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“I Want to be Able to Walk the Street Without Fear”: Transforming Justice for Street Harassment

Abstract

The practices comprising the analytic category of street harassment are rarely responded to through either criminal or restorative justice approaches, and the possibilities for transformative justice have to date not been considered. In this article we advocate for a victim-centred justice response to street harassment, specifically examining the potential for transformative justice to function in this way. Drawing on data from a recent Australian study, we examine participants’ understandings of justice and desired justice responses to street harassment. Participants’ responses drew attention to a range of perceived shortcomings of the formal justice system as a mechanism for responding to street harassment. Instead, participants advocated for a justice response concerned with transforming cultural and structural norms, in particular gender norms. We end in an examination of the limitations of transformative justice, looking to recent work on “kaleidoscopic justice” as a way of transforming common conceptions of justice itself.

Keywords: Justice; Kaleidoscopic justice; Sexual violence; Street harassment; Transformative justice.

Introduction

The collection of practices broadly grouped under the heading of “street harassment” have begun to gain attention as a legitimate area for both research and redress. A common element of radical feminist analyses of violence against women in the 1980’s (Hanmer and Saunders

1984; Kelly 1988; Stanko 1985, 1990; Wise and Stanley 1987), the experience of sexual harassment in public space largely fell off the academic radar in the intervening years, due in no small part to the need for evidence to support urgent legal and policy change for rape and domestic violence (Kelly 2012). The renewed focus, fuelled by international online activism, has helped make visible the range and extent of the ordinary intrusions experienced in public spaces by women worldwide. Driven by an intersectional feminist approach, the visibility provided through online activism has worked to expand the analytic boundaries of street harassment, developing an understanding of the diffuse and divergent ways it operates to maintain and enforce certain power relations (Boesten and Wilding 2015).

Despite this recognition, street harassment is not well addressed by criminal and restorative approaches in Western justice systems. It is trivialized, under-reported, and often difficult to respond to through a conventional criminal justice paradigm (Bowman 1993; Laniya 2005; Nielsen 2000). This is true even in contexts where some of the practices comprising street harassment are covered under existing sexual offences or public order legislation, such as our own contexts of Australia and the United Kingdom. This difficulty is compounded by the fact that not only do justice responses shift across different jurisdictions, including differences in the *forms* of street harassment covered through legislation, but also that access to a criminal justice response itself, as traditionally conceived, varies across differently situated groups (Chhun 2011; Koskela and Tani 2005). On the one-hand, this perceived failure of the criminal justice system to adequately respond to street harassment is disappointing and represents another example of the routine exclusion of women's experiences of sexual violence. On the other hand, the general lack of criminal justice responses provides the opportunity to develop justice responses to street harassment from the starting point of victims' justice interests (as per Daly 2014) and desired responses.

This opportunity provides our starting point. An extensive body of work on victim-survivors' experiences of the criminal justice system illustrates that the system is often unwilling or unable to meet their justice interests (Clark 2010; Daly 2014; Herman 2005; McGlynn 2011). This suggests that we must look outside of the formal criminal justice system in order to enable victim-survivors to achieve some sense of justice. Here, we examine the potential for transformative justice to function as a victim-centred justice response to street harassment. We begin with a brief overview of the harms of street harassment, and introduce our understanding of the term as a situated phenomenon. We then outline justice responses to sexual violence more broadly, focusing in particular on the possibilities of transformative justice, before turning to examine in more detail the possibilities of transformative justice in relation to street harassment. After this theoretical exploration, we draw on the empirical work of Author 1 on the understandings and justice needs of individuals who have experienced street harassment, conducted with just under 300 participants in 2016. We briefly outline the methods employed, before expanding on the justice needs and understandings of participants given through qualitative survey data. This expansion involves first a detailed look at the limits of the criminal justice system, and then a discussion of transformative justice in relation to the justice interests given by participants; highlighting how what became evident in responses was the need to transform the concept of justice itself, as is traditionally conceived. We end in considering the limitations of the transformative justice frame, looking to recent developments in the UK that explore the needs of victim-survivors in terms of Clare McGlynn and colleagues' (2017) concept of kaleidoscopic justice.

Situating Street Harassment

Street harassment constitutes a diffuse array of practices, with actions such as catcalling, wolf-whistling, prolonged staring or ogling, groping, following someone, and intrusive verbal comments typically included within definitions (Logan 2015). Some definitions also include actions that would fall under legal definitions of rape and sexual assault (e.g., Gardner 1995). Men are overwhelming the source of these practices, and women predominantly the targets. However, recognition of the commonality of street harassment in the lives of most women and girls must be made with an awareness that all women and girls are not harassed in the same way (Fogg-Davis 2005; Chubin, 2014). Social markers such as racialization, class, and sexuality, situate women in hierarchal relation to each other. These hierarchies interact and intersect with each other and with gender inequality, meaning that street harassment manifests and is experienced by women in multiple ways, some of which are shared and some of which are not. Attempts to measure the prevalence of street harassment encounter a number of difficulties, including the lack of an agreed upon definition across, or even within, particular contexts (see Vera-Gray 2016). The term itself is contested both on the grounds that “harassment” predefines the experience and narrows the range of possible responses, as well as the limitations of “street”, which though used as an abbreviation for any public place rather than a definitive location, marks a separation between physical and non-physical public space. Such separation hampers opportunities to explore the overlaps and differences across both physical and online public spaces, as well as the cumulative impact on women of intrusion by unknown men in public (Vera-Gray, 2016). It also means that some practices, those experienced on public transport for example, or in public/private spaces such as bars or clubs, may be excluded from studies on “street harassment” by either participants or researchers themselves. However, despite the difficulties in making comparisons across studies, there is a growing body of research globally that is starting to build a picture of the pervasive nature of street harassment in the lives of women.

Recent research from Australia suggests that almost 90% (n=1426) of women have experienced physical or verbal harassment in public at least once in their lives (Johnson and Bennett 2015), similar figures to a study in Afghanistan the same year, finding a prevalence figure for women of 93% (n=321) (WCLRF, 2015). Canadian and Egyptian research have found incidence figures of approximately 85% of women experiencing street harassment in the past year (Lenton et al. 1999; Shoukry et al. 2008). Women (n=228) in Fairchild and Rudman's (2008) U.S.-based research reported experiencing stranger harassment on a monthly (41%) basis, while a large minority reported experiencing harassment once every few days (31%). These figures are used to give a sense of the phenomenon as broadly construed, not taken as representative of the same phenomenon comparable across contexts. As noted by Vera-Gray (2016) and Lennox and Jurdi-Hage (2017), comparisons across studies are complicated and apparent differences between populations may actually reflect methodological differences in research, rather than substantive differences between populations. These differences, though making comparison difficult, are not something that should be collapsed in the search for a unitary, universal definition. Rather, it is important that contexts are able to capture for themselves the particular practices comprising the phenomenon in their area, enabling for complexity, depth, and difference to underpin the study of street harassment, instead of a colonising approach that determines "what counts" in any given context.

This point responds to a recent criticism made of the emerging literature on "everyday sexism" as failing to generate "a clear theory of the processes and mechanisms by which these [micro-sexisms] work, or any further analysis around the continuum between 'everyday' and more extreme forms." (Phipps et al. 2017, 5). Such a critique misunderstands Kelly's (1988) continuum of sexual violence as something discrete categories of violence are located on, rather than providing a way of conceptualising how they are experienced *together*,

overlapping and infusing each other in such a way as to complicate the very idea of a distance “between” the everyday and the extreme. It also masks the range of theoretical explorations of the processes and mechanisms of street harassment that have been written by various feminists, such as Debbie Epstein’s (1996) work on street harassment as the institutionalisation of heterosexuality, or Hawley Fogg-Davis’ (2006) on how the black lesbian experience of same-race street harassment illuminates the mechanisms of black patriarchy. Such work demonstrates the strength in working with street harassment as a situated phenomenon, located in specific contexts by which and through which it has meaning, rather than seeking to delimit one clear theory which could work to hide lived complexities in manifestations and meaning. Such an understanding underpins our exploration of the potential for transformative justice to function as a victim-centred justice response.

We currently know little about how those who have experienced street harassment would like it to be responded to: that is, what does justice mean for them, and what needs to happen for them to feel as though a sense of justice has been achieved? Before exploring the answers to these questions given by a set group of individuals in Melbourne, Australia, we locate the questions themselves within the developing literature on justice for victim-survivors of sexual violence.

Transforming Justice For Sexual Violence

In response to many of the problems identified with the criminal justice system and sexual violence (e.g. Clark 2015; Herman 2005; McGlynn 2011), alternative justice approaches are gaining in popularity across both Australian and UK contexts. While this initially entailed a focus on restorative justice practices (e.g., Julich 2006; McGlynn et al. 2012), the concept of “transformative justice” is gaining recognition as a framework that may combat some of the challenges that even a restorative frame encounters in relation to sexual violence. Judith

Herman's (2005, 597) *Justice from the Victim's Perspective* has helped drive the focus for alternative justice approaches for victim-survivors of sexual and domestic violence, finding that the views of justice for her participants were "neither restorative nor retributive in the conventional sense", something echoed in more recent work (McGlynn et al. 2017). It is important to recognise here that although alternative justice approaches, including the possibilities of more "restorative" work sitting outside of the criminal justice frame, are relatively new in relation to sexual violence in a Western context, such approaches do in fact have a lengthy history. These include for example the uses of conferencing in Maori culture, reconciliation in Fiji, sentencing circles with First Nations people in Canada, and peacemaking sessions in Native American tribal systems (Findlay 2000; Deer 2009). It is crucial that such histories are kept visible, to ensure that the search for alternative justice in western contexts is not used, perhaps inadvertently, to further the colonial project of delegitimising the knowledge and organization of Indigenous and First Nation groups.

Understanding Transformative Justice

Transformative justice seeks to disrupt the underlying structural and cultural causes of violence and inequality. Ruth Morris (2000, 3), one of the leading proponents of transformative justice, argues that this framework "uses the power unleashed by the harm of a crime to let those most affected find truly creative, healing solutions...[it] invites them to use the past to dream and create a better future". The specific focus of transformative approaches varies somewhat across the literature to date, and Capeheart and Milovanovic (2007) note that transformative justice can aim for transformation at individual, community, and structural levels.

Traditional criminal justice mechanisms (and other institutions) are typically considered limited in generating structural and cultural change within the literature on

transformative justice (Boesten and Wilding 2015; Cornwall and Rivas 2015; Coker 2002; Morris 2002). Indeed, the traditional justice system (in conjunction with other dominant institutions and structures) directly contributes towards and reproduces structural inequalities, oppression and violence, and this is certainly reflected in existing criminal justice responses to sexual violence (Boesten and Wilding 2015; Capeheart and Milovanovic 2007; Coker 2002; Kelly 2010). State-centred responses can work to disengage individuals from participating in justice processes, allowing only a limited, peripheral role for most actors (Gready and Robbins 2014).

Transformative justice thus demands that we develop new and creative justice mechanisms that sit outside of (or, at least, are less strongly centred around) these formal structures and institutions (Ansfield and Colman 2012; Boesten and Wilding 2015; Gready and Robbins 2014; Mugabo 2015). Rather than seeking to retrospectively redress harms, transformative justice is “interested in how different justice strategies and mechanisms can contribute to the reconfiguration of power beyond individual experiences of violence and injustice...at [a] societal level” (Boesten and Wilding 2015, 75). It uses a systems approach, seeking to see problems as not only the harm itself, but also the underlying causes of the harm (Caulfield 2013). Importantly, Daly (2002, 78) contends that in order for justice responses to be transformative in the context of societies in transition, such responses (or institutions, as per Daly) must be “tailored to the particularities of time and place of the society in which they operate”. In a similar vein, Anna Eriksson (2009, 305) suggests that within post-conflict societies “justice needs to be ‘embedded within’ to engage with the communities, cultures and contexts of conflict” (see also Gready and Robbins 2014; Lambourne and Rodriguez Carreon, 2016). That is, post-conflict contexts require a ‘bottom-up’ approach grounded in the needs and preferred justice responses of community members. Victim-focused practices are thus embedded within a transformative justice framework, as well as a connection to the long

history of feminist activism also aimed at transforming structural limitations on women's lives (Hankivsky 2005).

Transforming the "Everyday"

To date, feminist and other writing on transformative justice has tended to focus on its potential as a framework for justice within post-conflict societies (Boesten and Wilding 2015; Daly 2002; Gready and Robbins 2014; Lambourne and Rodriguez Carreon 2016), in international development contexts (Cornwall and Rivas 2015; Hankivsky 2005), and as a pedagogical practice (Keddie 2006). Despite this focus, there is great potential for transformative justice as a frame to address "everyday" manifestations of sexual violence. Scholars within transitional justice acknowledge that "when everyday violence is ongoing and pervasive, formal 'peace' may provide no more security for women than societies experiencing political conflict" (Boesten and Wilding 2015, 76; see also Lambourne and Rodriguez Carreon 2016), suggesting that it is not only post-conflict societies that require transformation in order for social justice to be achieved. Likewise, Lambourne and Rodriguez Carreon (2016) conceptualise transformative justice as involving a transformation of relationships *as well as* structures and institutions. In this respect, they argue that transformative justice is "both backward and forward looking at the same time", enabling a relationship to be established between the "exceptional" forms of violence perpetrated against women during conflict and the "everyday" violence perpetrated against women during "peacetime" (2016, 72).

Whilst there is comparatively little examination of a transformative justice framework for responding to men's violence against women in peacetime or non-transitional contexts, and no research that we are aware of considering the potential of this framework in relation to the practices broadly comprising street harassment, there is some evidence to suggest that

transformative justice frameworks have been incorporated into, and further developed within, feminist praxis. Anti-street harassment projects such as the Everyday Sexism Project, Hollaback, and other international efforts can be seen as contributing towards transformative justice goals. For instance, as we have argued elsewhere, these projects contribute towards consciousness-raising efforts, and give voice to victims' experiences (Author 1, 2016), a point we return to in our discussion here. Both Kelly (2010) and Ansfield and Colman (2012) reflect on the manner in which transformative practices are employed in the context of two community-led, grassroots sexual assault collectives in Philadelphia. The transformative potential of restorative justice enabled Kelly (2010, 50) and colleagues to question the extent to which "the aftermath of an assault represents an opportunity to dismantle institutionalized oppression and bring the group closer to social and economic justice." Here, we see the principles of transformative justice as furthering this potential, through functioning as a *preventative*, rather than retrospective, form of justice (though it is, in some respects, inevitably both). Lauren Caulfield (2013) explores the practices of eight North American groups working on community accountability, transformative justice, and grassroots approaches to gender-based violence, in relation to the application of key transformative justice principles to community accountability work in Australia, and Délice Mugabo (2015) indicates that a transformative approach informs Black feminist praxis in the Canadian-based Third Eye Collective. Also inspired by work happening in North America (specifically the work of Ching-In et al. 2011), the UK based Salvage Collective, incorporates transformative justice principles in addressing gendered violence in activist communities (see Downes et al. 2016). This suggests that evidence of the application of the principles of transformative justice in relation to everyday manifestations of men's violence, may exist more in practice than a review of the academic literature may suggest. However, to date most of the offline feminist praxis incorporating principles of transformative justice relate to intimate partner

violence and sexual assault. As such, transformative justice remains poorly conceptualised as it applies to “everyday” experiences of sexual violence, and street harassment in particular. We move on now to consider how the justice interests and responses of those affected by street harassment reflect the principles of transformative justice.

Methods

The qualitative data drawn on in this article stems from responses to open-response survey questions given as part of (Author 1’s) broader project on justice understandings, needs and responses in relation to street harassment in Melbourne, Australia. Those interested in an account of the full project methodology, and findings relating to participants’ use of online activist sites and social media as an informal justice mechanism, can refer to Author 1 (2016). The online survey was run in 2015 using the *Qualtrics* platform, with ethical approval given by [Author 1 institution]. Question topics covered participant demographics, their experiences of street harassment in Melbourne, the impacts of those experiences, disclosure and reporting practices, participants’ understandings of justice, and their preferred justice responses to street harassment. Responses to all questions were optional. While participants provided complex and multi-faceted responses to the range of questions asked, justice responses that involved an element of social, cultural, and structural *transformation* were a dominant theme, and we draw on these responses. Due to the nature of anonymous survey research, it was not possible to follow up with participants about their responses, or to ask probing or clarifying questions. As such, our discussion below will highlight our own unanswered questions, as well as point to potentially rich areas for future in-depth research.

A self-selecting convenience sample of 292 participants was recruited primarily through social media networks, particularly Facebook and Twitter. In order to take part, participants were required to be aged 18 or over, and to have experienced street harassment

(self-defined) in Melbourne. Participants were provided with examples of more common types of street harassment (e.g., starting, wolf-whistling), and were instructed that they were able to draw on any experiences that had occurred in public space (e.g., the street, public transport) that they felt were harassing, intimidating or abusive when responding to the survey. No information was provided to participants on the current legal status of street harassment, as the research was concerned with examining how participants would like street harassment to be responded to, rather than examining the adequacy of any existing justice mechanisms. Being a self-selecting sample, it may be that participants were more engaged politically and/or practically in the issue of street harassment, feeling they had “something to say” on the subject. As such, the views expressed by the sample may not be representative of the views of the general population.

As the project sought to examine the ways in which gender and sexual orientation shape experiences of street harassment, participation was open to people of any gender identity or sexual orientation (see Tables 1 and 2). Following this, key organisations for violence against women and LGBTIQ+ communities were approached and requested to circulate the study advertisement through their networks and mailing lists. Again this may have impacted on increasing representation in the sample from people involved in social change and activism against gender and sexuality based discrimination.

Table 1. Survey participants’ gender¹.

¹ Survey participants were provided with a list of gender identities and sexual orientations to select from. These included: cisgender woman; cisgender man; transgender woman; transgender man; non-binary; genderqueer; genderfluid, and bi-gender. The term “cisgender” was defined to participants as meaning “that your biological sex and gender identity are the same (e.g., female biological sex, and female/woman gender identity)”. For sexual orientation, participants were provided with the following options: lesbian; gay; bisexual; heterosexual; pansexual; asexual; and, queer. For both questions participants were able to enter their preferred terms if they

Gender	Number of participants
Cisgender woman	79.5% (n=232)
Cisgender man	7.5% (n=22)
Other	3.4% (n=10)
Genderqueer	3.1% (n=9)
Genderfluid	2.4% (n=7)
Non-binary	2.1% (n=6)
Transgender woman	2.1% (n=6)
Total	N=292

Table 2. Survey participants' sexual orientation.

Sexual orientation	Number of participants
Heterosexual	46.2% (n=135)
Bisexual	18.2% (n=53)
Queer	10.6% (n=31)
Pansexual	8.6% (n=25)
Lesbian	6.5% (n=19)
Other	4.1% (n=12)
Gay	3.4% (n=10)
Asexual	2.4% (n=7)
Total	N=292

were not listed. Participants' gender and sexual orientation was self-defined, and individuals may use the same term (e.g., "queer") to refer to different manifestations of gender identity or sexual orientation.

As Tables 1 and 2 illustrate, though participants reflected a range of sexual orientations, with just under half identifying as heterosexual, the vast majority of the sample (over 80%) were women. Demographic data was also collected on race/ethnicity and (dis)ability (see Tables 3 and 4 below), as well as education. Participants were highly educated, with 42.5% (n=124) having a university undergraduate degree, 22.3% (n=65) a postgraduate degree, 15.8% (n=46) had a Diploma, 18.8% (n=55) had a secondary school qualification, while 0.7% (n=2) reported a primary school level education.

Table 3. Survey participants' race/ethnicity.²

Race/Ethnicity	Number of participants
White	87.7% (n=256)
Did not respond	5.1% (n=15)
Mixed race	1.7% (n=5)
Chinese	1.4% (n=4)
Indian	1.0% (n=3)
Vietnamese	1.0% (n=3)
Asian	0.7% (n=2)
Indigenous Australian	0.7% (n=2)

² An open-text response question was used in asking participants about their ethnicity. Participants who referred to themselves as “Anglo-saxon”, Caucasian, White Australian, Pakeha New Zealander, or White European were coded as “white”. Some participants listed their ancestral backgrounds (e.g., Irish, English, German, Portugese, Australian), or simply referred to themselves as “Australian”. These participants were also coded as “white” on the basis that these are, historically, predominantly White European countries. However, it is not possible to verify the accuracy of this. As this was an open-response question, some participants referred to themselves as “Asian” without specifying the particular country or region, or “mixed race”, without specification.

Indonesian	0.3% (n=1)
Maori	0.3% (n=1)
Total	N=292

Table 4. Survey participants' disability.

Disability	Number of participants
No	80.1% (n=234)
Yes	17.5% (n=51)
Did not respond	2.4% (n=7)
Total	N=292

Table 5. Survey participants' age.

Age group	Number of participants
18-19	5.5% (n=16)
20-24	21.6% (n=63)
25-29	30.8% (n=90)
30-34	21.2% (n=62)
35-39	9.2% (n=27)
40-49	9.2% (n=27)
50-57	2.4% (n=7)
Total	N=292

The results discussed here are thus limited predominantly to the views of cisgender, white, able-bodied Australians. This means we cannot here, develop an intersectional analysis of justice interests and street harassment. Given how activist groups have highlighted the

specific role of race in experiences of street harassment, see for example the excellent work of UK based organisation Purple Drum on racialized public sexual harassment, it is notable that our data is unable to speak to how these experiences inflect justice interests and understandings. For assistance and feedback on both research recruitment and design, local Aboriginal feminist leaders and local University multicultural student groups were contacted. That the recruited sample is so limited, raises questions not only about methods of design and recruitment, but also of content. This may be a reflection of the author's position as a white Australian woman who is an outsider to these groups. It may also reflect cultural differences in the conceptualization and labelling of different forms of public sexual harassment, as addressed for example in the autoethnobiographic work of Chubin (2014). Importantly, it may also be saying something about the "justice" framing itself, given our findings about how this concept is understood through the rubric of criminal justice. As will be discussed, the ways in which racialization orders access to the criminal justice system was not discussed by participants, though there was an understanding of race and criminalization. This suggests that participants came to the research with an understanding of their right *to* access (criminal) justice, whether or not this was a right they felt able or encouraged to take up. The very framing of the survey as about justice needs may have meant that Indigenous and other minoritised ethnic groups discounted the survey as not being "for them".

Similarly, although people living with a disability comprised a relatively large minority of participants, we can only provide limited insight into disability and justice here. This is particularly the case given that participants required high-level reading comprehension and writing ability to take part in the survey, excluding those living with significant mental impairments. Given the importance of an intersectional approach in drawing out differences and overlaps in experiences, our inability to properly address intersectionality through the

data limits our analysis and points to the need for further research to test and develop some of our claims here.

“Toothless” Laws: The Limitations of Criminal Justice for Street Harassment

Participants drew attention to a range of perceived limitations to using criminal justice mechanisms in addressing street harassment. These limitations were highlighted most often in responses to a question regarding the extent to which they would support the introduction of legislation addressing street harassment. Overall, the support for criminal justice responses was ambivalent at best. Across responses there was a common conviction that street harassment would be difficult, if not impossible, to respond to under this framework, while doing little to shift the underlying causes of street harassment and actively perpetuating other systemic inequalities.

I don't even know if what most of the harassers I've had have done is even a crime really? Is being annoying and not leaving someone alone at a pub a crime? How would one get justice for that (make him attend a really tedious lecture or something??³)? I'm not interested in justice I'm interested in a cultural shift and an end to rape culture (25-29 years, cisgender woman, bisexual, white, no disability)

There is no justice. My worst cases of street harassment impacted me as a young girl and went on to impact my lifestyle at the time (what I wore, where I went) and the choices I made later. There is no justice that can take away a person's childhood like that...In that sense I feel powerless to achieve justice for my experiences. (20-24 years, cisgender woman, heterosexual, white, no disability)

³ A punishment many of our students are no doubt intimately familiar with.

Such responses critique the very notion or possibility of “justice”, suggesting a need to transform understandings of the term itself, something we discuss in more detail in the next section.

For some participants in some contexts, a formal criminal justice response was desired and necessary in order to fulfil some of their justice interests. In particular, legislative regulation of street harassment was often highly valued for its potential symbolic and expressive/communicative power. As such, our point here is not so much to suggest that there is no role for criminal justice responses to street harassment (though, as will be discussed, this was the position taken by some participants), as to highlight how in some contexts, a criminal justice approach is insufficient and, in many respects, undesirable, to meet street harassment victims’ justice interests or desired justice outcomes. Expanding from the Australian data presented here, we argue that criminal justice responses are largely unable to *transform* the underlying causes of street harassment. For participants in this study, such inability stems from the evidentiary challenges posed by street harassment, its trivialisation, institutional discrimination, and the problem of disproportionality in response. We turn now to look at how participants perceived each of these factors to contribute to the limitations of criminal justice in relation to street harassment.

Evidentiary Challenges and Trivialisation

A core issue or limitation of criminal justice responses to street harassment raised by participants was the often-ephemeral or fleeting nature of these encounters. This was often viewed as presenting challenges in terms of identifying the harasser and collecting evidence of what had occurred to the standard required for proving criminal offences. As one woman commented:

It could be challenging because street harassment I've experienced is often a fleeting moment and sometimes you can't see who's making that noise at you, or you're too scared to look them in the eye or they drive by and they're gone. (20-24 years, cisgender woman, bisexual, white, no disability)

It is indeed a challenge for the criminal justice system to enable justice for a harm where the one causing that harm cannot be identified or named, and in instances where there is no tangible evidence or witnesses. Given that much street harassment is highly ambiguous in nature, there would likely be substantial challenges in establishing intent, even in instances where others have witnessed an incident occur. As a result of these evidentiary challenges, one participant commented, "I can't imagine how laws against harassment could be anything but toothless" (40-49 years, cisgender woman, heterosexual, white, no disability).

Others highlighted how it was both the fleeting nature of street harassment as well as its cumulative impacts that made it difficult to respond to using a criminal justice paradigm. Here, it was not any particular incident of street harassment that was identified as harmful, but rather the "overall impact of dozens of car horns and crude comments...that are dehumanizing." (20-24 years, cisgender woman, bisexual, white, lives with disability). The nature of this harm was presented as cumulative, synergistic, and unable to be attributed solely to the actions of any one individual. Such an explanation demonstrates the continued importance of Kelly's (1988) conceptualisation of sexual violence as a continuum. For this participant, street harassment was lived as a process rather than an event, and was understood because of this as being challenging to respond to within a criminal justice system focused on discrete incidents and individual perpetrators.

Many participants also expressed concern regarding the acknowledged problems of the Australian criminal justice system in responding to sexual violence. For these participants, this suggested that the criminal justice system was unlikely to respond well to street harassment.

I'm not sure legislation would be taken seriously by potential perpetrators without law enforcement taking it seriously; there is legislation against sexual assault but the way that rape is often treated by police means that the legislation is not well executed in practice and I can see the same thing happening with legislation about street harassment. (30-34 years, cisgender woman, queer, white, no disability)

Indeed, a number of participants suggested that those experiencing street harassment would potentially receive *worse* treatment in the criminal justice system, given the extent to which it is trivialised and dismissed as a form of harm. This fostered a perception that those reporting street harassment would simply not be taken seriously. As one participant suggested, "I don't think it is seen as a serious crime and can't envisage police or courts being very interested in it" (35-39 years, cisgender woman, heterosexual, white, no disability).

Formal criminal justice system responses to street harassment were, at times, viewed as disproportionate to the harm of individual incidents of street harassment. For example, one participant commented that "a lot of examples aren't serious enough to be prosecuted or dealt with judicially" (25-29 years, cisgender woman, heterosexual, mixed race, no disability), and other, more informal responses (such as police cautions, or educative responses) were viewed as more appropriate in such instances. Another participant said that they "couldn't be bothered addressing minor harassment" (30-34 years, cisgender man, gay, white, no

disability), suggesting that the perceived effort of engaging the criminal justice system outweighed the harms caused by some incidents of harassment.

However, there was not necessarily agreement between participants over what constituted “harmful” or “serious” forms of harassment and this creates substantial challenges in determining which forms of public sexual harassment are deserving of formal regulation (see also Fileborn 2016). Claims that certain forms of public harassment are not “serious” also sit in contrast to the documented harms of these seemingly “minor” encounters (see for example Vera-Gray’s (2017) discussion of the seemingly innocuous, “cheer up love”). However, these concerns were often raised alongside other limitations, such as the evidentiary challenges of street harassment and the perceived ambiguity of some forms of this behaviour, and it was often a combination of these factors that informed participants’ views.

Discrimination

Concerns were raised regarding the treatment of sexuality and gender-diverse people by the criminal justice system. For example, one participant highlighted the perceived challenges of accessing the justice system as a transgender woman, and believed that undertaking this process would likely involve additional levels of “emotional drain”:

Can you imagine a courtroom or mediation with a trans woman present? The whole thing would become about gender, full of misgendering and slurs and deadnaming.⁴ No thanks. Even if they got a fine or a slap on the wrist, the emotional drain of having to deal with a whole range of professional people who

⁴ “Deadnaming” refers to when a transgender person is called by the name assigned to them at birth, rather than their gender-affirming name.

each know nothing about trans experiences sounds like a nightmare. (25-29 years, transgender woman, lesbian, white, no disability)

Other participants expressed concern regarding the potential for a criminal justice response to street harassment to contribute towards the over-policing of minoritised groups, particularly, in an Australian context, Indigenous men (see also Coker 2002). As one respondent observed:

Criminal laws (even with a seemingly feminist origin) often end up being used disproportionately on Indigenous Australians, young people and people from CALD [culturally and linguistically diverse] backgrounds, becoming a new source of violence rather than addressing any. Be very, very careful with new laws. (25-29 years, transgender woman, heterosexual, white, no disability)

Drawing on Merleau-Ponty's ([1945], 2002) work on the habit body, Sara Ahmed's (2013) discussion on institutions as habit bodies, disallowing bodies that aren't positioned as "acceptable", provides a useful frame for thinking through the ways in which the Western criminal justice system is routinely experienced as a site of injustice for minoritised groups, including women, black and minority ethnic groups, and gender and sexuality diverse people. This process of habituation creates an "institutional space in which some bodies more than others can 'fit'" (2013, np). In the context of the criminal justice system, the black, transgender, and/or female body *comes up against* the habituated institutional body, exposing the institutional criminal justice body as one constructed upon white, cisgender, male bodies.

Interestingly, while participants observed the potential impacts of criminal justice responses on the person who has caused harm where they came from a minority ethnic group,

there was virtually no acknowledgement of the ways in which *access* to the criminal justice system for those who have experienced street harassment and seek redress, is also racialised. For instance, Indigenous women can be reluctant to report incidents of gender violence for a range of complex reasons relating to “the impacts of a post-colonisation history that has engendered...a deep distrust of mainstream authorities and justice systems that in the past have operated as agents of oppression”, and, we would add, continue to do so (Willis 2011, 6). Others may be fearful or distrustful of police due to poor experiences either within Australia, such as experiencing racial stereotyping or racism, or their country of origin (Grossman and Sharples 2010). That such a consideration was absent in the reflections of the predominantly white sample points to limits in the sample for this study as well as to the need for understanding street harassment as a situated phenomenon, suggesting the need for in-depth work exploring justice interests in relation to women who experience racialised street harassment.

“A Cultural Shift”: Transforming Justice for Street Harassment

As this discussion shows, for many participants what was conceived as a formal criminal justice response was an unsatisfactory framework for achieving justice in response to street harassment. For some individuals there was value in introducing legislation or other criminal justice responses, even while the limitations of such approaches were simultaneously acknowledged. Expressing concerns about the potential for reports of street harassment to be minimised, one participant also acknowledged that legislative regulation of street harassment could constitute “an important symbolic move: to enshrine women’s rights in law helps make them socially agreed-upon standards” (35-39 years, cisgender woman, heterosexual, white, no disability information). This statement reflects the complexity and ambivalence apparent in many participants’ views on the regulation of street harassment through the criminal justice

system. Nonetheless, there was a clear belief amongst participants of a range of profound limitations associated with a criminal justice response. Such a framework was understood as not only limited in the ways outlined above, but also fundamentally ill-equipped to meet the needs of education, and prevention through a fundamental change to gender inequality; both of which came out forcefully across accounts as the forms of redress most desired in response to experiences of street harassment.

It is here we argue that transformative justice formed a core component of participants' conceptualisations of how justice could best be achieved in response to street harassment. That is, participants' responses focused strongly on the need to achieve social, cultural and systemic transformation in order for justice to be achieved. In line with current research and theoretical work in the field, participants argued that this transformation needed to occur across individual, community and structural levels. Importantly, however, some responses demonstrated the power of the criminal justice system as a hegemonic frame for understanding the term "justice" itself. As such, findings from this study suggest not only the benefits of a transformative justice framing to meet the justice needs of those experiencing street harassment, but also a need to transform popular conceptions of "justice" itself to help in articulating these needs and directing responses.

Education and Transforming "Justice"

Many participants viewed criminal justice responses to street harassment as inherently limited because they entail retrospective responses; only attending to harm after the fact, and cannot undo what has been done. At best, they can only seek to redress harm in an approximate way (Clark 2010). As such, for many participants, education and prevention became key sites for justice.

Education and long-term cultural change to promote the full acceptance of minority groups of all types; affirmation such as marriage equality for lesbian and gay people, while symbolic and not for everyone, is one such example of how to promote real change. (40-49 years, cisgender man, gay, white, no disability)

Implementing legislation or a regulatory framework designed to acknowledge and speak back to/"repair" the damage done by street harassment is not justice - it would be just if street harassment never happened. The damage is not such as can be compensated, it sits quite deeply within women and their perception of their social and internal selves, and no-one's harm is remedied by someone being punished. Education, and men taking responsibility for their mates' bullshit, and family and friends seriously shaming harassers might constitute a better response. (25-29 years, currently cisgender woman but genderqueer/fluid, queer, white, no disability)

Calls for education were also often made in recognition of the fact that a street harasser's behaviour was itself the product of a particular set of gendered norms and relations. Similarly to Coker (2002), these participants saw responding to street harassment as an opportunity to encourage men to critically reflect on restrictive and oppressive gendered norms.

I would like to see education stamp out street harassment as much as possible through targeted education specific to male entitlement to women's bodies and to macho ideas of masculinity versus femininity and its associated negativity. (25-29 years, cisgender woman, bisexual, white, no disability)

Gender inequality and respectful relationships education. If we just throw men into jails they become more entitled and resentful. We need them to feel EMPATHY first. That's the first step. They have to 'get it'. Plus it's empowering for them to be their real selves instead of living up to some macho abusive male gender role. (25-29 years, cisgender woman, doesn't like labels, white, lives with disability)

However, many responses demonstrated that prior to introducing or exploring transformative justice as a framing, there is a need to transform popular understandings of the term "justice" itself. Participant responses illuminated the power of the criminal justice system as a hegemonic frame or "dominant narrative" (McKenzie-Mohr and LaFrance 2010) for understanding justice. These responses challenged the desirability and sometimes the possibility of justice, often at the same time as positing responses that fall under the transformative justice frame, such as prevention and education.

In this context I don't think 'justice' is applicable. I don't want my harassers to be 'held accountable', I want to be able to walk the street without fear. (20-24 years, genderfluid – majority femme, pansexual, white, no disability)

It is an outcome of unequal gender relations. How can justice ever be achieved if these relations don't change? Formal justice is retrospective justice, the crime already happened. I am not sure that the discourse of justice is the appropriate one. (20-24 years, cisgender woman, heterosexual, no ethnicity information, no disability)

For some participants, justice was understood as secondary to, rather than embedded in, prevention responses.

Before focusing on justice I think it would be more helpful to focus on education and changing peoples attitudes. I want men to stop honking their horn at me because they respect me, not because they may be punished for it. (25-29 years, cisgender woman, heterosexual, white, no disability)

Never mind justice. I want education and empathy training...I want better training in school on navigating relationships and respecting boundaries. I want people to learn how to communicate more openly so they can explain their boundaries...I want to live in a country that embraces multiple cultures, genders, sexualities and other identities instead of building them up as threats. (30-34 years, genderqueer/non-binary/female assigned at birth, likes men only, white, lives with disability)

Such a conception of justice as distinct from rather than part of, education and prevention efforts, suggests a challenge for work seeking to unearth the needs of groups targeted for normalised or trivialised forms of violence, such as street harassment. Where justice is understood in terms defined by a frame that is, for many of the reasons outlined previously, insufficient to meet justice interests, we risk those interests being rendered unspeakable.

Transforming Gender Norms as Justice

Across responses, participants drew on their understandings of the basis of street harassment as a hetero-sexist practice (Epstein 1996) to frame their justice needs. Implicit in these responses was the perceived need to challenge and transform the attitudes underlying street harassment, with a view to preventing harassment rather than responding retrospectively. For instance, one participant argued that the following would need to occur in order for justice to be achieved:

That women feel more empowered and inclined to call it out and shut it down, that people around them will acknowledge it for what it is, and be positive supporters of her. That perpetrators will feel more watched and self-conscious, and less brazen that they are behaving acceptably...I would like to see a greater public spotlight on street harassment as a key element in greater cultural focus on gender inequality, rape culture, and male entitlement. (35-39 years, cisgender woman, heterosexual, white, no disability)

Here justice is clearly linked to both individual and collective transformation. For this participant, justice is simultaneously linked to: women being able to recognise and locate their experiences within broader structural forces of oppression (a task not dissimilar to that of feminist consciousness-raising groups of the 1970's and 1980's); to individual harassers no longer feeling able to engage in harassment; and to individual community members being able to challenge this behaviour when it occurs.

Justice was often understood in relation to street harassment in collective rather than individual terms.

I think that street harassment is a symptom of some seriously concerning underlying values that make individuals feel justified in treating women like things to be ogled and disrespected and it is a larger community issue than an individual response. (25-29 years, cisgender woman, heterosexual, white, no disability)

This echoes Cornwall and Rivas' (2015) argument that individual "empowerment" provides women with the tools to begin to critically understand and challenge oppressive acts (such as street harassment) that were previously accepted as a "normal" part of their everyday lives. Such tools facilitate the move from the personal to the political, locating street harassment within the broader system of sexism and its manifestations in inequality and entitlement.

In the context of street harassment, justice means being able to walk outside without having to 'be careful' or 'take precautions'. To be able to feel safe within my body, to not have to hide/obscure/justify it in any way to other people. To be treated as equal humans. To not be exoticised daily. To not have to go home and feel like I've done something wrong by simply existing. (20-24 years, non-binary, queer, vietnamese, no disability)

Women need to be seen as JUST AS HUMAN as men. Not sexual objects. (30-34 years, woman, heterosexual, white, no disability)

Here, participants point to what Deborah Tuerkheimer (1994) argues is the particularly gendered nature of the harms of street harassment in the ways in which it reduces women's status as subjects. Axel Honneth's (2004) work on justice can be used to further this claim,

with Honneth positing a conceptualization of justice as a plurality of factors that rest on principles of recognition. This concept of recognition in its Hegelian sense, is something we are currently working on in relation to identifying the inarticulable harms of street harassment (Authors, forthcoming), however the need for a justice response that reinstates women's subjectivity or humanity, is already evident in the interests expressed by participants above. Honneth's conceptualization together with these needs enables a way of framing feminist praxis, including awareness raising, prevention and education, as a justice response. Online activist practice on street harassment, such as Laura Bates' *Everyday Sexism* project (see Bates, 2014), help individuals achieve justice through using the Internet to provide a "counter-public" (Salter, 2013), facilitating a reinstatement of the conditions of recognition. In addition, though Honneth critiques Nancy Fraser's conceptualization of justice as participatory equality, parity of participation does form part of the justice needs articulated by respondents. For Fraser, justice requires "social arrangements that permit all (adult) members of society to interact with one another *as peers*" (2007, 27 original emphasis). For this to occur, she contends that "the distribution of material resources must be such as to ensure participants' independence and 'voice'" (a point we will return to in our discussion of kaleidoscopic justice) and "that institutionalised value patterns that systematically depreciate some categories of people and the qualities associated with them" are precluded (2007, 27). Importantly, this justice interest is expressed as connected to the need to address a range of inter-related cultural and structural systems underpinning a range of different oppressions. Gender inequality was thus understood as connected to rather than wholly separate from other forms of oppression.

I think a lot of things need to occur. Street harassment isn't a distinct, stand-alone problem. Rather, it's an ugly side effect of the patriarchal, heteronormative society

we continue to live and breathe. (30-30 years, cisgender woman, queer, white, no disability)

I think addressing the idea of people feeling entitled to other people's attention/bodies and discrimination like homophobia, transphobia, racism and ableism is probably a helpful start and would go a ways to addressing other interrelated issues too. (25-29 years, cisgender woman, bisexual, white, no disability)

There is a significant portion of women...who are more vulnerable to these forms of violence due to their socio-economic circumstances. To achieve justice [we need] to work on both changing the attitudes of men as well as getting women out of poverty (with better welfare payments) and into housing, education, suitable mental health support, and employment (25-29 years, transgender woman, heterosexual, white, lives with disability)

The connection of the range of intersectional inequalities in driving street harassment reflects arguments mounted by transitional justice scholars. For instance, Labourne & Rodriguez Carreon (2016) similarly argue that both peacetime and wartime sexual violence are located within a broad range of structural causes related to race, class, and sexuality, all of which need to be transformed to address and, ultimately, prevent this violence. These structural causes are likewise evident in shaping experiences of street harassment. As the comments from the third participant quoted above illustrate, socio-economic factors can also shape vulnerability to men's violence. In relation to street harassment, this may manifest in, for example, the increased likelihood of women from lower socio-economic groups to use

public transportation rather than private means of transportation, thus being more visible in public space. These structural factors are also significant in that they likely co-inform and co-construct the *cultural* devaluation of women – for instance, the cultural devaluing of women is reflected in, and co-constituted by, the systematic devaluing of “women’s work”, which receives lower (or no) pay, and the persistent gender pay-gap in Western countries such as Australia. Fraser’s (2007) theorizing of justice is also helpful here, particularly her understanding of gender as a “two-dimensional category” constituted by structural *and* cultural facets. While Fraser suggests that these two categories are intertwined with one another, they also operate somewhat independently: justice cannot be achieved without addressing both components. Thus, achieving a sense of justice in response to street harassment requires transformation of both the cultural *devaluing* of women, sexuality and gender-diverse people, while also requiring a transformation of embedded structural inequalities, such as economic disparity and racial oppression.

From Transformation to Kaleidoscopic Justice

Our discussion has illustrated the ways in which social, cultural and structural transformation formed key elements in participants’ understandings of what constitutes justice, and used this to posit the potential of transformative justice as providing a victim-focused framework for addressing street harassment. However, the strong evidence shown throughout the sample of political engagement⁵ in current debates relating to gender, sexuality, race, and class, suggests the importance of questioning how “typical” these understandings are. Further, as the overwhelming majority of participants were white women, there are significant questions

⁵ Although survey participants were not asked explicitly about their engagement in political activism, many indicated that they either had been, or would be willing to be, engaged in political efforts to generate legal, social/cultural and policy-based change in response to street harassment.

relating to the extent which the discussion here reflects the ways in which justice may be conceptualised by more diverse participant groups, or whether indeed the framing of “justice” itself is an obstacle. Not only might further research with a more representative sample complicate our argument here, but we are also left with a real question about what such transformation might actually entail.

Walker (2016) notes that calls for transformation tend to focus on sweeping goals (e.g., addressing structural inequality), rather than providing feasible suggestions for how we might move forward. Though considering a very different setting than the forms of everyday violence we are focused on here, Walker argues that transformative approaches can in fact de-centre victim-focused norms through “demot[ing] in importance concrete forms of relief and support for individual victims as ‘merely’ remedial or restorative” (2016, 110). While we certainly share Walkers’ concerns, when it comes to street harassment the views of participants in this study suggest that social and cultural transformation was in fact the *concrete form of relief* sought, as fundamental factors in the experience meant that redress through the criminal justice system was perceived as impossible or, for many, undesirable. The challenge here is how to reorganise a hierarchy of justice responses that degrade restorative or remedial approaches. Additionally, the small body of work documenting feminist transformative practice suggests that these approaches are not inherently mutually exclusive: working with victim-survivors and abusers can strive to be reparative on an individual level *as well as* transformative (Ansfield and Colman 2012; Capeheart and Milovanovic 2007; Coker 2002; Kelly 2010). Coker (2002) for example argues that transformative processes should “address the material needs of the victim” through a range of reparative means. Transformative and reparative justice need not be viewed as mutually exclusive, though we should remain wary of the potential for transformative goals to supersede victim-survivors’ more immediate needs.

Connected to these concerns, while transformative justice itself arose in response to restorative approaches, critiquing restorative justice on the basis of the question “restore to what?” (Capeheart and Milovanovic 2007, 61), we might equally ask the question of transformative justice, “transform to what?” Transformative justice as applied to street harassment appears to suffer the same limitations. Although transformative principles were highly valued by participants, it was far less apparent what this transformation would actually entail and how it could be achieved, and participants typically did not articulate what a transformed society would “look like”, or how we might arrive there, perhaps with the exception of engaging in educative efforts.

We also must ask questions about transform *for whom?* Hankivsky (2005, 987), in an analogous discussion of gender mainstreaming, notes that “not all women who live within the same society at any given point in time are oppressed or subjugated in the same way. Gender is interlocked with class, race, ethnicity and other structural relations”. While participants were partly aware of these “interlocking structural relations”, particularly in relation to sexuality and gender diversity, there was perhaps less appreciation of the tensions this might cause in terms of achieving transformation. There is also potential conflict here in that some stated justice interests could be seen as directly counter to transformative aims. For instance, at times some participants *did* desire punitive criminal justice responses in relation to their experiences of street harassment (at least in certain contexts), despite such responses being potentially at odds with transformative aims that seek to disrupt the power relations and oppression perpetuated through the criminal justice system. As Coker (2002, 133) observes, feminists face significant tension in calling for criminal justice responses to men’s violence that can subsequently be co-opted to justify “increasing state control *of women*” (original emphasis), and very particular groups of classed/raced women at that, thus functioning in a manner that is counter-productive to transformative aims. Yet, a truly victim-centred approach

to justice demands that we recognize the multiplicity, fluidity and diversity in victim-survivors' social locations, and in their justice interests (McGlynn 2011; McGlynn et al. 2017). This presents something of a quandary if some individual's justice interests may act in a way that is directly counterproductive to those of others. How are we to proceed where the justice needs of different victim groups are in opposition? Might this challenge speak to the impossibility of ever fully actualizing victim-centered justice that is also transformative in nature?

McGlynn, Downes and Westmarland's (2017) concept of "kaleidoscopic justice" helps to make sense of these tensions, though it does not fully resolve them. Transformative justice tends to imply linear, absolute and coherent progression towards some shared set of values or end goals. This raises questions about how we know that we have arrived at a sufficient level of transformation, as well as uncertainty about the implications for justice if this transformation is undone, challenged, or reversed in some way. In practice, social change rarely occurs in a linear way or with wholly shared ends. Progress is always partial and fluid, done and undone. It is perhaps more useful to conceptualise transformative justice as an ongoing and fragmented process, rather than a linear journey with a clear end point. This conceptualisation is built into the notion of kaleidoscopic justice. According to McGlynn et al. (2017, 181), justice can be understood as a "continually shifting pattern...constantly refracted through new circumstances, experiences and understandings...with multiple beginnings and possible endings...[and an] on-going and ever-evolving experience." Kaleidoscopic justice is thus a way to conceptualise justice itself, rather than a new justice "model".⁶ In this way, whilst it does not provide us with a structure or process for implementing justice for street harassment, it does provide us with a way of helping to transform the notion of justice itself, away from the hegemonic frame of criminal justice and its focus on individuals and events.

⁶ Our thanks to Clare McGlynn for pointing out this important distinction.

Such movement assists in answering our questions about competing justice needs and the problematic idea of a linear progression towards absolute and irreversible “transformation”. By understanding transformative justice as being “kaleidoscopic” in nature, we are better able to take into account the complex, fluid, and fragmented nature of social and cultural transformation, and the diversity of individual victim’s justice interests. The transformation called for through transformative justice can then be conceptualised as an ongoing process, rather than having a finite end point where transformation has been definitively achieved. In this way, transformative justice can perhaps best be understood as aspirational, rather than absolute in nature. Likewise, this may help us to account for how “justice” is achieved or experienced through transformational justice responses. It is perhaps less problematic that transformative action is fluid and partial, both achieved and not achieved, when we understand justice as inherently kaleidoscopic in nature – where fluidity, diffraction, and impermanence is understood as embedded in the concept of justice itself.

Conclusion

Throughout this article we have examined the potential for a transformative justice framework to function as a victim-centred justice response to street harassment. By drawing on survey data from individuals who have experienced street harassment, we have argued that traditional criminal justice responses were generally not able to meet participants’ justice interests and desired justice responses, and were in many instances experienced as counterproductive. Instead, there was a strong focus in participants’ responses on *transforming* the underlying causes of street harassment as constituting justice, rather than seeking a more individualised, retrospective and retributive approach. In this sense, we argue that the principles underpinning transformative justice can be understood as providing the tools for an inherently victim-focused justice response for the forms of street harassment experienced by participants in this

project. However, as our closing discussion has illustrated, there are also a range of limitations, challenges and unknowns when it comes to putting transformative approaches into action; the principles of transformative justice do not readily translate into concrete policy change. Further work – empirical, practice-based, and conceptual – is clearly required here to continue “thinking through” the potentials of transformative justice as it applies to street harassment. Additionally, this research was concerned specifically with the context of street harassment, practised typically by male strangers in public and semi-public spaces. Yet, it is abundantly clear that similar iterations of harassment take place in more private spaces between strangers, acquaintances, friends, colleagues and so forth. The recent focus on sexual harassment and abuse in university settings in both Australia and the UK provides but one example of this. There may well be overlaps – as well as points of departure – in justice interests and desired justice responses to harassment across these spaces, and we recognise the need for future research to further extend the work we have developed here.

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References

Ahmed, Sara. 2013. Institutional Habits. <https://feministkilljoys.com/2015/02/02/institutional-habits/>. Accessed 1st March, 2017.

Ansfield, Bench and Timothy Colman. 2012. Confronting sexual assault: transformative justice on the ground in Philadelphia. *Tikkun* 27: 41-44.

Author 1, 2013

Authors forthcoming

Bates, Laura. 2014. *Everyday Sexism*, London: Simon and Schuster.

Boesten, Jelke and Polly Wildingg. 2015. Transformative gender justice: setting an agenda. *Women's Studies International Forum* 51: 75-80.

Bowman, Cynthia G. 1993. Street Harassment and the Informal Ghettoization of Women. *Harvard Law Review* 106: 517-580.

Capeheart, Loretta, and Dragan Milovanovic. 2007. *Social justice: theories, issues, and movements*. New Brunswick, New Jersey, & London: Rutgers University Press.

Caulfield, Lauren. 2013. To research community-based safety projects and strategies to combat gender violence – USA. Winston Churchill Memorial Trust. https://www.churchilltrust.com.au/media/fellows/Caulfield_L_2013_Community_based_safety_projects_to_combat_gender_violence.pdf_ Accessed 1st March, 2017.

Chhun, Bunkosal. 2011. Catcalls: protected speech or fighting words? *Thomas Jefferson Law Review* 33: 273-295.

Chubin, Fae. 2014. You may smother my voice, but you will hear my silence: An autoethnography on street sexual harassment, the discourse of shame and women's resistance in Iran. *Sexualities*, 17(1-2), 176-193.

Clark, Hayley. 2010. "What is the justice system willing to offer?" Understanding sexual assault victim/survivors' criminal justice needs. *Family Matters* 85: 28-37.

Clark, Hayley. 2015. A fair way to go: justice for victim-survivors of sexual violence. In *Rape justice: beyond the criminal law*, ed. Anastasia Powell, Nicola Henry, and Asher Flynn, 18-35. Palgrave Macmillan.

Coker, Donna. 2002. Transformative justice: anti-subordination processes in cases of domestic violence. In *Restorative justice and family violence*, ed. Heather Strang and John Braithwaite, 128-152. Port Melbourne: Cambridge University Press.

Cornwall, Andrea and Althea-Maria Rivas. 2015. From 'gender equality' and 'women's empowerment' to global justice: reclaiming a transformative agenda for gender and development. *Third World Quarterly* 36: 396-415.

Daly, Erin. 2002. Transformative justice: charting a path to reconciliation. *International Legal Perspectives* 12: 73-183.

Daly, Kathleen. 2014. Reconceptualising sexual victimisation and justice. In *Justice for victims: perspectives on rights, transition and reconciliation*, eds. Inge Vanfraechem, Anthony Pemberton, and Felix M. Mdahinda, 378-395. Oxon: Routledge.

Deer, Sarah. 2009. Decolonizing rape law: A Native feminist synthesis of safety and sovereignty. *Wicazo Sa Review* 24: 149-167.

Epstein, Debbie. 1996. Keeping them in their place: Hetero/sexist harassment, gender and the enforcement of heterosexuality. In *Sex, sensibility and the gendered body*, eds. Lisa Adkins and Janet Holland, 202-221, London: Macmillan.

Erikson, Anna. (2009). A bottom-up approach to transformative justice in Northern Ireland. *The International Journal of Transitional Justice*. 3: 301-320.

- Fairchild, Kimberly and Laurie A. Rudman. 2008. Everyday stranger harassment and women's objectification. *Social Justice Research* 21: 338-357.
- Fileborn, Bianca. 2016. *Re-claiming the night-time economy: unwanted sexual attention in pubs and clubs*. Palgrave Macmillan.
- Findlay, Mark. 2000. Decolonising restoration and justice: Restoration in transitional cultures. *The Howard Journal of Crime and Justice* 39: 398-411.
- Fogg-Davis, Hawley G. 2006. Theorizing Black Lesbians within Black Feminism: A Critique of Same-Race Street Harassment. *Politics & Gender* 2: 57-76.
- FRA .2014. Violence Against Women: An EU-Wide Survey Main Results. European Union Agency for Fundamental Rights. http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf. Accessed 2nd March, 2014.
- Fraser, Nancy. 2007. Feminist politics in the age of recognition: a two-dimensional approach to gender justice. *Studies in Social Justice* 1: 23-35.
- Gardner, Carol B. 1995. *Passing by: Gender and public harassment*. Berkeley and Los Angeles: University of California Press.
- Gready, Paul and Simon Robbins. 2014. From transitional to transformative justice: a new agenda for practice. *Briefing Note TFJ-01*. York: The University of York Centre for Applied Human Rights.
- Grossman, Michele and Jenny Sharples. 2010. *Don't go there: young people's perspectives on community safety and policing*. Melbourne: Victoria University.

Hanmer, Jalna and Sheila Saunders. 1984. *Well-founded fear: A community study of violence to women*. London: Hutchinson & Co.

Hankivsky, Olena. 2005. Gender vs. diversity mainstreaming: a preliminary examination of the role and transformative potential of feminist theory. *Canadian Journal of Political Science* 38: 977-1001.

Herman, Judith L. 2005. Justice from the victim's perspective. *Violence against women* 11: 571-602.

Honneth, Axel. 2004. Recognition and justice outline of a plural theory of justice. *Acta Sociologica*, 47(4), 351-364.

Johnson, Molly and Ebony Bennett. 2015. *Everyday sexism: Australian women's experiences of street harassment*. Melbourne: The Australia Institute.

Julich, Shirley. (2006). Views of justice among survivors of historical child sexual abuse: implications for restorative justice in New Zealand. *Theoretical Criminology* 10: 125-138.

Keddie, Amanda. 2006. Pedagogies and critical reflection: key understandings for transformative gender justice. *Gender and Education* 18: 99-114.

Kelly, Esteban L. 2010. Philly stands up: inside the politics and poetics of transformative justice and community accountability in sexual assault situations. *Social Justice* 37: 44-57.

Kelly, Liz. 1988. *Surviving Sexual Violence*. Oxford: Polity Press.

Kelly, Liz. 2012. Preface. In *Handbook on sexual violence*, eds. Jennifer M. Brown, and Sandra Walklate, xvii-1. Oxon: Routledge.

Koskela, Hille and Sirpa Tani. 2005. "Sold out!": women's practices of resistance against prostitution related sexual harassment. *Women's Studies International Forum* 28: 418-429.

Lambourne, Wendy and Vivianna Rodriguez Carreon. 2016. Emerging transitional justice: a transformative approach to building peace and attaining human rights for women. *Human Rights Review* 17: 71-93.

Laniya, Olatokunbo O. 2005. Street smut: gender, media, and the legal power dynamics of street harassment, or "hey sexy" and other verbal ejaculations. *Columbia Journal of Gender & Law* 14: 91-142.

Lennox, Rebecca and Rozzet Jurdi-Hage. 2017. Beyond the empirical and the discursive: the methodological implications of critical realism for street harassment research. *Women's Studies International Forum* 60: 28-38.

Lenton, Rhona, Michael D. Smith, John Fox, and Norman Morra. 1999. Sexual harassment in public places: experiences of Canadian women. *Canadian Review of Sociology* 36: 517-540.

Logan, Laura S. 2015. Street harassment: current and promising avenues for researchers and activists. *Sociology Compass* 9: 196-211.

McGlynn, Clare. 2011. Feminism, rape and the search for justice. *Oxford Journal of Legal Studies* 31: 826-842.

McGlynn, Clare, Nicole Westmarland and Nikki Godden. 2012. "I just wanted him to hear me": Sexual violence and the possibilities of restorative justice. *Journal of Law and Society* 39: 213-240.

McGlynn, Clare, Julia Downes, and Nicole Westmarland. 2017. Seeking justice for survivors of sexual violence: recognition, voice and consequences. In *Sexual violence and restorative justice: legal, social and therapeutic dimensions*, eds. Estelle Zinsstag and Marie Keenan, 179-191. Oxon: Routledge.

McKenzie-Mohr, Suzanne, and Michelle N. LaFrance. 2011. Telling stories without the words: “tightrope talk” in women’s accounts of coming to live well after rape or depression. *Feminism & Psychology* 21: 49-73.

Morris, Ruth. 2000. *Stories of transformative justice*. Canadian Scholars Press.

Mugabo, Délice. 2015. In Ntozake Shange’s words: sexual violence against black women, organising for transformative justice, and finding my way as a black feminist. *Our schools/ Our selves* Spring: 53-62.

Nielsen, Laura B. 2000. Situating legal consciousness: experiences and attitudes of ordinary citizens about law and street harassment. *Law & Society Review* 34: 1055-1090.

Phipps, Alison, Jessica Ringrose, Emma Renold, and Carolyn Jackson. 2017. Rape culture, lad culture and everyday sexism: researching, conceptualizing and politicizing new mediations of gender and sexual violence. *Journal of Gender Studies*, 1-8.

Salter, Michael. 2013. Justice and revenge in online counter-publics: Emerging responses to sexual violence in the age of social media. *Crime, media, culture*, 9(3), 225-242.

Shoukry, Aliyaa, Rasha M. Hassan and Nehad A. Komsan. 2008. Clouds in Egypt’s sky, sexual harassment: from verbal harassment to rape. Cairo: Egyptian Center for Women’s Rights (ECWR). http://www.endvawnow.org/uploads/browser/files/ecrw_sexual_harassment_study_english.pdf.pdf. Accessed 14th March, 2017.

Stanko, Elizabeth. (1985) *Intimate Intrusions: Women's Experience of Male Violence*. London: Unwin Hyman.

____ (1990) *Everyday Violence: how women and men experience sexual and physical danger*. London: Pandora.

Tuerkheimer, Deborah. 1997. Street harassment as sexual subordination: the phenomenology of gender-specific harm. *Wisconsin Women's Law Journal*, 12, pp. 167-206.

Vera-Gray, Fiona. 2016. 'Men's stranger intrusions: rethinking street harassment'. *Women's Studies International Forum* 58: 9-17.

Vera-Gray, Fiona. 2017. *Men's intrusion, women's embodiment: a critical analysis of street harassment*. London: Routledge.

Walker, Margaret U. 2016. Transformative reparations? A critical look at a current trend in thinking about gender-just reparations. *International Journal of Transitional Justice* 10: 108-125.

WCLRF. 2015. Research on sexual harassment against women in public places, workplace and educational institutions of Afghanistan. Kabul: Women and children Legal Research Foundation. <http://www.wclrf.org.af/wp-content/uploads/final%20EN.pdf>. Accessed 14th March, 2017.

Willis, Matthew. 2011. Non-disclosure of violence in Australian Indigenous communities. *Trends & Issues in Crime and Criminal Justice No. 405*. Canberra: Australian Institute of Criminology.

Wise, Sue and Liz Stanley. 1987. *Georgie Porgie: Sexual harassment in everyday life*. London: Pandora Press.