# Key messages

* online misogynistic abuse is a significant and troubling form of gendered violence that poses serious challenges in terms of victim-support, policy and criminal justice responses
* the data presented here show that there are considerable similarities between online misogynistic abuse and the key characteristics of hate crime
* engaging in the debate about misogynistic online abuse as a form of hate crime supports existing critical engagement with the law and offers a further opportunity to transform legal discourse and practice

# Introduction

Using data from a ‘victim’ survey, this paper provides analysis and commentary in relation to online misogynistic abuse and gendered violence. In particular we consider the potential benefits and limitations of designating such offences as forms of hate cime. Violence and abuse against women continues to receive an insufficient response from the criminal justice system both in terms of reacting to existing cases and in terms of prevention. Including misogynistic abuse and gendered violence within the category of hate crime might encourage more robust police and criminal justice system responses, as such a designation has been held to do in relation to other forms of offending through prioritising investigations and providing bespoke victim support. Some police forces are developing such initiatives. In 2016 Nottinghamshire Police announced that they had begun recording misogynistic incidents as hate crimes, a classification subsequently discussed in a meeting of the All Party Parliamentary Group on Domestic Abuse. In May 2017, North Yorkshire Police became the second force to recognise misogyny as a hate crime. The data presented here show that there are considerable similarities between online misogynistic abuse and the key characteristics of hate crime. Whether it would be beneficial, in terms of developing more effective criminal justice responses, to designate such abuse as hate crime is a matter that requires further analysis in relation to policy and legal implications. From our victimological perspective, misogynistic abuse *could* be defined as a hate crime, but whether it *should* be included in this category is a matter for further consideration. We demonstrate that online abuse of feminist activists (the subject population of our study) has clear elements of ‘hate speech’ that are often bound up in wider patterns of abuse understood in terms of intersectionality. It is also clear that such abuse does not occur in a discreet online space, separate from the ‘real world’. Instead, the data and analysis show that online and offline environments are often closely linked and this further demonstrates that ‘space’ needs to be considered in social and cultural terms, rather than as a literal physical environment.

# Background

The problem of misogyny and gendered violence, at the heart of this paper, have been of particularly prominent in recent years, especially in relation to women with high public profiles. There has been a series of reports of high-profile women receiving online abuse following, among other things, their contribution to public debates about the portrayal of women on banknotes and in video games. In December 2017, the Committee on Standards in Public Life published its report on Intimidation in Public Life, prompted in part by the physical and online abuse of women in politics. These developments helped provoke a campaign to ‘reclaim the internet’, which mirrored feminist ‘reclaim the night’ protests, and sought to assert the participation of women in public life. Revelations of sexual abuse and misogyny have emerged as part of the #MeToo movement that developed in the aftermath of revelations of violence and abuse aimed at women in the movie business, and subsequently in other high profile public and private sector organisations. Alongside these matters has been a wider debate about legal and criminal justice responses to online abuse of all forms. During a time of tightened resources, the capacity of police to investigate increasing reports of abuse on-line and via social media is limited, and jurisdictional and sectoral challenges apply to forms of offending that are transnational and subject to regulation by large corporations as well as criminal justice systems.

In the discussion below, we focus upon the intersections between these topics through an exploration of the gendered abuse of women online. The analysis is based upon an online survey conducted by the authors and our theoretical focus is on the extent to which this abuse can be considered as a form of hate crime. We argue that the characteristics of the abuse charted in our survey do fit with established definitions of hate crime, although with some important anomalies. This suggests the concept of hate crime needs to be re-considered in relation to online experiences. One problematic issue, for example, is that a defining characteristic of hate crime is that they are ‘signal crimes’ intended to communicate to wider communities that they are unwelcome, inferior, at risk (Chakraborti and Garland 2009). This requires that the offence occurs in a public domain, such that it can ‘speak’ to the wider public. Our research suggests that considerable abuse was experienced in an online environment in which the distinction between public and private space is complex. If the virtual environment continues to become more significant as the domain in which gendered violence occurs then these difficulties will become more salient and, we argue further below, the concept of hate crime itself needs to be refined.

Each of these themes is developed in greater detail below, following from an outline of the extant literature that informs our study, an overview of our methodology is presented.

# Key Features of Hate Crime

Since its development in the US in the early 1970s and the UK a decade or so later, the parameters of the study of hate crime have shifted and the concept has expanded. The status of misogynistic crime as a potential form of hate crime, follows earlier extensions of the term to include those victimised on, for example, the basis of race, religion, disability, and sexuality. The study of hate crime, perhaps more so than other issues, is inherently self-reflexive in the sense that a key concern of researchers, policy-makers, and activists is to recognise that such offences are of symbolic importance and reflect wider patterns of power and prejudice. As such they can only be understood in their specific context and are highly malleable across time and space: the concept of ‘hate’ is recognised to be highly subjective and as such needs to be subject to on-going examination. As Tatchell (2002) noted, the substantive focus of hate crime legislation (at least in the US and in Britain) reflects the wider development of social movements and the inclusion of different types of prejudice within the policy domain reflects changing social attitudes to marginalised groups such as lesbian, gay and transgender people.. The most vilified and marginalised might be the most in need of protection but, at the same time, find it the most difficult to garner the political support necessary to secure protected status (Mason, 2014a and 2014b, cited in Schweppe and Walters, 2015). Thus, in both countries, initial hate crime legislation was predominantly focused on racist violence and harassment. Subsequently other communities of identity have come to be recognised and protected, most obviously those victimised on the basis of sexuality and disability. As Gill and Mason-Bish (2013) noted, many activists included in their study argued that the failure to recognise VAWG as a form of hate crime reflects institutional sexism and patriarchal ideology that does not recognise gender-based prejudice.

Against this background, the definition of hate crime is contested. The data analysis in this paper examines the extent to which the abuse experienced online by feminist activists can be considered a form of hate crime. A pre-requisite for these debates is to establish an overview of extant approaches to the concept of hate crime that will form a working benchmark against which the forms of abuse considered in our research can be measured. What follows is an overview of the key features of hate crime that emerge from the literature; lack of space clearly means that an extended conceptual analysis of the debates surrounding each of them cannot be provided – the intention instead is to provide a framework against which our data can be examined. Three broad themes are reviewed below in terms of debates within existing literature. These are, first, the conceptual difficulty of the term ‘hate’ as applied to complex and contradictory forms of offending. Second is a discussion of the ways in which hate crimes have a communicative element in that they have some wider exclusionary intent beyond the harm intended to the primary victim. Finally, the nature of public and private space in which hate crimes occur is considered. These three themes are subsequently used in the findings section of this paper as a way of considering if the experiences of women subject to misogynistic abuse online can be considered a form of hate crime. We argue that there are significant similarities between these experiences and other recognised forms of hate crime, although also important points of difference.

Self-evidently the defining concept of ‘hate’ is the prevailing focus of much of the debate in the field of hate crime studies. Key concerns relate to the extent to which the motivations of offenders can be reliably identified such that ‘hate’ can be identified and isolated as an important pre-cursor to a particular crime or incident: the ‘mens rea’ challenge. Related to this is the potential implication that ‘ordinary’ offences, or those targeted on individuals regardless of the characteristics of their identity, come not to be characterised in terms of ‘hate’ even though the emotions and the language of hate might feature. Moreover, research evidence (Bowling, 1999; Ray et al, 2004) suggests that conceptually ‘hate’ might exaggerate the motivations of offenders, some of whom might be very young and engaging in behaviour that they (and others) might regard as relatively minor forms of anti-social behaviour. Certainly some of the evidence of online abuse uncovered by our study suggests that ‘low level’ name-calling was common, alongside more threatening and graphic content. Conceptually, some (e.g. Lawrence, 1999; McPhail, 2002) advocate consideration of these offences in terms of ‘bias’ or ‘prejudice’, to avoid this difficulty of identifying the motivation of the offender. Similarly, Walters and Tumath (2014) focus on ‘gender hostility’ in order to demonstrate ‘aggravation’, rather than gender ‘hatred’, which is more difficult to prove. This reflects the legal framework of hate crime in England and Wales that distinguishes ‘core’ offences (e.g. criminal damage’) from those ‘aggravated’ in relation to racism, homophobia, disabalism, and so forth. The complexity of the concept of ‘hate’ extends to VAWG and forms of hate crimes that occur between those in familial or personal relationships. Analysis of disablist hate crime, for example, indicates that offending is frequently perpetrated by carers, friends or family members and – in cases that do not conform to prevailing conceptions that perpetrators are strangers– ‘hatred’ does not adequately describe the relationship. As Thomas (2016) notes the term ‘mate crime’ sometimes is used in place of ‘hate crime’ in recognition that the perpetrators of disablist crime are often, at least overtly, in a positive relationship with those they target. A similar perspective has been applied to VAWG which has traditionally been excluded from hate crime categorisations in part because of the definition of hate crime as perpetrated against strangers rather than those known to the victim. However, it is the exclusion of a gender analysis and gender advocates from the initial categorisation of hate crime that has allowed it to be so-defined (see McPhail, 2002 on this process in the US, Gelber, 2000, in Australia, and Gill and Mason-Bish, 2013, on the British experience).

The term ‘hate’ might also be problematic in the particular context of online abuse, given suggestions that the anonymity offered by cyberspace disinhibits the use of offensive or threatening language. Moreover, the impersonality of internet relationships might establish social and emotional distance between perpetrators and recipients such that the content and gravity of language used online is different from that used in real world interactions. Importantly, though, we are not arguing that the online world is a hermetically sealed space in which all is different from real world environments. Later in this paper we explore the continuities as well as differences between the two, recognising Shaw’s (2014:274) point that ‘… people are jerks not only when they are in anonymous Internet spaces, but also when they are in spaces where they can get away with being jerks’. As with any use of language, though, it is important to recognise the context and dynamics of terminology reported in our study. Particular words are used in some circumstances as an offensive derogatory epithet, while in others they are used as a ‘reclaimed’ piece of terminology, or even as a term of endearment. The term ‘hate’ might not be sufficiently nimble to discern different meanings and motivations in online environments.

Another defining characteristic of hate crimes is that they mirror power relations, disadvantage and marginalisation evident more widely in society. The collective experience of oppression provides a context that often gives hate crime meaning that cannot simply be ‘read’ from the material, physical or other properties intrinsic to the actions themselves. Whatever the motivation of perpetrators, incidents may be experienced by victims in ways that reflect wider practices of prejudice and discrimination. These wider patterns of prejudice have an iterative relation to hate crime; a defining feature of such crimes is that they communicate prejudice not only to the victim but also more widely. As Gelber (2000: 278) argued hate crimes are a form of signal crime, since they ‘have a ripple effect beyond their individual victims because they contribute to creating conditions in which violent crimes against some groups in society are able to be justified and condoned’. In the context of racist hate crime, authors such as Bowling (1999) and Cohen (1997) have noted that incidents convey messages of white territoriality and exclusionary intent that are aimed at the wider community that the immediate victim is seen to represent. Chakraborti and Garland (2004) develop this further by examining the specific context of racist hate crime in rural communities where notions of authentic belonging and identity may be constructed by perpetrators of hate crime in ways that are distinct from those in urban environments. These communicative properties mean that hate crimes operate in a public arena in ways that many other forms of offending seek actively to avoid. Just as cultural criminologists note the ‘spectacle’ that is inherent to offences from graffiti to terrorism, hate crime is also symbolic in terms of seeking to reinforce social divisions that exist beyond the specific features of the particular offence itself.

Some of these debates have been discussed in recent scholarship exploring the potential categorisation of VAWG as a form of hate crime (Gill and Mason-Bish, 2013; Walters and Tumath, 2014). Problems with the concept of hate as an explanatory framework apply in particular ways to violence against women and girls. Gill and Mason-Bish (2013: 11) argue that ascribing the concept of ‘hate’ to certain forms of violence against women that are predominantly perpetrated by women (they cite FGM as an example) might not be ‘in the spirit of hate crime legislation’. They also note that personal relationships between perpetrators and victims of VAWG mark this offending as distinct from established types of hate crime. Coupled with this, Gill and Mason-Bish (2013) dispute the frequent claim that VAWG is distinct from hate crime on the grounds that it tends to occur in a private rather than a public setting. They note a body of research that suggests that many incidents of hate crime are perpetrated in private domains by perpetrators who are known to victims, as family members, friends, carers, and so on. While this is an important point, we argue further below that this private/public dichotomy is considerably more problematic in the context of the online abuse of women who responded to our survey. Walters and Tumath’s (2014) review of the literature on rape, sexual violence and hate crime reflects the wider point made above that categorisation of some behaviour plays a normative role in terms of symbolising the boundaries of acceptable behaviour. In terms of the symbolic dimension of rape and sexual violence they note a recurring theme within the research literature that such offences – as with hate crime – are forms of terrorism intended to instil fear across the wider community (Walters and Tumath, 2014: 574-5). This reflects Pain’s (2014) argument that domestic violence is ‘everyday terrorism’ and the radical feminist framing of violence against women, from Brownmiller (1975) onwards, as a signal offence which ‘operates to sustain the systemic subordination of women within society’ (Gelber, 2000). The extent to which the online misogynistic abuse identified in this paper has a comparable role in terms of seeking to intimidate women from engaging in the ‘cyber commons’ of web-based space is explored at greater length further below. It is argued that perpetrators might intend to marginalise women from public space, but our respondents suggest this might not always be the outcome.

Some core themes emerge from the above, inevitably selective, review and it is around these central issues that our data is organised in the discussion below. First, respondent’s reflections on the nature of ‘hate’ within the abuse that they have experienced are considered. While the relative anonymity of the online environment often meant that victims could not identify the perpetrator of abuse with certainty, this was clearly not always the case and respondents reflected on the identity and motivation of their abuser(s) in ways that reveal important qualifications about the nature of ‘hate’ in these communications. The intersectional nature of much of the abuse reflected upon by our respondents was often evident. Women were threatened and abused using homophobic or racist language: proponents were not specialists in misogyny. This challenge applies to real world hate crimes; as McPhail (2012) pointed out in the US context, the rape of a woman is not a hate crime unless the victim was targeted on the basis of the perpetrator’s bias against minorities, on the basis of sexual orientation, disability, or other protected characteristics, which do not include gender. We recognise that the term ‘hate crime’ is itself problematic, attributing as it does a strong sense of motivation that might not be borne out in practice. Bias, prejudice, fear and suspicion might also explain offender’s beliefs and actions. Nonetheless, we use the term ‘hate crime’ in this paper since it is commonly used in the policy and legal arena.

Second, the symbolic and exclusionary intent of hate crime was clearly identified by many respondents in our research. Unlike established categories of hate crime the online abuse experienced by our respondents did not have an exclusionary intent in a physical or geographical sense but instead in terms of being silenced in or denied access to the online community.

Thirdly we discuss the fuzzy boundaries between online and offline experiences. Consideration of the space in which offending occurs has grown in criminological theory and research in recent decades. Studies in environmental criminology and the importance of physical location, architecture, urban planning, and crime prevention technology notwithstanding, it remains the case that space is under-theorised in much of the criminology literature (Campbell 2016). The problematic assumption that space exists only in two-dimensional terms, is surrounded by boundaries, and has relatively fixed shape and dimensions is implicit in much criminological work (Campbell 2016). This paper provides further reason to consider the nature of ‘space’ in more complex forms.

# Methodology

This study focused on the online abuse of women who self-identify as engaging in feminist debates. Feminist debate and civic engagement on and offline is flourishing and of growing academic interest (Dean and Aune, 2015; Lewis and Marine, 2015). As more widely, online activity has been increasingly significant in the development and maintenance of feminist communities, debates and theories. Previous work by the authors (REF redacted for review purposes) and wider anecdotal evidence suggested such activities are increasingly characterised by high levels of extreme abuse. This study of the experiences of women who self-identify as participatants in online feminist debate provides an opportunity to measure the scale of such abuse, and to reflect upon the extent to which it corresponds to forms of hate crime. The specific experiences of these respondents might not be representative of all experiences of online abuse but their consideration contributes to wider debate about how to interpret and respond to misogynistic crime.

To explore these matters, two data collection strategies were used: a survey and in-depth interviews. An online questionnaire gathered data about the use of social media for feminist debate; experiences of online abuse; the impacts of and responses to abuse, including engagement with formal and informal agencies. Asking about ‘general’ and specific (‘the last incident’) experiences of abuse enabled the capture of both the range and specificity of experiences without focusing disproportionately on the most significant experiences which might skew the data towards the ‘worst’ incidents. The survey gathered data about a range of types of online abuse – harassment and sexual harassment, threats of physical and sexual violence, flaming and trolling, stalking, electronic sabotage, impersonation and defamation – and definitions, drawn from relevant contemporary research were provided for each[[1]](#footnote-1). To gather rich, detailed information about experiences of abuse, multiple choice and open questions asked about the forms of social media used to communicate abuse; the nature, frequency, duration and volume of abuse; the topics being discussed when the abuse began; what made the communications feel abusive; whether any aspects of identity (such as gender, sexuality, ethnicity, disability) were targeted. The open questions generated fulsome responses, creating an extensive qualitative dataset, and enabling analysis of the concept of ‘hate’ as it emerged in respondents’ accounts of their experiences.

A sample was created for the survey by inviting selected personal contacts to complete the questionnaire and promote it among relevant networks. Initial contacts included: (i) about 60 women’s organisations; (ii) about 30 individual feminists, including journalists, activists and academics, and (iii) about 5 organisers of feminist conferences and events concurrent with the research. This approach was designed to enable snowball sampling – reducing the impact of the initial selection bias and reaching a greater number and range of participants. To further reduce bias we paid attention to the type of politics and topics supported by the individuals and organisations contacted; for example, we made sure that the invitation was not sent only to those supporting radical feminism, or only to those focusing on violence against women, but also to local, regional, and national networks of Black women, religious women, service-providers and activists. The questionnaire was hosted on Survey Monkey which was deemed to provide sufficient data security and some protection against sabotage by preventing more than one response per IP address. These strategies proved effective; only 14 responses were deemed to be inauthentic (so-identified because they included irrelevant, extensive text and/or sexualised responses).

In total, 227 valid responses were received. The characteristics of the final sample are outlined in Table 1.

[Table 1 about here]

The second data collection method was a set of 17 depth interviews exploring emergent themes from the survey data. Everyone who completed the questionnaire was asked if they would also participate in a research interview. In addition, we used a snowball sampling technique with those whom we interviewed to widen the sample of interviewees..The qualitative survey and interview data were analysed thematically, through collaborative processes of reading and re-reading the data and discussing emerging themes to identify codes. One of the authors identified recurrent themes in the data and suggested a set of codes to capture these. This stage included also identifying themes that were less common but seemed significant, based on our understanding of the topic and experience of conducting the interviews. These themes were then discussed with the rest of the team (the other two authors) and decisions were made about a set of codes. The data were then coded using these codes. Throughout this process, the team discussed instances where codes did not seem to fit the data and made collective decisions about coding. The study has benefitted from the exceptional richness of data provided by respondents. In the sections that follow, this data is presented unedited in line with Jane’s (2014) call for presenting unexpurgated data to break the tyranny of silence around cyber-violence against women.

# Findings

## The concept of hate

Respondents to our survey and some interviewees spoke of their experiences in terms of hate crime. Although not asked directly about hate crime, concepts and terminology from that framework were drawn upon by some as they reflected on the abuse they had received. One interviewee explained that because the abuse she had received was based on her ‘born characteristics’ it amounted to hate crime since ‘this is what hate speech is’. A survey respondent argued that misogynistic abuse is not considered as seriously as other forms of offending because of endemic sexism:

[the] men’s legal system and men’s police forces aren’t interested in prosecuting women-hating males who threaten women with male violence because only white men’s racism against non-white men and heterosexual male insults levied at homosexual males is supposedly ‘real hate crimes’! (Respondent 122)

While ‘hate’ was seen by many victims to characterise the motivation of abusers it does not necessarily follow that all misogynistic offending can be characterised in such terms. Firstly, the nature of intersectional identity meant that respondents sometimes reflected on their experiences of gendered abuse as a form of hate speech but noted that their racialized identity or perceived sexuality was connoted in the language and terminology used, so the focus was not misogyny alone. Women suggested that they were subject to sexist hate crime but in ways that drew upon other offensive tropes. Recipients of abuse reflected on what defined abusive and offensive comments directed towards them, but rarely reported that they distinguished one element from others in terms of intersectional identity. One interviewee reflected that:

So, you know, the abusive stuff I think isn’t up for question, you know, if somebody is threatening to kill you or rape you or do something to your family or burn your house down all this kind of stuff, then I don’t think there’s any kind of, um, question mark over that being abusive. The offensive stuff is more difficult I think to quantify because it’s quite personal. So for example, you know, um, you know, some men might go, “You’re a fucking fat dyke”. Okay, it’s offensive … (Interview 1)

During one interview a respondent described how the abuse she received online and offline, was targeted at her gender and ethnicity and had a significant cumulative impact:

A lot of these were people starting to become slightly racist in the language they were sending and so I got my husband to look at some of them, he said, “I want to delete these, I don’t ever want you to look at them” and I asked him to leave them because one day I will be strong enough to look at them but because my address is public I started to get these letters and I got an incredible set of letters which were very racially motivated … So then eventually [my employer] suddenly realised what was going on with my post and they then start to filter and take the post away and deal with it and agree to send any stuff which is racist, or sexist, or death threats to the police, and they said, “We’re not going to tell you what we’re doing because you don’t need to know this” because I’d got so that I was like beside myself, I wasn’t sleeping, I felt really fearful the whole time. (Interview 12)

The intersectionality of prejudice embodied in the extracts above suggests that debate about whether misogynistic incidents ought to be considered as hate crimes becomes more complex since the prejudicial motivation of perpetrators is often multidimensional. A victim-focused response needs to recognise that offending is experienced in a wider social, cultural and personal context, and can be related to multiple forms of marginalisation, as Crenshaw (1991) demonstrated in her influential piece. Racist, homophobic, or disablist hatred is exacerbated by combination with misogyny but in ways that are unpredictable, mediated by context, and cannot be read simply from textual, visual or graphical content.

Further to the discussion about ‘mate crime’, where the perpetrator displayed positive, caring, and nurturing characteristics alongside those of a clearly malevolent character, our respondents sometimes reflected on apparent inconsistencies and contradictions in terms of the position of perpetrators. Unlike victims of some other forms of VAWG who typically know their perpetrator, the majority (61 per cent) of our survey respondents said that the perpetrator was a stranger). However, victims were able to view the social media profile of perpetrators. Often this created opportunities for resisting misogyny since those experiencing online abuse were often engaged in networks of feminist activists and were able to compare their experiences with those of others, and to identify common perpetrators who become well-known within the online community. Exploration of the online self-representation of perpetrators led one respondent to reflect on the difficulty of assigning the concept of ‘hate’ to their abusive comments:

it was the type of people … what was quite shocking because the demographic was largely um fairly young boys between about fifteen and twenty-five who were the main culprits … They’d have their arms round girlfriends … in their pictures, that’s what shocked me, that they would have arms around their own loved females whilst targeting another female and downgrading other females and calling them slags and whores and they would have their arm around the woman you love and then there are the other types of people that did it were um sort of those forty-year-old men with a baby in their arms saying, “You slag, you need fucking raping, ladaladala”. (Interview 16)

Similar points have been made about the problematic application of the concept of hate in relation to racist crimes. Ray et al (2004), for example, argued that the perpetrators they had interviewed were motivated by a combination of resentment, shame and grievance rather than ‘racial hatred’ in a pure form. As a heuristic device, hate does not capture the complex and contradictory gendered construction of appropriate social identities that was foundational to the abuse uncovered in our research. Judging from respondents’ comments about perpetrators’ social media profiles erpetrators seemed not to hate women in a categorical sense but rather to be motivated by a perception that women engaging in feminist debate were transgressing appropriate gender roles. In terms of considering the online abuse of women as a form of hate crime, our data suggest that this is problematic in ways that are complex and challenging in relation to other offence types that have been categorised as hate crime.

## Exclusionary intent

Research participants very clearly interpreted the abuse that they received as an attempt to deny their participation in online debate and gave many examples of abuse that seemed to indicate such an attempt. Without a study of perpetrators, the actual intention cannot be known. Nonetheless, the abusive speech and images had literal communicative properties but also signalled that women ought not to be engaged in the free exchange of ideas on social media. Respondents reflected that the abuse they had received sought not just to contest their expressed views and arguments but their fundamental right of participation. In many ways this reflects the signalling component of hate crime, a defining element that raises the gravity and impact of such offences. Respondents often described the starting point for their abuse as some contribution they had made to discussion on social media, suggesting they had somehow ‘provoked’ the response (even though the response was wholly disproportionate and unacceptable). While there was a broad range of testimony, the extracts below illustrate the common trend that the abuse was framed as a response to something the recipient had initially voiced:

I had used a hashtag when discussing a recent news event and started to receive hostile or derailing tweets from racist and anti-feminist users who appeared to be monitoring the hashtag in order to prevent feminists having an uninterrupted discussion with each other. (Respondent 115)

I was quoted in a press article speaking out about violence against women. The Facebook newspaper page included (not anon individuals) comments like ‘she needs a good kicking in the cunt ... she’s a man hating lesbian and needs a good fucking to sort her out’ … ‘someone should shut her up by sticking a cock in her mouth’ ... ‘why doesn't someone kick the shit out of that ugly bitch’ ... I could go on and on giving examples of the abuse posted. (Respondent 185)

In terms of the impact of online abuse, it was clear that if perpetrators did intend to ‘silence’ participation in debate, their aim tended often not to be realised. Indeed, the opposite outcome emerged from our results. Respondents reported a range of negative impacts of the abuse they experienced (see [REF REDACTED] for further details), including stress, fear, health problems, as the immediate reaction to their experience. Although these could be sustained over extended periods, most respondents reported that they declined over time.The survey also revealed that a majority of women felt ‘galvanised’ by their experience and far from being silenced became more vocal in their political activism. Fifty-four per cent agreed it made them ‘more determined in your political views’. A third (33%) agreed it made them feel motivated to continue to engage in debate. Moreover, while negative impacts reduced over time, feelings of being galvanised to act increased in the long-term. This challenges the idea that online abuse ‘silences’ women; even though it was clearly perceived by our respondents that this was the intention of perpetrators. It might be that this galvanising effect may be more evident in this sample of feminists than in the wider population of women. It may be that women who are engaged in feminist debate draw on a feminist analysis to understand their experiences, whereas women less or not at all engaged, might have fewer resources to draw on when dealing with online abuse and might feel silenced by it. Even in our sample, the galvanising effect was found alongside reports that women changed their online behaviour, limiting their engagement in selected sites or debates. Clearly it is not a matter of recipients of abuse being *either* silenced *or* galvanised; both consequences may co-exist.

Attempts to exclude women from public debate are not new. Beard (2013) described her experiences of on-line abuse and argued that contemporary concerns continue long-standing ‘cultural awkwardness’ about women’s public voice and participation in civil society. This study was focused on women who participated in feminist debate online and wider conclusions cannot be drawn about the more general experience of misogynistic abuse. In this context though there was a clear exclusionary intent behind abuse intended to debar participation which was deemed to transgress acceptable gender norms. Just as Puwar (2004) noted the ‘invasion’ of women and minorities into the public realm led to resistance by those who regarded this as their normalised terrain, so too our respondents suggested they were targeted for transgressing into space were they had no legitimacy. In this respect it appears that the experiences of victims of online misogyny parallel other forms of hate crime victimisation targeted at those held to be ‘out of place’ in terms of their physical presence in real-world environments. An important contribution from Chakraborti and Garland’s (2004) study was that the ‘othering’ process aimed at minority ethnic people combined a sense of localism, racism and a concept of authentic belonging in rural communities. Other studies of racist abuse (most notably Bowling, 1999 and Hesse, 1992) have identified the white territorialism that suggests minority communities are not a legitimate presence in certain neighbourhoods. Similarly, our study suggests that the exclusionary intent was context-specific: respondents interpreted the abuse as signalling the perpetrator’s view that their participation in online public debate transgressed gendered norms and was not legitimate.

In relation to this second feature of debate relating to hate crime, our data suggest that the misogynistic abuse of women online clearly did have an exclusionary intent. This took a particular form in that women were not, it appears, intended to be excluded in absolute categorical terms; women expressing feminist views were the target of their exclusionary strategies. Further research usefully could examine the extent to which this ‘conditional exclusionary intent’ applies to other forms of hate speech and also the response of victims to this.

## The ‘fuzzy boundaries’ between online and offline space

While the perpetrators of online abuse of women have an exclusionary intent in common with other hate crime perpetrators, a key point of difference is the spatial context in which the different types of offence occur. While hate crimes do not always occur in the public domain, many of those that are intended to a have a wider impact on the target community are conducted in such a way as to deliver a visible message.

As Awan and Zempi (2016) demonstrated in relation to Islamaphobic hate crime, online and offline space are best considered as a continuum rather than distinct domains. Their argument was based, in part, on the notion that victims do not clearly distinguish their online victimisation from that in the real world: both form part of a whole experience. This point is reinforced by our research data as many of our respondents spoke of threatening experiences such that online ‘talk’ was directed towards off-line real world assaults of an extreme kind. A respondent described an experience of abuse:

I got an email from [name] one evening, I was sat with my partner and I got an email from [name] and the subject of the email was ‘please tell me this is not your address’; and I had taken a break from Twitter for an hour … and he had posted my home address in full online immediately after he had sent a tweet saying, ‘This is how you rape a witch, you hold her under water and when she comes up for air that’s when you enter her. (Interview 3)

Similarly, another respondent’s account demonstrates the interconnections between on and offline experiences:

he named the train station local to me in an oblique way. Later on the same forum he had a conversation with himself about making a special visit to ‘a particular person’ (me) & named the station he'd be catching the train to. This man is a known rapist…He specified his visit would take place over the w/e. The police advised me not to stay alone at my home - or, if I did, to phone them if I heard any odd noises. I live alone so of course it unnerved me. I consider myself to be strong & independent, but he managed to intimidate and frighten me. (Respondent 85)

It seems that the police responded in the second instance above, and the continuum between online and offline abuse provides a clear imperative for the criminal justice system and other agencies (social media companies for example) to treat online abuse seriously. Not only is the abuse reported by our respondents not ‘just speech’ in the sense that it can be directly linked to offline crime threats but it is also significant in terms of reinforcing patriarchal gendered norms that form the ‘wallpaper of sexism’ that helps to normalise misogynistic abuse more generally (Lewis et al, 2015). The links between real world VAWG and social media environments are significant to offences of ‘coercive control’. The Crown Prosecution Service guidelines on communications via social media stipulate that ‘online activity is used to humiliate, control and threaten victims, as well as to plan and orchestrate acts of violence’ (CPS, 2016) but a recent survey suggests the justice system is failing to adequately address this new form of coercive control (Travis, 2017).

The boundaries between online and offline offending are further blurred in relation to the activities of perpetrators, since those who engage in online offending might commit ‘real-world’ offences too. Whether they are emboldened by their online activity or would commit such real-world crimes in any event is a question that remains beyond the scope of this study. Nonetheless, other evidence suggests that those engaged in online misogyny do so too in offline environments: Williams’ (2006) study of predators in an online environment found that some had offended in ‘real-world’ situations that were incontrovertibly the domain of law enforcement agencies.

If space is considered in social, rather than literal, terms then the public/private dichotomy between online and real-world environments is less significant (Campbell, 2016). The communicative properties of misogynistic speech might be limited to a primary recipient in its initial format or to a restricted group of members in a forum. However the capacity of perpetrators to target multiple victims and of multiple perpetrators to target single victims is hugely enhanced in online environments (Jane 2017). A respondent (#130) reported that a single abuser had engaged a much larger number of perpetrators: ‘one person 'set' their 10k followers on me for talking about radical feminism. I was told to ‘get raped’, ‘die in a fire’ … to name but a few’. A minority of respondents reported very high volumes of abuse from a large number of perpetrators:

I took a picture of a pink office supply item advertised as "for women" and made a sarcastic comment about how now women can work too and tagged #everydaysexism in an attempt to point out even these little things are still a representation of sexism. This was immediately shared by GamerGate all over Twitter, Reddit, and various other sites. Within a few hours it had over 25,000 views and 650 abusive comments on Reddit not including the comments on Twitter. My picture, name, twitter handle, location, profession, were all shared. I feared for my online security as Gamergate is known to hack people's accounts. It took days before I could get moderators to remove my personal information that was shared across sites. I was threatened with rape, abuse, etc. (Respondent 126)

In terms of this third aspect of hate crime research, the place in which our respondents experienced misogynistic abuse was significant as it is in ‘real world’ environments. That the abuse was virtual did not lessen its impact because, in many cases reported, there was a clear link between online and offline worlds since both abuse and misogyny in general terms were experienced in both environments. Moreover, the private space of online communication was breached in various ways as abusive content was shared within networks that are an important site of political and social activism for our respondents.

# Discussion

Having identified three key components of extant debates about the nature of hate crime, the discussion above has considered the ways in which each of those might ‘play out’ in relation to our findings from victims of online misogynistic abuse. We have shown that the concept of hate is itself problematic when applied to this type of offending. However, parallel complexities apply to forms of hate crime that are broadly recognised in research, policy and legal terms. Second, we have shown that there is a very clear theme that misogynistic abuse has an exclusionary intent shared by established forms of hate crime. What also emerges from our study is that this exclusionary intent may not have been absolute and categorical but was often limited in the sense that women should be ‘silenced’ when transgressing patriarchal gendered norms. It was also clear that although the abuse represented an attempt at silencing it was frequently unsuccessful. A majority of our respondents reported that – despite significant short-term negative impacts – they became more committed to political engagement in the long-term in defiance of the abuse that they had received. Thirdly, we found the location of the abuse was significant, as with many forms of hate crime, but that the distinction between private online spaces and public real-world sites is unhelpful. There was no binary hierarchy such that the offline world was more significant than online spaces but rather, following other research, we found that the two were continuous.

The specific type of violence against women which is the focus of this paper – misogynistic online abuse – presents a valuable opportunity to explore engagement with the hate crime framework. When other forms of crime that are motivated by hate or prejudice are treated as hate crime, the failure to treat misogynistic online abuse as such – especially given the often explicit and extreme hatred of women expressed - is an anomaly that reinforces problematic notions that gender-based crime is a distinct category that does not quite fit with other forms of prejudice and hate. Similarly, Walby et al, (2014) argue against treating domestic violent crime as a specialist field, and note that such treatment has led to significant under-counting of violent crime. Naming online misogynistic abuse as a form of hate crime challenges the normalisation of VAWG that has led to its marginalisation from the justice system. Relating this to online hate crime helps progress these debates and their potential to create more nuanced legal responses. Feminism has revealed the long history of marginalisation of women and women’s needs by the legal system. The definition of hate crime (e.g. as committed by strangers in public) through the exclusion of consideration of gender as a factor is an example of that marginalisation. Rather than tolerating that marginalisation, resisting it by asserting that misogynistic online abuse is a form of hate crime renders visible the prevalence, normalisation and mundanity of misogyny. We argue, from a sceptical but pragmatic position, that engaging in the debate about misogynistic online abuse as a form of hate crime supports existing critical engagement with the law; engaging is another way of being part of efforts to transform legal discourse and practice. Moreover, as debates about how to respond to online abuse are in their infancy, now is the moment to ensure inclusion of gender in these formulations.

The findings and analysis outlined in this paper have considerable implications for criminal justice, the law, and social and health policy. They add to concerns that the police are not well-trained in regard to understanding forms of misogynistic abuse and gendered violence (HMIC, 2015; Wiener, 2017) and are poorly placed more widely in responding to cyber crime (Williams 2006; Yar, 2013). Given these limitations, and the impact of austerity on reducing police resources, the paper raises questions about wider means of policing the internet. It is shown here that feminist activists were not passive victims of abuse, but, in response to victimisation, retained agency and were able to self-organise in response to their experiences. Additionally, the role of internet service providers and social media companies in regulating the content that they publish remains a significant area of challenge. Community and private policing of the internet are both important debates emerging from this discussion. While the paper indicates extreme and highly troubling threats of violence and abuse, it was also notable that much of the abuse identified was relatively mundane. It formed part of the ‘wallpaper’ of everyday sexism, and those experiencing it often suggested that its prevalence meant that they were not troubled by what was routine to them. This ‘banal sexism’ (to paraphrase Billig, 1995) raises important challenges in terms of crime prevention and wider responses that are required to address problematic elements of masculinity as well as the routine use of abuse and violence in online environments. Further research in all of these fields is required to build upon the findings of this study and to identify the most effective legal and policy response.

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# References

Beard, M. (2013) ‘Internet Fury: or Having your Anatomy Dissected Online’, *The Times Literary Supplement: A Don's Life*, available online at <http://timesonline.typepad.com/dons_life/2013/01/internet-fury.html>.

Billig, M. (1995) *Banal Nationalism*, London: Sage.

Chakraborti, N. and Garland, J. (2004) *Rural Racism*, Cullompton: Willan.

Chakraborti, N. and Garland, J. (2009) *Hate Crime – Impact, Causes and Responses*, London: Sage.

Chakraborti, N., Garland, J. and Hardy, S.-J. (2014) *The Leicester Hate Crime Project: Findings and Conclusions*, Leicester: University of Leicester.

Cohen, P. (1997) *Rethinking the Youth Question*, London: Macmillan.

Committee on Standards in Public Life (2017) *Intimidation in Public Life: A Review by the Committee on Standards in Public Life*, Cm 9543 London: Houses of Parliament.

Crenshaw, K. (1991) ‘Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color’, *Stanford Law Review*, 43(6): 1241-1299

Crown Prosecution Service (2016) *Guidelines on prosecuting cases involving communications sent via social media*, <http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/#content>, accessed 17 Feb 2017.

Gelber, K (2000) Hate Crimes: Public Policy Implications of the Inclusion of Gender *Australian Journal of Political Science* 35(2): 275-289

Gill, A.K. and Mason-Bish, H. (2013) Addressing violence against women as a form of hate crime: limitations and possibilities *Feminist Review*, 105: 1-20.

HMIC (2015) *Increasingly* e*veryone’s business: improving the police response to domestic abuse*, London: HMIC.

Hesse, B. (1992) *Beneath the Surface: Racial Harassment*, Aldershot: Avebury.

Lawrence, 1999, *Punishing hate: Bias crimes under American law*. Cambridge, MA: Harvard University Press

Lewis, R., Sharp, E., Remnant, J. and Redpath, R. (2015) “Safe spaces’: Experiences ofFeminist Women-only Space’ *Sociological Research Online*, 20/4.

Lewis, R., Rowe, M., and Wiper, C. (2016) ‘Online abuse of feminists as an emerging form of violence against women and girls’ *British Journal of Criminology*, 57(6): 1462–1481.

McPhail, B. (2012) ‘Gender-Bias Hate Crimes: a Review’, in Perry, B. (Ed) *Hate and Bias Crimes*, New York: Routledge, pp.261-279.

Mason, G. (2014a). “The Symbolic Purpose of Hate Crime Law: Ideal Victims and Emotion.” Theoretical Criminology 18(1): 75–92.

Mason, G. (2014b). “Victim Attributes in Hate Crime Law: Difference and the Politics of Justice” *British Journal of Criminology* 54(2): 161–179.

Pain, R. (2014) ‘Everyday Terrorism’, *Progress in Human Geography*, Vol.38(4), pp.531-550.

Puwar, N. (2004) *Space Invaders: Race, Gender and Bodies out of Place*, Oxford: Berg.

Ray, L., Smith, D. and Abrams, D. (2004) ‘Shame, Rage and Racist Violence’, *British Journal of Criminology*, 44(3): 350-368.

Schweppe, J. and Walters, M.A. (2015) ‘Hate Crimes: Legislating to Enhance Punishment’, *Oxford Handbooks Online*, Oxford: Oxford University Press.

Thomas, P. (2016) ‘Hate Crime or Mate Crime? Disablist Hostility, Contempt and Ridicule’, in Roulstone, A. and Mason-Bish, H. (Eds) *Disability, Hate Crime and Violence*, London: Routledge, pp. 135-146.

Tatchell, P. (2002) ‘Some People are More Equal than Others’, in Iganski, P. (ed) *The Hate Debate: Should Hate be Punished as a Crime?*, London: Institute for Jewish Policy Research, pp. 54-70.

Travis, A (2017) Abuse victims 'failed by police and courts over online harassment' *The Guardian*

Walby, S., Towers, J., & Francis, B. (2014) ‘Mainstreaming Domestic and Gender‐Based Violence into Sociology and the Criminology of Violence’, *The Sociological Review*, 62(S2), 187-214.

Wiener, C. (2017) ‘Seeing What is ‘Invisible in Plain Sight’: Policing Coercive Control’, *The Howard Journal of Crime and Justice*, 56: 500–515.

Williams, M. L. (2006) *Virtually Criminal: Crime, Deviance and Regulation Online*, London: Routledge.

Yar, M. (2013) *Cybercrime and Society*, London: Sage.

1. Harassment: repeated unsolicited communications and/or violations of privacy

   Sexual harassment: repeated unsolicited communications of a sexual nature, including unwanted sexual images

   Threats of physical violence

   Threats of sexual violence

   Stalking: someone sought and compiled information about you and used it to harass, threaten and/or intimidate you

   Flaming & Trolling: posting deliberately inflammatory or off-topic material to humiliate and/or provoke a response or emotional reaction from you

   Electronic sabotage: eg spamming or viruses sent by someone

   Impersonation: your identity was stolen

   Defamation: hostile misinformation and false messages were posted about you

   Inciting others to abuse or threaten you [↑](#footnote-ref-1)