* Table 8.

rates by the criminal justice system.[140] The fact that severe punishment was rated higher than deterrence and revenge may be explained by the multi-dimensional and generalizing character of severe punishment as a need, which, for some respondents, may reflect more than one latent need. Comparing criminal justice-oriented needs with therapeutic ones shows that victims rated the need to have their voices heard lower than incapacitation, severe punishment, and deterrence.

Respondents differed in how "generous" they were in rating their needs. We allowed respondents to rate each need on a 5-point scale, without limiting the number of needs that could be rated 5, to uncover independently the importance of each need for each respondent. Some respondents tended to rate all or most of the needs low, whereas others tended to rate them high. The differences can be seen in the distribution of the average rates of all needs of each respondent. The mean of the average rates across all needs for all respondents was 4.11, but the average rates ranged from respondents who rated needs on average 1 (*i.e.*, all needs were rated 1) to those who rated needs on average 5 (*i.e.*, all needs were rated 5). The median respondent rated needs on average 4.28, and the 20th and 80th percentiles assigned average rates of 3.83 and 4.59, respectively. A measurement error might arise because of each respondent's subjective assessment scale. To find out whether the different scales of each respondent caused a significant measurement problem, we also calculated the *relative* importance of each need by dividing the rating of each need by each respondent by the average rate assigned to all the needs rated by that respondent (potentially eighteen, if all the needs were rated). The new rating measure reflects the relative importance of each need, irrespective of how "generous" the respondent was on average. Because of the very high correlation that we found between the original average rates and the relative rates we calculated ($\rho > 0.99$), there appears to be no danger of a measurement error.

We explored whether there were differences in the perceived importance of needs between subgroups of the sample, and if yes, to what extent. To do so, we focused on the main characteristics of the respondents: age groups, level of education, and various types of sexual assault.

Level of education. We compared the average rate of each need between respondents with academic and nonacademic education. Table 6 shows that respondents with academic education rated all needs higher than did those without academic education, and in ten needs, the difference was statistically significant by at least 10% (p value<=.1). When controlling for other characteristics of the respondents, on average, those with academic education valued seven needs higher than did those without academic education, and none lower.[141] The correlation between how respondents with and without academic education rated

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140.   *See* Kinneret Teodorescu, Ori Plonsky, Shahar Ayal & Rachel Barkan, *Frequency of Enforcement is More Important than the Severity of Punishment in Reducing Violation Behaviors*, 118 PROC. NAT'L ACAD. SCI. 1, 8 (2021).

141.   *See infra* Table 6. The controlled difference was calculated by linear regression of the need rate as the explained variable and the following explanatory variables: academic education, age group (18–30, 31–40, 41–40, 50+), and type of abuse (sexual harassment, obscenity, rape or sodomy, and within-family assaults); all the above variables were used as dummy variables.

the needs was very high (ρ>0.99), indicating a very high level of agreement on the relative importance of the various needs between these two subgroups.

TABLE 6: MEAN RATING OF NEEDS BY EDUCATION

	All	Academic Education - No	Academic Education - Yes	Uncontrolled Difference	P value	Controlled Difference	P value
	(Max N = 466)	(Max N = 184)	(Max N = 282)				
Recognition and validation	4.72	4.64	4.77	**0.13**	0.05	**0.14**	0.06
Self-recovery	4.67	4.56	4.74	**0.17**	0.02	**0.19**	0.03
Support	4.63	4.58	4.67	0.09	0.31	0.10	0.24
Raising public awareness	4.61	4.55	4.65	0.10	0.19	0.11	0.20
Immediate responses	4.60	4.47	4.68	**0.21**	0.00	**0.21**	0.02
Regaining control	4.60	4.44	4.70	**0.25**	0.00	**0.21**	0.02
Trauma processing	4.59	4.48	4.67	**0.19**	0.03	**0.19**	0.03
Incapacitation	4.58	4.47	4.64	**0.17**	0.04	**0.16**	0.07
Receiving information	4.41	4.37	4.43	0.06	0.52	0.10	0.33
Self-empowerment	4.40	4.31	4.45	**0.15**	0.09	0.09	0.35
Severe punishment	4.34	4.25	4.40	0.15	0.15	0.09	0.39
Seeking justice	4.26	4.21	4.29	0.08	0.40	0.07	0.51
Deterrence	4.16	3.97	4.29	**0.32**	0.01	**0.26**	0.03
Voicing	4.16	4.11	4.19	0.09	0.39	0.03	0.79
Compensation	3.44	3.34	3.49	0.15	0.20	0.02	0.91
Shaming	3.17	2.93	3.31	**0.38**	0.00	0.20	0.15
Receiving apology	3.03	2.94	3.09	0.15	0.27	0.13	0.84
Revenge	2.10	1.98	2.17	**0.19**	0.09	0.16	0.19

Type of assault. We compared the average rate of each need between victims of different types of sexual assaults (Table 7). We used linear regression to examine the needs that showed statistically significant differences between the four categories of assault. We found no significant differences in the average rates for most needs and most group comparisons: of 108 potential differences,[142] only 19 (~18%) were statistically significant. Most differences between average rates of the same need (17 of 19) were observed in the category of assault within the family compared to the other groups, and mostly (8 of 17) compared to the group of sexual harassment. Nine of eighteen needs were rated statistically significantly different by victims of assault within the family relative to at least one of the other groups of victims. Victims of assault within the family rated significantly lower the need for revenge and shaming than those of other types of assaults. The higher rating that victims of assault within the family ascribed to the need for recognition and validation than did other victims suggests that the acknowledgment that the victim was harmed and the sense that she is supported and believed were particularly important for victims of assaults within the family, given the severe harm and broken trust that such assaults entail. Victims of

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142. *See infra* Table 7. For each need, there are six potential differences between any pair of the four groups × eighteen needs.

assault within the family rated higher than others also the need for receiving an apology, attesting to the increased need to see the assailant assume responsibility and atone for breaking the family trust and harming the victim. Despite these differences, in general, the correlations between how different groups of victims rated the various needs were very high ($0.97 \leq \rho \leq 0.99$), indicating a very high level of agreement on the relative importance of the various needs between groups of different victims.

TABLE 7: MEAN RATING OF NEEDS BY TYPE OF ASSAULT

	All	Sexual harassment	Obscenity	Rape or sodomy	Assault Within family	Significance of the difference
	(Max N = 466)	(Max N = 73)	(Max N = 105)	(Max N = 179)	(Max N = 106)	
Recognition and validation	4.72	4.93	4.75	**4.68**	**4.61**	AD3, AC2
Self-recovery	4.67	4.75	4.73	4.65	4.59	
Support	4.63	4.79	4.71	4.60	4.49	AD2, BD1
Raising public awareness	4.61	4.71	4.57	4.66	**4.49**	AD1, CD1
Regaining control	4.60	4.70	4.72	4.56	4.48	AD2, BD2
Immediate responses	4.59	4.70	4.55	4.59	**4.57**	
Trauma processing	4.59	4.61	4.63	4.55	4.59	
Incapacitation	4.58	4.79	4.66	**4.48**	**4.51**	AC2, AD2
Receiving information	4.41	4.45	4.42	4.46	4.31	
Self-empowerment	4.39	4.53	4.37	4.38	4.35	
Severe punishment	4.33	4.29	4.37	4.38	4.25	
Seeking justice	4.26	4.38	4.37	4.30	**4.01**	AD2, BD2, CD2
Deterrence	4.17	4.23	4.26	4.14	4.09	
Voicing	4.15	4.26	4.09	4.11	4.22	
Compensation	3.44	3.61	3.38	3.36	3.50	
Shaming	3.16	3.23	3.39	3.13	**2.91**	AD2, BD1, CD1
Receiving an apology	3.02	2.99	2.99	2.88	**3.30**	CD2
Revenge	2.09	2.30	2.15	2.11	**1.87**	AD2, CD1

Notes: The symbols reflect the pair of groups by which the relevant need was rated statistically differently. A = sexual harassment, B = obscenity, C = rape or sodomy, D = sexual assault within the family. The numbers refer to the level of significance (1= 0.1; 2 = 0.05; 3 = 0.01).

C.   Perceived Capacity of Each Mechanism to Address Victims' Needs

The third part of the survey explored respondents' perceptions of the potential capacity of Facebook and the criminal justice system to address each of the eighteen needs listed in the second part. Respondents rated each platform on each need as either unable to address (0) or able to address (1). We chose a binary response option rather than a 5-point scale to maximize response rates.[143] Next,

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143.   *See infra* Appendix 2. Rating the perceived capacity of each system on a scale, rather than in a binary form, may have provided more accurate indications. But because the survey consisted of three parts, we were concerned that making it longer would discourage respondents from fully answering it. Indeed, response rates to the binary questions regarding the capacity of the two systems to address the various needs were very high (497

we calculated the average capacity of each mechanism to address each need by averaging the numbers of 1s and 0s across all respondents. The average rates of each mechanism reflect the portion of respondents who thought that the mechanism was *potentially* able to address the given need.

Figure 2 and Table 8 show the portion of respondents that affirmed the potential capacity of the criminal justice system and Facebook to address each need. Generally, the level of appreciation of the criminal justice system is low. None of the needs scored 40% or higher, which means that most respondents believed that the criminal justice system was unable to adequately address *any* of the needs. As expected, the capacity of the criminal justice system to address therapeutic needs was perceived to be the lowest. Of seven needs that the criminal justice system was perceived to be capable of addressing by 15% or less of respondents, six belonged to the therapeutic group (support—14%, self-recovery—11%, regaining control—10%, immediate responses—10%, self-empowerment—9%, trauma processing—9%). Especially striking are the findings regarding criminal justice-oriented needs. It is possible to argue that the criminal justice system is not designed to provide therapeutic responses because the victims' wellbeing is not one of its stated goals. By contrast, the criminal justice-oriented needs included in our survey—incapacitation, deterrence, severe punishment, and revenge (which could be associated with some form of retribution, albeit not identical)—are at the heart of the criminal justice enterprise and directly related to its formal goals. Yet, none of these needs scored above 38%: incapacitation—38%, severe punishment—32%, deterrence—28%, and revenge—9%. Facebook, however, received 50% or more affirmative answers for eight needs, mostly the therapeutic ones (voicing, raising public awareness, recognition and validation, getting support, self-empowerment, shaming, receiving information, and regaining control).

Comparison of the scores achieved by each mechanism shows that the perceived capacity of Facebook to address victims' needs was valued higher than that of the criminal justice system in thirteen of the eighteen needs. The criminal justice system prevailed only with regard to severe punishment, incapacitation, and compensation, which are the needs associated with the assailants' accountability. These were needs that the criminal justice system was perceived to be most capable of addressing and Facebook least capable of doing so: compensation (39% v. 2%), incapacitation (38% v. 8%), and severe punishment (32% v. 13%). These findings suggest that although overall, victims perceived Facebook as more capable of fulfilling their needs, regarding the assailants' accountability, they perceived the criminal justice system as more capable. Given the coercive power of the state and its legal authority to award remedies and impose criminal sanctions that represent various forms of accountability, these findings are consistent with intuitive expectations. Receiving an apology reflects another form of assailants' accountability, and on this need, both mechanisms scored 16%.

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of 499 nonmissing answers, that is, more than 99% of respondents), whereas response rates to questions answered on a scale regarding the perceived importance of the needs were lower (431–471 nonmissing answers, that is, 83%–94% of respondents).

Regarding punishment-oriented needs, the criminal justice system was perceived as more capable of responding to the needs of incapacitation and severe punishment, but respondents perceived Facebook to be more capable of addressing the need for deterrence. This finding may be explained by the deterrent power of online shaming and the understanding that the deterrent effect of the criminal justice system depends on the likelihood of enforcement and the severity of the punishment if the assailant is convicted.

The portion of respondents who believed that both the criminal justice system and Facebook can achieve justice was almost equal and relatively low (23% for the criminal justice system, 24% for Facebook). About 55% of the respondents who answered affirmatively regarding the capability of either the criminal justice system or Facebook to address the need of seeking justice also answered affirmatively regarding the other system. Put differently, 62% (307 respondents) believed that *neither* mechanism could provide an adequate response to the need of seeking justice. One explanation suggests that victims distinguished between two paths for achieving the same outcome—what they perceived as "justice." According to another explanation, victims ascribed two alternative meanings to the concept of justice: formal vs. informal; state-led vs. community-led. Whereas some identified justice with the process and outcome of the formal, state-managed criminal justice system, others perceived doing justice as the process and outcomes that can be achieved outside the formal system, in the virtual sphere.

FIGURE 2: PERCEIVED CAPACITY OF THE CRIMINAL JUSTICE SYSTEM VS. FACE-
BOOK TO ADDRESS VICTIMS' NEEDS
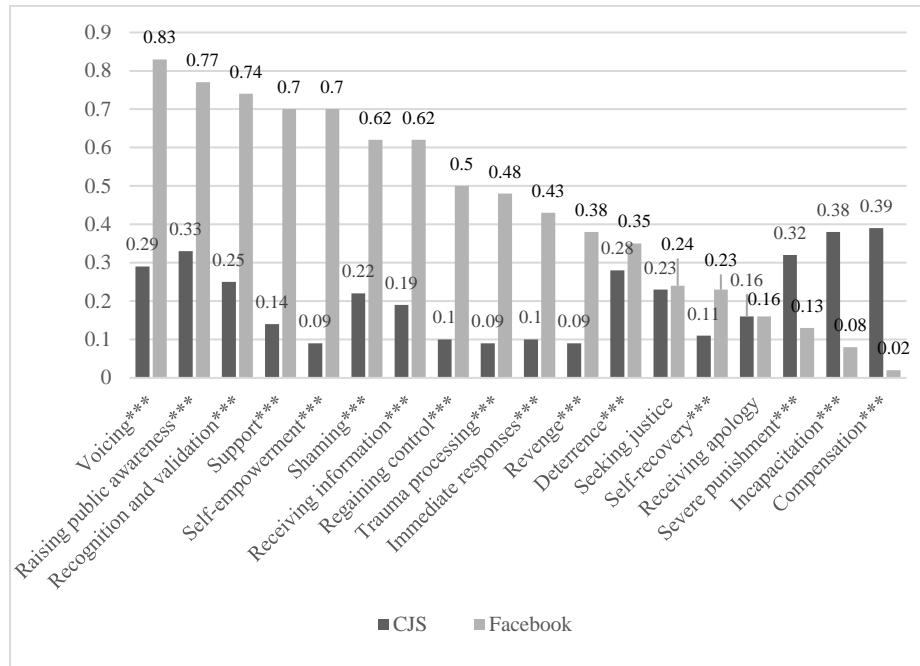
Notes: *** = The mean rates of Facebook and the criminal justice system are different at a 99% signifi-
cance level (P<.01)

TABLE 8: PERCEIVED CAPACITY OF THE CRIMINAL JUSTICE SYSTEM VS.
FACEBOOK TO ADDRESS VICTIMS' NEEDS

Need	CJS mean	N	Facebook mean	N	Difference (Facebook-CJS) mean	N	std	t	Sign.
Voicing	0.29	499	0.83	497	0.54	497	0.53	22.74	***
Raising public awareness	0.33	499	0.77	497	0.44	497	0.57	17.52	***
Recognition and validation	0.25	499	0.74	497	0.48	497	0.55	19.52	***
Support	0.14	499	0.70	497	0.56	497	0.55	22.79	***
Self-empowerment	0.09	499	0.70	497	0.61	497	0.52	26.21	***
Shaming	0.22	499	0.62	497	0.40	497	0.56	15.99	***
Receiving information	0.19	499	0.62	497	0.42	497	0.57	16.52	***
Regaining control	0.10	499	0.50	497	0.40	497	0.57	15.75	***
Trauma processing	0.09	499	0.48	497	0.38	497	0.57	15.10	***
Immediate responses	0.10	499	0.43	497	0.33	497	0.56	13.19	***
Revenge	0.09	499	0.38	497	0.29	497	0.51	12.37	***
Deterrence	0.28	499	0.35	497	0.07	497	0.59	2.52	***
Seeking justice	0.23	499	0.24	497	0.01	497	0.55	0.25	
Self-recovery	0.11	499	0.23	497	0.12	497	0.47	5.49	***
Receiving apology	0.16	499	0.16	497	0.00	497	0.48	-0.19	
Severe punishment	0.32	499	0.13		-0.20	497	0.55	-8.09	***
Incapacitation	0.38	499	0.08	497	-0.30	497	0.55	-12.00	***
Compensation	0.39	499	0.02	497	-0.37	497	0.49	-16.50	***

Notes: *** represents a difference at a 99% significance (p≤.05)

D. Weighted Capacity

Although Facebook prevailed regarding most needs, it cannot be concluded that overall, Facebook performed better as a mechanism for meeting victims' needs because different victims perceived differently the importance of various needs. Theoretically, it is possible that Facebook addressed a greater number of needs but that these were less important for victims. To summarize the perceived capacity of both the criminal justice system and Facebook to address the eighteen needs, and to compare the two mechanisms based on an overall rating assigned to each, we calculated the average weighted rating of the two mechanisms by weighting each need according to its relative perceived importance.[144] Aggregating the capacities of the mechanisms into a single average weighted rating reveals how similar or different the "weighted capacity" of each mechanism is to address the respondents' needs. After calculating the weighted capacity for each mechanism, we compared it between different subgroups of the sample to determine whether the total appreciation for the criminal justice system and Facebook correlated with particular characteristics of the respondents (*e.g.*, socio-

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144.   *See infra* Table 10. Technically, for each system and each respondent, we calculated the sum-product of the abilities to address the eighteen needs (1 or 0) with the rate given to each need. After calculating this weighted average for each respondent, we averaged the results between the respondents.

demographic variables, level of experience with either the criminal justice system or Facebook, and more) and type of assault.

The main finding of this analysis suggests that Facebook was perceived as much more capable of addressing the needs of the respondents than the criminal justice system. Table 9 shows that, in general, the weighted capacity of Facebook to address the needs of victims was more than twice as high as that of the criminal justice system (0.47 for Facebook vs. 0.22 for the criminal justice system). On average, almost half the respondents perceived Facebook to be capable of addressing their needs,[145] whereas less than a quarter of the respondents perceived the criminal justice system as such. If we separate the results into groups based on respondents' actual use of the two mechanisms (*i.e.*, whether they reported to the police, posted on Facebook, did neither, or both), the findings do not change significantly, although respondents who reported to the police rated the criminal justice system as slightly higher than those who did not report, and respondents who posted rated Facebook slightly higher than those who did not post. We also separated the results between respondents with and without academic education. Facebook was rated higher by respondents with academic education than by those without (0.48 and 0.45, respectively), whereas the criminal justice system was rated lower by respondents with academic education than by those without (0.19 and 0.26, respectively). The regression analysis (Appendix 2) shows that level of education was a statistically significant explanatory variable.

Table 10 shows that no significant differences were found in the weighted capacity of the two mechanisms with respect to the type of assault. The main results for Facebook reveal a weighted capacity of nearly twice that of the criminal justice system.

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145. *See infra* Table 10. Average refers here to the weighted average across the eighteen needs, where the weights represent the relative importance of each need.

TABLE 9: WEIGHTED CAPACITY OF THE CRIMINAL JUSTICE SYSTEM VS. FACEBOOK FOR RESPONDENTS WHO RESORTED TO DIFFERENT MEASURES

		Mean	N	sd	p10	p25	p50	p75	p90
CJS	All	**0.22**	474	0.25	0.00	0.00	0.12	0.34	0.60
	Reported to the police	0.25	113	0.27	0.00	0.06	0.13	0.38	0.67
	Posted on Facebook	0.22	162	0.27	0.00	0.00	0.11	0.29	0.64
	Did both	0.23	50	0.28	0.00	0.02	0.11	0.28	0.66
	Did neither*	0.21	238	0.24	0.00	0.00	0.12	0.31	0.52
Facebook	All	**0.47**	474	0.25	0.00	0.32	0.51	0.65	0.76
	Reported to the police	0.48	113	0.25	0.00	0.33	0.52	0.64	0.76
	Posted on Facebook	0.51	162	0.24	0.00	0.39	0.56	0.68	0.78
	Did both	0.49	50	0.21	0.20	0.37	0.54	0.65	0.72
	Did neither*	0.44	238	0.25	0.00	0.29	0.46	0.61	0.72
Difference (Facebook - CJS)	All	**0.25**	474	0.30	-0.10	0.00	0.27	0.47	0.61
	Reported to the police	0.23	113	0.31	-0.17	0.00	0.27	0.47	0.61
	Posted on Facebook	0.29	162	0.32	-0.10	0.08	0.36	0.52	0.65
	Did both	0.26	50	0.28	-0.06	0.09	0.31	0.49	0.59
	Did neither*	0.23	238	0.28	-0.08	0.00	0.23	0.44	0.56

Notes: The sum of "Reported to the police," "Posted on Facebook," and "Did neither" minus "Did both" is not equal to "All" because "Did neither" does not include null observations in either "Reported to the police" or "Posted on Facebook."

TABLE 10: WEIGHTED CAPACITY OF THE CRIMINAL JUSTICE SYSTEM VS. FACEBOOK FOR DIFFERENT TYPES OF SEXUAL ASSAULT

		Mean	N	sd	p10	p25	p50	p75	p90
CJS	All	**0.22**	466	0.25	0.00	0.00	0.12	0.34	0.60
	Sexual harassment	0.23	73	0.26	0.00	0.00	0.13	0.40	0.65
	Obscenity	0.24	105	0.23	0.00	0.06	0.17	0.37	0.55
	Rape or sodomy	0.21	180	0.25	0.00	0.00	0.13	0.30	0.59
	Within the family	0.20	108	0.28	0.00	0.00	0.07	0.33	0.69
Facebook	All	**0.47**	466	0.25	0.00	0.32	0.50	0.65	0.76
	Sexual harassment	0.45	73	0.27	0.00	0.25	0.52	0.67	0.75
	Obscenity	0.47	105	0.24	0.04	0.34	0.46	0.67	0.78
	Rape or sodomy	0.49	180	0.25	0.00	0.35	0.52	0.64	0.79
	Within the family	0.44	108	0.26	0.00	0.23	0.50	0.63	0.73
Difference (Facebook - CJS)	All	**0.25**	466	0.30	-0.10	0.00	0.26	0.47	0.61
	Sexual harassment	0.22	73	0.27	-0.07	0.00	0.19	0.46	0.56
	Obscenity	0.24	105	0.31	-0.11	0.10	0.25	0.43	0.59
	Rape or sodomy	0.28	180	0.30	-0.09	0.07	0.32	0.50	0.63
	Within the family	0.23	108	0.32	-0.18	0.00	0.24	0.49	0.62

E.   Is Facebook a Substitute for the Criminal Justice System or a Complement to It?

Given that Facebook was perceived as having a much higher capacity to address most of the respondents' needs than the criminal justice system, the question arises whether Facebook is merely a superior alternative to the criminal justice system or whether the two mechanisms complement each other. One way to measure the degree to which the two mechanisms complement each other is to observe the average rating each received for each need. The mechanisms may be considered to complement each other if, in general, the needs in which one mechanism received the highest relative rating the other received relatively low scores. Statistically, the lower the correlation is between the average rates of the two mechanisms (in particular, lower than zero), the more complementary to each other the two mechanisms are.

Our findings show that the correlation between the average rates of the two mechanisms is -0.26. This indicates that the two mechanisms moderately complement each other, rather than Facebook being simply a better substitute for the criminal justice system. The complementary relations between the two mechanisms are demonstrated, for example, by some of the therapeutic needs (self-empowerment and support), where Facebook excelled, and the criminal justice system was rated very low. The other side of the coin shows the needs for which the criminal justice system was rated relatively high and Facebook very low (incapacitation and compensation).

Yet, measuring the correlation between the average rating of the two mechanisms for the various needs does not reveal the complete picture of complementarity. The two mechanisms could complement one another even if their ratings are similar *on average* or if *the average* rating of one mechanism, for different needs, does *not* correlate negatively with the *average* rating of the other mechanism. For example, if both mechanisms were rated similarly for a given need, as in the case of seeking justice and receiving an apology, they can still complement each other if respondents who rated Facebook as 1 tended to rate the criminal justice system as 0, or *vice versa*. In this scenario, the two mechanisms complement each other by *jointly* addressing a given need of a larger number of respondents than the number for which each mechanism was able to address this need separately. To measure the level of complementarity between the two mechanisms for any given respondent, we defined the joint capacity of the two mechanisms to address a given need 1 if the respondent rated at least one of the two mechanisms as 1 with respect to that need, or 0 if the respondent rated both mechanisms as 0. Next, we calculated the average joint capacity of each need across all respondents.[146] Intuitively, the gap between the joint capacity and the higher-rated mechanism of the two can be interpreted as the joint capacity contribution (JCC) to addressing a given need relative to the two separate

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146.   *See infra* Figure 3. For any given need, the average joint capacity is, by definition, higher or equal to the average rate each of the systems received separately, but lower or equal to the sum of the rates the two systems received.

capacities.[147] For each need, we created the complementarity ratio as an index that indicates how strongly the mechanisms complement each other. The complementarity ratio is equal to the JCC divided by the maximum potential contribution (MPC). The complementarity ratio ranges between 0 and 1. A complementarity ratio of zero indicates a zero complementary relation between the mechanisms so that the joint capacity does not contribute anything to the rate of the higher-rated mechanism of the two; a complementarity ratio of 1 indicates that the contribution of the joint capacity reached the highest possible level.

Figure 3 shows that there are three needs for which Facebook and the criminal justice system were found to significantly complement each other (where both the complementarity ratio and the MPC were above, say, 20%): deterrence, seeking justice, and receiving an apology. Deterrence showed the most promising result: although only a minority of respondents thought that each mechanism was capable of addressing this need (38% for Facebook and 27% for the criminal justice system), the joint capacity of the two mechanisms was relatively high (48%), demonstrating that almost half the respondents believed that together the two mechanisms were able to address this need. All other needs, except for the three mentioned above, either had a low complementarity ratio or a very low MPC, where the lower-rated mechanism received a very low average rating. This was the case of incapacitation and severe punishment, for which Facebook was rated 0.08 and 0.13, respectively.

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147.   *See infra* Figure 3. JCC is bounded by the lower of (a) the rate of the lower-rated system and (b) 1 minus the average rate of the highest-rated system (hereinafter, maximum potential contribution, or MPC).

FIGURE 3: JOINT CAPACITY TO ADDRESS NEEDS AND THE
COMPLEMENTARITY RATIO BETWEEN THE MECHANISMS
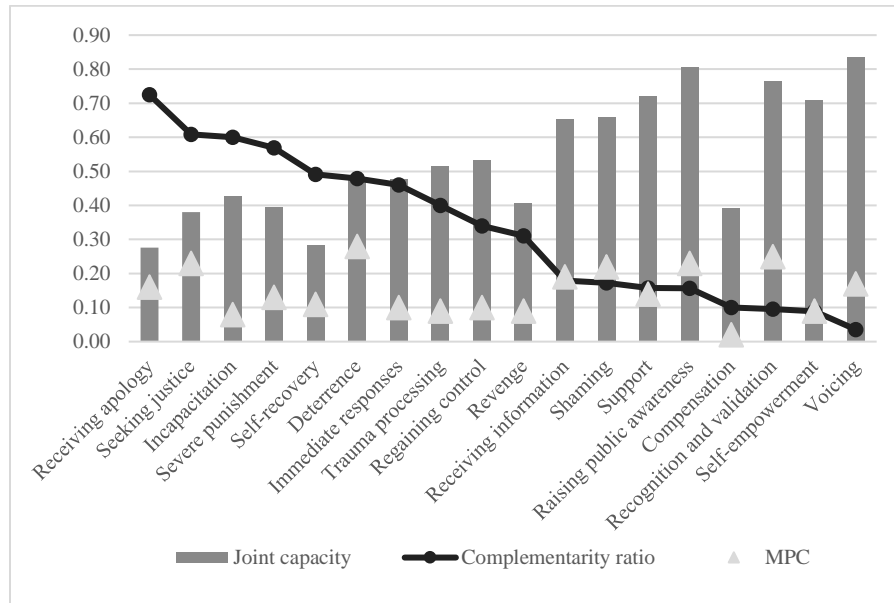
F. Factor Analysis

The eighteen needs we analyzed in this paper were derived from the literature about sexual assault victims' needs. Nevertheless, there are some potential overlaps between various needs. For example, one could argue that trauma processing and regaining control are both part of the recovery process; therefore, treating them as different needs would create a "double-counting" measurement error. A similar argument can be made about treating support, immediate response, and self-recovery as different needs. The double-counting problem could exist regarding not only therapeutic needs. For example, some overlaps and interrelations can be found between shaming and revenge, revenge and severe punishment, and severe punishment and deterrence. These interconnections between needs raise the concern that we inflated the number of needs, which could bias our calculations of the weighted capacity of each system. For example, if the possibly excessive number of needs is concentrated mostly in therapeutic needs, it could create a bias in favor of the weighted capacity of Facebook and against that of the criminal justice system because Facebook excelled in addressing therapeutic needs.

To address this potential problem, we first analyzed the correlation between the subjective importance (the rate) of each of the eighteen needs across all respondents. A strong correlation between a pair of needs is an indication of a potential interconnection or overlap between them, although in itself, a strong correlation between two needs does not necessarily mean that the two needs are part

of one underlying need. Respondents who rated need A as high may also rate need B as high, or *vice versa*, strictly because of their preferences and not because they think the two reflect a common underlying need.

The analysis of the correlations between needs reveals the following: 17% of the 153 pairs of needs[148] (26 needs) were rated in a high correlation ($\rho \geq .6$), and 57% (87 of 153) were rated in moderate to high correlation ($\rho \geq .4$). These findings raise the possibility that some needs might be related to one another and together belong to a common underlying need. Consistent with this possibility, we found that 62% of the pairs of needs that were highly correlated (16 of 26 pairs) contained only therapeutic needs. Table 11 shows the pairs of needs with the highest correlations. The full correlation matrix appears in Annex 2.

TABLE 11: THE 10 HIGHEST CORRELATED PAIRS OF NEEDS

Rank	Need 1	Need 2	Correlation (ρ)	Are the two needs therapeutic?
1	Self-recovery	Trauma processing	0.82	yes
2	Support	Recognition and validation	0.78	yes
3	Raising public awareness	Recognition and validation	0.75	**no**
4	Self-recovery	Immediate responses	0.74	yes
5	Self-recovery	Recognition and validation	0.73	yes
6	Trauma processing	Support	0.73	yes
7	Self-recovery	Support	0.71	yes
8	Immediate responses	Support	0.71	yes
9	Trauma processing	Receiving information	0.71	yes
10	Immediate responses	Trauma processing	0.71	yes

We used factor analysis to explore whether some needs are highly similar by nature and belong to the same underlying fundamental need. Factor analysis is a method that may help to reduce the number of variables (in our case, needs) to a smaller number of factors that contain correlated needs and represent unobserved (latent) variables called factors. We used two statistical tests to ensure that need rates are relatively correlated and that the data is suited for component factor analysis.[149] Based on the common practice in applying factor analysis,[150]

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148. The amount of pairs of different needs in our study is $18*17/2 = 153$, since there are eighteen needs.

149. The Bartlett test of sphericity resulted in a chi-square of 4356.39 (p<0.001) and the result of the Kaiser-Meyer-Olkin (KMO) test was 0.942, which implies that the data are suitable for factor analysis (a KMO value greater than 0.8 is an indication that component or factor analysis will be useful for these variables).

150. We first conducted a component factor analysis without any constraints. Next, we excluded any factor with an eigenvalue of less than 1 and were left with three factors. We then conducted the factor analysis again, restricting the number of factors to three. From the remaining three factors with an eigenvalue of 1 and above, we excluded one factor that had less than three needs with a load factor of 0.4 or above (using the rotated factor

we used new groups of needs (Table 12): one factor that assembles all the thera-peutic needs, one that assembles three needs that could be related to the idea of imposing burden on the assailant, and four needs that do not belong to any common factor and are identical to the original needs the respondents were asked to rate. The mean rate of each of the two factors was calculated as a weighted average of the rates of the original needs, weighted by the factor loads of each of the needs.

As shown in Table 12, the therapeutic factor received the highest mean score (4.56) of the two factors and four independent needs, and the burden imposition factor received the lowest (2.83).

TABLE 12: MEAN RATE FOR EACH OF THE FACTORED NEEDS

	Mean rate	N	Std. error
Therapeutic factor (factor 1)	4.56	407	0.034
Trauma processing, Recognition and validation, Self-recovery, Support, Immediate response, Raising public awareness, Receiving information, Regaining control, Self-empowerment, Incapacitation, and Voicing			
Burden imposition factor (factor 2)	2.83	450	0.047
Compensation, Shaming, and Revenge			
Independent needs that we did not include in any factor			
Deterrence	4.16	453	0.055
Seeking justice	4.26	462	0.050
Severe punishment	4.34	471	0.047
Receiving apology	3.03	461	0.069

Using these factors, we calculated the perceived capacity of the criminal justice system and Facebook to address each need and the weighted capacity of each mechanism to address all needs, similar to the method described above. The weighted perceived capacity of each mechanism to address each factor was calculated by averaging the capacity of the mechanism to address each of the needs included in the factor, weighted by the load factor of each need.[151] As shown in

loadings matrix). Finally, using the rotated factor loadings matrix, we exclude any need that did not have a load factor of 0.4 or more in any of the two factors and needs that received a loading factor of 0.4 or more, with a relative difference of less than 25%. In the following analysis, all the excluded needs were treated as separate.

151. Technically, the weighted perceived capacity of each mechanism for each factor was calculated as follows:

$$\sum_{i=1}^{N} \frac{\sum_{j=1}^{K} C_{ji} L_i}{\sum_{j=1}^{K} L_i}$$

Table 13, Facebook prevailed over the criminal justice system in addressing both the therapeutic and the burden imposition factors, with a much more significant gap between the two in the former. Using a t-test, we found that the gap in the weighted capacity between the two mechanisms was statistically significant (t=21 for the therapeutic and t=8.9 for the burden imposition factors).

TABLE 13: WEIGHTED PERCEIVED CAPACITY OF EACH MECHANISM FOR EACH FACTOR

	JCS			Facebook		
Factor	N	**Mean**	S.E.	N	**Mean**	S.E.
Therapeutic factor (factor 1)	499	**0.183**	0.011	497	**0.550**	0.014
Burden imposition factor (factor 2)	499	**0.212**	0.013	497	**0.388**	0.015

Given the perceived importance of each factor (the mean rate, described above) and its weighted perceived capacity, we calculated the total weighted capacity of each mechanism in the factored needs, in a similar way to the method we used earlier for the original (unfactored) needs. We found that the total weighted capacity of Facebook was 0.327 while that of the criminal justice system was only 0.248. The difference between the two capacity rates was statistically significant (t=4.08). These findings are consistent with our previous findings, in which Facebook has a higher average weighted capacity to address the respondents' needs. Although the factor analysis yielded a smaller gap between the capacities of the two mechanisms compared to the gap in the unfactored analysis, a significant gap remains between the capacity of the two systems, and the direction of the result has not changed. Thus, the results of the factor analysis indicate that our main results are robust and not too sensitive to how the various needs were chosen and defined.

V.   DISCUSSION AND CONCLUSION: TWO FORMS OF JUSTICE FOR VICTIMS

The findings of this study are consistent with those of previous ones suggesting that there is no single optimal justice channel that can fully address the needs of sexual assault victims. Victims' perceptions are subjective and affected by their characteristics, preferences, values, stories of victimization, and the timing of answering the survey. Therefore, we expected to find no agreement between them about the ultimate mechanism that has the capacity to address their needs. Nevertheless, the study uncovered clear tendencies regarding victims'

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where j indicates each need of the K needs within the factor, i indicates the observation (respondent), C_{ji} is the perceived capacity of the given mechanism to address need j, as rated by respondent i, and L_{jj} is the load factor of need j in the given factor.

perceptions. Each mechanism appears to meet some needs better than the other and to have its relative weaknesses and limitations.

The findings show that there is not a single need for which a majority of respondents believe that the criminal justice system is capable of providing an adequate solution. Most of the respondents perceived the criminal justice system as incapable of addressing even the classic criminal justice-oriented needs, such as deterrence (28%), incapacitation (38%), and severe punishment (32%). This suggests that the study population, on average, experiences the criminal justice system as a dysfunctional mechanism that is inattentive to their needs.

But the findings regarding the capacity of the criminal justice system to address victims' needs reveal only half the picture. Our findings also show that most of the victims thought that Facebook could address almost half their needs. The complementarity rate between the two mechanisms, as it relates to these needs, was relatively low, so that for this group of needs, the criminal justice system was almost redundant. Moreover, a comparison between the two mechanisms shows that most victims believed that Facebook had a greater capacity to meet most of their needs (13). The only needs the criminal justice system was perceived to address better than Facebook were those associated with the assailants' accountability.

To learn about the (dys)function of the criminal justice system as perceived by victims, it appears to be sufficient to assess its perceived capacity to meet victims' needs. The question arises whether the findings relating to the capacity of Facebook to provide victims with responses to their needs shed additional light on the findings relating to the criminal justice system alone. We think that the answer is affirmative. The findings about the victims' perception of Facebook provide important insights not only with regard to the potential of social media platforms to provide an alternative setting for seeking justice for victims but also concerning the problems and limitations of the criminal justice system. In our study, Facebook served as a benchmark of how victims' needs can be met. Without such a benchmark, it is difficult to say whether the weighted rating of the abilities of the criminal justice system (22%) is indeed relatively low or the expected rating by a population that suffered sexual harm and needed to cope with trauma. The fact that Facebook received a weighted rating that was twice that of the criminal justice system proves that the weighted rating of the criminal justice system was indeed poor.

At the same time, adopting Daly's notion of "pragmatic justice,"[152] we should not entirely dismiss various mechanisms of justice because of their limited capacity to address particular victim needs. Fileborn explained that "a limited or muted sense of justice is better than *no* justice, and all justice responses have their respective benefits and limitations."[153] One channel may better fit the needs of some victims, while another may provide relatively better responses for others or even for the same victims at a later time. Therefore, instead of

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152. Kathleen Daly, *Structure and Practice of Familial-Based Justice in a Criminal Court*, 21 LAW & SOC'Y REV. 267, 286–87 (1987).

153. *See* Fileborn, *supra* note 3, at 1498 (emphasis added).

disqualifying the criminal justice system because of its shortcomings, the findings of this study provide an opportunity for it to examine the practices of virtual, informal justice and consider whether there are lessons to be learned to improve its performance for victims.

Admittedly, the study was based on the victims' perspectives alone, whereas the criminal justice system has a broader set of interests and goals that go beyond the victims' needs. For example, accountability in sexual assault cases is at the heart of the public interest, and the criminal justice system appears to address this issue better than Facebook. Deborah Tuerkheimer explained that "there are limits to what informal accusation can accomplish, particularly because it deliberately bypasses official systems of accountability."[154] Therefore, even from a broader public perspective, there are reasons to retain the formal, state-based channel as a valid alternative for dealing with sexual abuse. The question of whether and to what extent the criminal justice system should expand its classic, formal goals to incorporate some therapeutic function for victims is controversial. At the normative level, the study findings provide insights that may be useful in reevaluating the goals of the criminal justice system. But even if we accept the current normative framework of the existing criminal justice system, which does not recognize enhancing the wellbeing of victims as a legitimate first-order goal, the ability of the system to satisfy its broader public interest depends on the willingness of victims to cooperate with it, who are the main actors initiating the criminal process. Thus, what victims think about the capacity of various platforms of justice to meet their needs matters to society, even to those who care mostly about the public interest. Other competing mechanisms that do not complement the criminal justice system but provide a substitute for it could undermine the attractiveness of the criminal justice system for victims and discourage them from resorting to it. Our findings, therefore, attest to the increased efforts that the criminal justice system must make to encourage victims to cooperate with law enforcement authorities.

What concrete lessons can the criminal justice system learn from the findings of this study? First, the increased importance of the victims' therapeutic needs and the relatively low perceived capacity of the criminal justice system to address them call for greater emphasis on the emotional sides of victims' participation in the criminal justice process. There is a need for more training of law-enforcement officials in sensitive interaction with victims and for the presence of social workers at police stations and in the courtroom, who can support victims along the process, translate for them what is happening, provide information, and make the process understood and accessible. Second, the findings indicate that social media platforms can be an important resource for learning about victims' wishes, expectations, perceptions, and experiences to improve the capacity of the mechanism to provide an adequate response. Victims' participation in the social discourse about sexual violence can provide some evidence against alleged assailants. It can also assist in locating other victims who were harmed by the same predator and let them know that they were not the only ones who were abused

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154.   Tuerkheimer, *supra* note 101, at 1150.

by the same person. The online discourse on sexual victimization provides important information about the unique characteristics of sexual trauma, its ramifications, and how these can manifest in victims' behavior. This information may be valuable for professionals and even for jurors serving in sexual assault cases who need some familiarity with the special language of sexual trauma.

Tuerkheimer suggested reengineering formal reporting channels in the criminal justice system "by replicating the virtues of unofficial reporting."[155] Our findings empirically support, to some extent, this theoretical observation and show that from the victims' perspective, the formal system has much to learn from virtual justice spheres. This is not to say, however, that virtual justice platforms provide optimal responses to the victims' needs. As our findings show, Facebook has its own limitations and risks for victims.[156] But in a reality in which victims have a wider variety of options to turn to, the formal system should closely consider what can be done to improve the victims' opinion of its functioning.

Our study captures the moments before the eruption of the #MeToo movement and can illuminate to some extent the reasons why #MeToo resonated so widely across the globe. Looking ahead, studies are needed to assess how #MeToo has affected victims' perceptions of the capacity of social media to meet their needs. After more than five years since the outbreak of #MeToo, the priorities of some of the needs may have changed, together with the perceived relative capacities of the two mechanisms to address the victims' needs. Aya Gruber pointed out that "[t]he world of 2022 is quite different than that of 2017, including in ways that impact #MeToo's legacy."[157] In our study, victims perceived the capacities of Facebook to address the needs of receiving an apology, severe punishment, incapacitation, and compensation as low or very low, but today, they may assess these capacities differently.

As Gruber showed, two contradicting tendencies have emerged from the #MeToo movement.[158] One is reflected in the call for punitivism and increased use of carceral measures.[159] Some online practices have become more popular and include various forms of discipline, such as online canceling, online social demand for a sincere apology, public shaming, and de-platforming.[160] In this reality, victims may find that new online tools have been developed and used that can increase the capacity of social media to meet their needs of holding assailants accountable. If the criminal justice system has not undergone significant improvements, the perceived gaps between the two mechanisms may widen. At the same time, a different intersectional, support-focused notion has emerged, bolstered by some #MeToo activists, emphasizing the non-punitive direction as the

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155. *Id.* at 1151.

156. *See also* Dancig-Rosenberg & Peleg, *supra note* 76, at 378 (presenting the negative consequences of online participation of sexual assault victims who shared their stories of victimization on Facebook).

157. Aya Gruber, *A Tale of Two Me Toos*, 2023 U. ILL. L. REV. (forthcoming 2023).

158. *Id.* at 110.

159. *Id.* at 113.

160. *See, e.g.*, *id.* at 111.

right path to follow.[161] Studies also revealed the cost of #MeToo: for many victims, reading and sharing stories of sexual victimization turned out to be more depressing than empowering.[162] It could be that the backlash against #MeToo reduced the perceived capacity of social media to address therapeutic needs. Studies that measure the perceived relative capacities of the two mechanisms a half-decade after the emergence of the #MeToo movement may provide a longitudinal picture of possible changes in victims' sentiments.

Future studies should also explore the relative capacities of other justice mechanisms available to victims to fulfill their needs. Such channels include legal civil processes, restorative justice processes, and community-based justice initiatives such as truth-telling or truth-seeking committees.

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161.   *See id.* at 108.

162.   *See, e.g.*, Kaitlynn Mendes, Jessica Ringrose & Jessalynn Keller, *#MeToo and the Promise and Pitfalls of Challenging Rape Culture Through Digital Feminist Activism*, 25 EUR. J. OF WOMEN'S STUD. 236, 244 (2018). For general insights about the complex consequences of #MeToo, see Dubravka Zarkov & Kathy Davis, *Ambiguities and Dilemmas Around #MeToo: #ForHowLong and #WhereTo?* 25 EUR. J. WOMEN'S STUD. 3 (2018).

APPENDIX 1: ONLINE SURVEY

This survey is circulated on Facebook as part of an empirical study about the participation of victims of sexual assault in the discourse on Facebook about sexual assault, victims' needs, and the function of social media platforms and the criminal justice system in meeting those needs.

The survey is completely anonymous. It takes approximately 10 minutes to complete it.

Thank you for taking the time to complete this survey!

Please answer the following questions:

A. <u>About you</u>

1. What is your gender (F/M/Other)

2. How old are you? (18-30; 30-40; 40-50; 50+)

3. Place of birth (Israel; former Soviet-Union; Ethiopia; Europe; USA; Asia-Africa; Other)

4. Area of residence (Tel-Aviv and center of Israel; Jerusalem; South; North; Other)

5. Which of the following best describes your highest level of education? (lower secondary; higher secondary; undergraduate degree; Master's degree; PhD; Other)

6. Have you experienced sexual assault? (Yes; please continue to the next question; No; please continue to part B, question 1).

7. Nature of the sexual assault – please check all that apply (sexual harassment; indecent assault; rape or sodomy; sexual assault within the family).

8. How long ago did the assault happen? In case of multiple assaults, please check all that apply (Less than 1 year; 1-2 years; 2-4 years; 4-6 years; 6-8 years; more than 8 years).

9. The identity of the assailant – please check all that apply (ex-partner; partner; relative; acquaintance; friend; supervisor at workplace; caregiver; therapist; teacher or professor; stranger; religious authority; other).

B. <u>Your participation in the online discourse on Facebook about sexual assault</u>

1. Did you post your personal story of sexual assault on Facebook? (Yes; please continue to the next question; No; please continue to part C).

2. Did you reveal your identity? (Yes/No).

3. Did you expose the assailant's identity? (Yes/No/other).

C. **<u>Engagement with the criminal justice system</u>**

1. Did you report to the police? (Yes/no)

D. <u>Mapping potential needs of sexual assault victims</u>

1. Please explore the following list of potential needs of sexual assault victims. Rate each of the needs on a 5-point scale indicating the level of importance of each need to you (1=lowest importance, 5=highest importance).

APPENDIX TABLE 1

Need	Lowest importance				Highest im- portance
Severe punishment	1	2	3	4	5
Receiving the assailant's apology	1	2	3	4	5
Having a meaningful opportunity to be heard (telling my story of victimization)	1	2	3	4	5
Compensation	1	2	3	4	5
Recognition and validation	1	2	3	4	5
Incapacitation of the assailant	1	2	3	4	5
Regaining control	1	2	3	4	5
Seeking justice	1	2	3	4	5
Self-empowerment	1	2	3	4	5
Raising public awareness of sexual assault	1	2	3	4	5
Shaming the assailant	1	2	3	4	5
Receiving support	1	2	3	4	5
Revenge	1	2	3	4	5
Receiving information about potential courses of action	1	2	3	4	5
Assistance in processing the trauma	1	2	3	4	5
Deterrence	1	2	3	4	5
Receiving immediate response for my distress	1	2	3	4	5
Self-recovery	1	2	3	4	5

2. Please explore the following list of potential needs of sexual assault victims and indicate whether in your opinion the **criminal justice system** has the capacity to meet each of the needs. Mark either Yes or No.

APPENDIX TABLE 2

Need	The criminal justice system has the capacity to meet the need
Severe punishment	Yes / No
Receiving the assailant's apology	Yes / No
Having a meaningful opportunity to be heard (telling my story of victimization)	Yes / No
Compensation	Yes / No
Recognition and validation	Yes / No
Incapacitation of the assailant	Yes / No
Regaining control	Yes / No
Seeking justice	Yes / No
Self-empowerment	Yes / No
Raising public awareness of sexual assaults	Yes / No
Shaming the assailant	Yes / No
Receiving support	Yes / No
Revenge	Yes / No
Receiving information about potential courses of action	Yes / No
Assistance in processing the trauma	Yes / No
Deterrence	Yes / No
Receiving immediate response for my distress	Yes / No
Self-recovery	Yes / No
Severe punishment	Yes / No
Receiving the assailant's apology	Yes / No

3. Please explore the following list of potential needs of sexual assault victims and indicate whether in your opinion, **Facebook** has the capacity to meet each of the needs. Mark either Yes or No.

APPENDIX TABLE 3

Need	Facebook has the capacity to meet the need
Severe punishment	Yes / No
Receiving the assailant's apology	Yes / No
Having a meaningful opportunity to be heard (telling my story of victimization)	Yes / No
Compensation	Yes / No
Recognition and validation	Yes / No
Incapacitation of the assailant	Yes / No
Regaining control	Yes / No
Seeking justice	Yes / No
Self-empowerment	Yes / No
Raising public awareness of sexual assaults	Yes / No
Shaming the assailant	Yes / No
Receiving support	Yes / No
Revenge	Yes / No
Receiving information about potential courses of action	Yes / No
Assistance in processing the trauma	Yes / No
Deterrence	Yes / No
Receiving immediate response for my distress	Yes / No
Self-recovery	Yes / No

THANK YOU FOR YOUR COOPERATION!

APPENDIX 2:

a. Correlation matrix of the perceived importance of victims' needs

	Severe punishment	Receiving apology	Voicing	Compensation	Recognition and validation	Incapacitation	Regaining control	Seeking justice	Self-empowerment
Severe punishment	1.000								
Receiving apology	0.139	1.000							
Voicing	0.253	0.313	1.000						
Compensation	0.358	0.192	0.281	1.000					
Recognition and validation	0.540	0.276	0.518	0.336	1.000				
Incapacitation	0.480	0.145	0.345	0.374	0.659	1.000			
Regaining control	0.479	0.241	0.442	0.432	0.702	0.610	1.000		
Seeking justice	0.530	0.188	0.266	0.334	0.507	0.478	0.441	1.000	
Self-empowerment	0.457	0.254	0.437	0.348	0.582	0.408	0.550	0.500	1.000
Raising public awareness	0.494	0.262	0.471	0.352	0.752	0.507	0.627	0.515	0.608
Shaming	0.329	0.101	0.172	0.337	0.238	0.271	0.308	0.345	0.303
Support	0.489	0.251	0.463	0.336	0.779	0.597	0.620	0.487	0.539
Revenge	0.286	0.078	0.170	0.298	0.198	0.224	0.218	0.322	0.231
Receiving information	0.440	0.279	0.435	0.307	0.562	0.427	0.460	0.393	0.551
Trauma processing	0.411	0.288	0.487	0.305	0.697	0.538	0.595	0.377	0.532
Deterrence	0.463	0.176	0.308	0.318	0.473	0.489	0.470	0.425	0.379
Immediate responses	0.461	0.230	0.442	0.352	0.676	0.531	0.605	0.429	0.575
Self-recovery	0.443	0.233	0.433	0.318	0.734	0.580	0.631	0.406	0.546

	raising public awareness	Shaming	Support	Revenge	Receiving information	Trauma processing	Deterrence	Immediate responses	Self-recovery
Raising public awareness	1.000								
Shaming	0.319	1.000							
Support	0.671	0.246	1.000						
Revenge	0.206	0.534	0.196	1.000					
Receiving information	0.621	0.231	0.574	0.143	1.000				
Trauma processing	0.606	0.162	0.733	0.148	0.709	1.000			
Deterrence	0.440	0.412	0.461	0.366	0.457	0.462	1.000		
Immediate responses	0.643	0.227	0.712	0.200	0.588	0.707	0.479	1.000	
Self-recovery	0.593	0.193	0.714	0.167	0.603	0.815	0.486	0.744	1.000

b. Regression analysis of the weighted capacity (factored and non-factored)

	Non-factored				Factored			
	CJS weighted score	FB weighted score	CJS weighted score	FB weighted score	CJS weighted score	FB weighted score	CJS weighted score	FB weighted score
Academic education	**-0.084** ***	0.020	**-0.087** ***	0.016	**-0.093** ***	-0.007	**-0.094** ***	-0.007
Severe offense	-0.028	-0.001	-0.026	-0.003	-0.045	**-0.046** *	-0.035	**-0.048** *
Filing a complaint	**0.038** *	**0.038** *	**0.041** *	**0.036** *	0.040	**0.057** **	0.045	**0.056** **
Publication through Facebook			-0.008	**0.047** *			**-0.066** **	0.012
Age 30-40	0.029	**0.054** *	0.031	**0.050** *	0.038	**0.070** **	0.044	0.068
Age 41-50	0.045	**0.080** **	0.046	**0.079** **	0.018	0.066	0.019	0.066
age 51 and above	**0.123** ***	-0.067	**0.142** ***	-0.069	**0.146** **	0.034	**0.150** **	0.033
Constant	**0.256** ***	**0.428** ***	**0.258** ***	**0.417** ***	**0.305** ***	**0.316** ***	**0.318** ***	**0.313** ***
N	464	464	462	462	392	391	392	391
Adj. R^2	0.0287	0.02	0.0311	0.0265	0.0241	0.0195	0.0324	0.0175

Comments: (*), (**) and (***) represent a statistical significance of 90%, 95% and 99%, respectively.