

A Precondition for Justice: Political Listening, Feminism and Sexual Violence

Abstract: Questions of speech, silencing and injustice have long been central to feminist understandings of sexual violence, and activism around it. Listening, and its relationship to justice, in contrast, remains under-explored by feminist scholars and activists. In this article, I argue for a feminist politics of listening as an essential precondition for justice around sexual violence. I argue that feminist engagements with listening have tended to be limited to questions of belief but that this is inadequate for a just practice of listening. Instead, I call for the development of a feminist listening public that engages in active practices of both attentive listening in for the details and nuances of survivor speech and listening out to unheard and marginalised voices. It is only within the context of collective political labour around listening, I suggest, that we can begin to develop a just politics around sexual violence.

Questions of speech, silencing and injustice have long been central to feminist understandings of sexual violence, and activism around it. Our political focus has centred on the figure of the speaking survivor and the politically transformative nature of ‘speaking out’ (Serisier, 2018). Listening, and its relationship to justice, in contrast, remains under-explored by feminist scholars and activists. Where listening is discussed, it is usually as an external failing, of ‘society’ or ‘the law’, rather than a political practice to which feminists might devote a similar level of attention and energy to as speech. Where, for instance, feminists critique the failure to hear survivors, we imply that the best way to compel a hearing is through the amplification of speech, and it is to questions of speech that we tend to gravitate when thinking about justice.

When I came to think instead about listening as an essential precondition for justice, I found myself returning to the Brecht poem, ‘As One Who Comes...’ which Susan Brison (2002: 85) uses as an epigraph in *Aftermath*, her memoir and philosophical analysis of rape. My interest is particularly in the poem’s final stanzas:

*When it was reported for the first time that our friends were slowly being
slaughtered, there was a cry of horror. One hundred had been killed.*

*But when a thousand had been killed and there was no end to the slaughter,
silence descended.*

When the misdeeds come as the rain falls, then no one any longer cries halt.

When the crimes pile up, they become invisible.

When the suffering becomes unendurable the screams are no longer heard.

The screams too fall like the summer rain (Brecht, 2019: 560-61)

The poem speaks eloquently to the connection between listening and justice, or more particularly, the ways in which the failure to listen precludes the possibility of justice, and the link of this failure particularly to endemic and systemic harms. The poem is useful because, I suggest below, it does not merely describe a connection between the failure to listen and injustice, but seeks to disrupt it. I therefore read the poem as both an evocation of the ways in which screams can come to fall like summer rain and an ethical demand for the creation of a 'listening public' who will refuse to allow this to happen (Lacey, 2013).

In this article, I consider the centrality of listening for achieving justice in relation to sexual violence. I suggest, following Susan Bickford (1996) that we need to locate our conception of politics in the interaction between speech and listening, rather than merely in the realm of speech. Further, I argue, that listening like speaking is usefully thought of as an active political practice and one which must be developed. Where feminists have long argued for and practiced speaking out, we must also, I suggest, drawing on Kate Lacey (2013), adopt and theorise a feminist practice of 'listening out'. Like Brecht's petitioners, feminists have long drawn attention to the ways in which the screams of survivors of sexual violence have been allowed to fall like summer rain. Also, like Brecht, I suggest, we have attempted to call into being a new kind of audience that will insist that these screams are heard. A 'just hearing' is crucial for justice, and such a hearing requires collective acts of listening as well as speech. In other words, it is only in becoming a 'listening public' that refuses to allow survivor voices to become background noise, like summer rain, that the possibility of justice is enabled.

To begin, I compare Brecht's exhortation to constitute a listening public able to respond to cries for justice with legal failures to do so. I consider Matthew Hale's infamous warning about the dangers of rape testimony as also an attempt to evoke an audience, but one who will refuse to grant women's stories a just hearing. I then consider the implications of rethinking feminist activism around rape in the form of the constitution of a 'listening public' before turning more explicitly in the second half to the politics of feminist listening in relation to sexual violence. I first think more explicitly about what a

politics of 'listening out' requires before moving to the labour of listening. In this section, I argue that a just hearing is frequently cast in the shorthand form of 'believing women', but that this formulation fails to capture the political work and potential of listening. A just hearing requires more than a priori belief. It requires an engaged practice of collective and political listening. It is this which, as I return to in the conclusion, provides the precondition for justice.

The Unjust Listening of Matthew Hale

The legal and social failure to listen to women's testimony of sexual violence is epitomised in the infamous warning of the seventeenth-century English jurist, Matthew Hale that while 'it is true that rape is a most detestable crime, and therefore ought to be severely and impartially punished it must be remembered, that it is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho' never so innocent ...' This text formed the basis for jury instructions in rape cases in many jurisdictions up to the 1980s when feminist legal reform efforts led to its removal (Larcombe, 2002: 96). Wendy Larcombe (2002: 103) suggests, however, that to fully understand the warning, and its ongoing effects, we need to consider the rationale provided in the rest of Hale's statement which is cited far less often:

I only mention these instances, that we may be the more cautious upon trials of offences of this nature, wherein the court and jury may with so much ease be imposed upon without great care and vigilance; the heinousness of the offence many times transporting the judge and jury with so much indignation, that they are over-hastily carried to the conviction of the person accused thereof by the confident testimony, sometimes of malicious and false witnesses (cited in Larcombe, 2002: 103)

The problem for Hale, as Larcombe notes, is not simply that testimonies of rape are easy to fabricate and hard to disprove, because this is hardly unique in criminal trials. The problem is that the stories are so heinous that complainants are able to 'impose' upon the 'indignation' of the jury with their 'confident testimony' even where they are 'malicious' or 'false' witnesses. In other words, according to Hale, jurors must be wary for three connected reasons: rape stories are easy to tell and hard to disprove; women tend to lie about them; and, most importantly, men are easily provoked into sympathy by their abhorrence of rape.

This warning, and its ongoing resonance in legal and popular culture, is a clear and influential example of what Leigh Gilmore (2017) describes as survivors and their testimony being 'tainted' as unreliable and untrustworthy. But if we focus solely on how Hale's warning 'taints' the survivors and their

testimony, we overlook the way that it exhorts a type and mode of listening and, in so doing, constructs a listening public. In the warning, Hale is speaking to and for the honourable man, who is made overly credulous by his abhorrence of sexual violence, a credulity that he must guard against. The focus of the warning is not really about the speaker's demand for justice, but the protection of the vulnerable male listener (Larcombe, 2002). The mode of speech is primarily didactic, directed as a warning to his audience about how they should listen, rather than primarily descriptive about the untrustworthy nature of women, and the jury cautions based on this statement continue this mode of address.

While feminist critics have focused primarily on how such warnings silence survivors or prevent them from being heard, it is crucial, I suggest to think about how this silencing occurs through building an unjust mode of listening, or more precisely, a mode of listening that refuses the possibility of justice under the guise of defending justice for the accused and guarding against the hoodwinking of the listening jurors. Hale does not ask his listeners to disrupt testimony or close their ears to it. Instead, his listeners are instructed to listen for inconsistencies, but also for persuasiveness or affective power. He exhorts a particular mode of listening that is so alert to any signs of unreliability and so suspicious of any signs of authenticity, that it precludes offering a hearing that could be responsive to the call for justice.

Hale thus calls into being a particular collective listener or audience, what Kate Lacey (2013) refers to as a 'listening public', an audience oriented to a specific ethics and practice of listening. But where Lacey is primarily concerned with the possibilities for building an ethical politics of listening that fosters democracy and participation, that can fulfil the call made by Brecht, Hale shows that it is equally possible to build a negative version or what we might describe, as a listening public oriented to unjust practices of listening. It is not, at least in the case of sexual violence, simply natural or even accidental that the cries of rape survivors have been allowed to fall like rain in the summer. Rather, practices of listening that preclude the possibility of justice have been built and maintained in the courts and elsewhere.

While Hale's warning has officially departed, exhortations to suspicious or paranoid practices of listening continue. For example, in the recent high-profile Lehrmann case in Australia, the defence barrister reminded the jury in his summing up that 'we have these things called con artists' and that for this reason they should be on guard against the complainant's testimony (Gould and Duffin, 2022). The comments were widely reported, and a mistrial was subsequently declared after a juror was found

to have brought literature about rape and false allegations into the jury room. The prosecutor has since declined to re prosecute, citing the effects of the trial and its publicity on the complainant's mental health (Burgin, 2022). In their work on 'inadequate listening', Sarah Ailwood et al (2022) provide a number of other examples of the way in which Australian government bodies and processes either 'refuse to listen', elicit women's speech but then fail to listen to it, or engage in 'selective listening' to avoid the transformative consequences of really hearing women's speech. In this way, legal, media and government institutions continue to call into being listening publics oriented to practices of listening that deny the possibility of justice. This does not mean that survivors are always absolutely unheard, but that they must be able to offer accounts and self-presentations that can meet the almost impossible requirements of this practice of listening.

In this way, we could see Hale's warning and Brecht's poem as calls to construct opposing sorts of listening publics who engage in distinct practices of political listening with clear consequences for the possibility of justice. In both cases, if we read the texts as exhortations rather than descriptions they open up questions about the practices and politics of listening in public life, and particularly about the construction of certain types of listening publics. . Thinking about Hale's warning as an exhortation to a certain type of listening opens up the space to see feminist practices as seeking to inaugurate a counter-listening public. This public has made the same plea as Brecht to disrupt the legal and social listening practices which render the speech of survivors no more consequential than summer rain, insisting instead that these cries must be recognised and responded to as demands for justice.

Feminism as Listening Public

Survivor speech and the practices and politics of speaking out has been the focus of much feminist activism and academic literature on sexual violence (eg. Alcoff and Gray, 1993; Serisier, 2018; Alcoff, 2018). Our image of political activism in this area tends to highlight heroic speaking survivors like Anita Hill and Christine Blasey Ford testifying before hostile US Senators in Supreme Court nomination hearings (Gilmore, 2023), the 'silence breakers' of the #MeToo era, who figured as *Time* magazine's 2017 collective 'Person of the Year' (Zacharek et al, 2017), or prominent survivors Brittany Higgins, who before she was described as a 'con artist' by a defense lawyer had become the figurehead for Australia's 'march 4 justice' rallies. As the poignant example of Higgins, whose mental health was seriously affected by her position as the complainant in a highly contentious and publicised rape trial, demonstrates, the speaking survivor is heroic, in part, because her position is also isolated and vulnerable. As Susan Griffin (1979: 53) writes: '[O]ne of the untold burdens of the survivor of rape is what she has come to know. She has been left holding the truth.... For her the world has changed. And

in this understanding she is isolated, because for us who have not been raped the world remains the same. We keep the fact of rape at the periphery of consciousness and do not let it bear on our vision.'

Any politics with a focus on speech, however, necessarily implies a politics of listening. This is because, as Kate Lacey (2013: 7) notes, all public speech is 'undertaken in the hope, faith or expectation that there is a public out there, ready to listen and to engage'. Susan Bickford (1996: 4) further notes that 'politics is about the dynamic between' speaking and listening. I suggest, therefore, that Griffin's statement, like Brecht's and Hale's, is not purely descriptive but can also be read as attempting to call into being a new kind of audience who would let the words of survivors bear on our vision, or indeed, hearing, and for whom the world would therefore not remain the same. Indeed, for many feminists in the 1970s, listening to other women in consciousness-raising groups produced profound changes in their understanding of the world. For example, Susan Brownmiller, author of the foundational feminist text, *Against Our Will*, described her own journey from someone who thought rape was 'not a feminist issue' to devoting most of her feminist activism to the issue of sexual violence: 'Listening to Sara Pines [in our consciousness-raising group] was the moment when I started to change my mind about rape' (Brownmiller, 1999: 198). Three months later, at a conference on rape, listening to other women speak was a 'moment of revelation' which gave her 'a new way of looking at male-female relations, at sex, at strength and at power' (Brownmiller, 1976: 7, 9). Feminists such as Brownmiller constituted themselves as a new listening public oriented towards justice, who had not only had their worlds changed but were determined, collectively, to change the world.

Focusing on listening rather than speech collectivises understandings of feminist 'discursive activism' against sexual violence by shifting the burden of political change away from the individual figure of the survivor and onto the collective mobilisations that provided the political space for this speech and the political impetus to insist that it be heard (Young, 1997). Consciousness-raising groups enabled new understandings of rape by constructing new forms of audience for women's personal stories. Feminist collectives became a 'listening public' that valued this speech as significant, and brought individual stories together to collectively create new political meaning (Lacey, 2013). In these groups, it was possible for all to speak, but more importantly, most participants spent most of the time as listeners, enabling and inviting each other's speech. Speak outs and rallies provide a public audience that amplifies and asserts the importance of speech by congregating in public to hear it and insist that it have the space to be told. For example, When Anita Hill spoke, black feminists led by Kimberlé Crenshaw took out a full page ad in the New York Times asserting their belief in Hill and their refusal to let her go unheard, while decades later thousands marched in support of Blasey Ford (Gilmore, 2017, 2023). In Australia, again, thousands marched both to assert their determination to listen to Higgins and other survivors and to demand that the Federal government also adopt different modes

of listening. And of course, feminist presence on social media has been enabled through the enhanced promise of a collective audience that, at its best, replicates the reciprocal structures of speaking and listening of early consciousness-raising groups.

A politics that focuses solely on speaking out rather than on listening out places individual survivors in an isolated position where they are expected to use their victimisation to become exceptionally heroic figures (Serisier, 2018). This can feed into the commodification and recuperation of their speech, so that it becomes a media spectacle to be consumed rather than one element in a collective project of change. In their foundational article on 'survivor discourse', Alcoff and Gray-Rosendale (1993) use the archetypal example of survivors appearing on television talk shows to illustrate this process of commodification and recuperation of individual speech. It can also mean that individuals and their speech face excessive scrutiny, as they are burdened with the pressure of embodying anti-rape and feminist politics, even as they are attempting to manage trauma and speak to their own experiences of harm and injustice. Such pressure echoes the responsabilising and scrutiny that survivors face from traditional and dominant listening publics discussed above. In a parallel discussion of the need to shift from individual to collective political responsibility, the feminist abolitionist group Incite! (2003) warn against judging individual survivors for calling on the police: 'The question is not, should she call the police. The questions are, why is that her only option, and can we provide other options that keep her truly safe'. In relation to speech, the question is not whether she is engaging in commodified or neoliberal modes of speech, but rather, why is that her only option and can we provide and constitute audiences that are open to and elicit other modes of political speech. To focus solely on the individual act of speech almost inevitably invites individualist models of politics rather than the possibilities for justice that might be opened by thinking of feminism as providing a new listening public in relation to sexual violence.

A more collective political framework draws attention to the fact that, even for survivors, their understanding of their experiences is influenced by listening to others. Practices of political listening rely on an interplay between speaking and listening so that individual speakers become also part of a collective audience. Hearing other women speak in consciousness-raising groups led many to question experiences that they had previously ignored or minimised, to then add their experiences to buttress and support those who had spoken and now listened to them (Connell and Wilson, 1974). Decades later, the same occurred in the context of #MeToo, a rhetorical formulation that requires more than a willingness to speak. You can only say 'me too' having listened to other stories, relating them to yourself, and offering your own voice as a form of amplification of others as well as an act of individual speech. It is a form of speech that calls a collective into being precisely through the interplay between speech and listening. It is in the absence of this interplay that we find the limitations of the hashtag,

as in Alison Phipps' (2020) critique of the way in which, 'me too' without an intersectional politics of solidarity, which requires listening, becomes 'me not you'. As she argues, when more dominant voices, particularly white middle class women speak without listening, they assert their experience as a universal, drowning out different experiences and understandings of #MeToo, rather than drawing out that diversity through emphasising that 'too' as much as the 'me'. In this, we hear echoes of Tarana Burke's (2013) original formation of 'me too' as 'empowerment through empathy'. The collective empowerment Burke seeks to build can only occur through the mobilisation of empathy through listening and responding to others.

The Ethics of Listening Out

To take the politics of listening seriously means interrogating not only the unjust listening practices of legal institutions, but also the practices of listening enacted collectively within and in the name of feminism, with the same level of political attention as we give to the politics of speech. Exhortations to listen to survivors are important, but on their own, leave the practice of listening taken for granted, as if there were only one way of listening and everyone knows what it is and how to do it. Like speech, however, practices of listening must be developed and cultivated. Kate Lacey (2023: np) describes two broad categories of public listening, 'listening out' and 'listening in'. While both are essential for practices of political listening, Lacey argues that the former is often overlooked and therefore requires particular attention. This type of listening involves 'listening out for otherness, challenge and discomfort, for those voices that generally do not meet the conditions of audibility or that might challenge what we think we already know'. 'Listening in', a form of attentiveness to that which is already relatively familiar and valued remains a necessary practice, but it is less significant for practices of listening that work towards Lacey's goal of a democratic public sphere, and, equally, my focus on a listening that works toward justice. This is not, and cannot be, a call to listen indiscriminately and universally. As Lipari (2014: 45) notes, selective listening is necessary for any communication to occur at all. What is important is however, thinking critically about the discursive frameworks that structure our economies of attention. Listening out means not just taking accepting existing economies of attention, but actively seeking to give a just hearing to that which is not usually politically audible in order to expand what is heard and hearable within the public realm.

We can see the co-existence of and oscillation between these two modes of listening in feminist activism and communication around sexual violence. The consciousness-raising groups and speak-outs of the 1960s and 1970s are examples of practicing new models of listening out for stories and perspectives of women on sexual violence that had previously been inaudible. It is this that made listening, rather than speaking, world-changing for women such as Susan Brownmiller. However, this

listening out was largely limited to speech occurring within a white-dominated movement so that feminists like Susan Brownmiller did not listen out for the history of political interventions about sexual violence made by African-American women such as Harriet Jacobs, Ida B. Wells and Recy Taylor who had spoken about the sexual violence as a tool in the racial terror of slavery, Reconstruction and the Jim Crow South respectively (McGuire, 2010). In other words, at the same time that feminists learnt to listen out for previously ignored stories of rape, they learnt to listen in to particular types of rape narratives rather than others. 'Listening out' for each other's experiences in consciousness-raising groups enabled a radically new way of understanding rape as a social problem rather than a rare and isolated crime. However, it also created a set of expectations of what it is that we hear when we listen for stories of sexual violence, increasingly embracing a practice of listening in to these particular narratives rather than listening out for other modes of speech around sexual violence.

This has meant that the voices that feminists, and through them the broader public, have come to recognise and listen to as survivors tend to be certain types of people who relate their experience in recognisable ways (Serisier, 2018). We find it easiest to listen to stories that emphasise the binary between an innocent victim and criminal perpetrator and that operate within a logic of exceptionality, where rape is a hideous event that shatters a 'perfectly good life', and where the solution appears to be simple – to punish the rapist and listen to the victim (Brison, 2002). Exhortations to 'listen to survivors', for instance, often presume that we know who is and isn't a survivor or affected by sexual violence before we begin to listen, rather than thinking about how our practices of listening shape who we recognise as a survivor to be listened to. This means that even in a public sphere in which feminists have successfully expanded practices around listening to speech about sexual violence, there are still screams that are treated like falling rain, as background noise, a normal sound that does not demand attention or action.

While we tend to think of listening as responding to speech which pre-exists it, practices of listening can, in fact, call certain types of speech into being while dissuading other speakers and speech (Lipari, 2014). Listening practices feed into and become part of nascent thoughts about speech, contributing to whether or not they are formed into narratives with the expectation of being listened to, or even the ways in which certain experiences are understood in order to be articulated (Corradi Fiumara, 1990). Our listening practices, feminist or otherwise, do not as readily listen out for, and thus encourage, narratives of sexual violence meted out by or within institutions or narratives which frame sexual violence as inseparable from the structural violence of colonialism, racism, poverty or austerity. The effects of this can be seen in the relative dearth of public accounts of ongoing sexual violence in relationships, as the result of structural vulnerability such as homelessness or disability, within

marginalised employment sectors such as paid domestic work, or indeed the connections between colonialism and the structural vulnerabilities of first nations women globally to sexual violence.

Writing against these tendencies to fail to elicit certain types of speech or narrative, Lacey (2013) explains the ethical obligation of listening out using Derrida's notion of hospitality as a form of radical receptivity to the other. A Derridean ethics of hospitality 'means providing a space, a calling, and a reason for those voicings' (Lacey, 2023: np). Pushing the concept further, Lacey suggests that we must accompany hospitality in the form of welcoming in with 'travelling', an ability to cede the space of home in order to genuinely hear and be willing to be changed by strange and unfamiliar voices. Without this commitment, we preclude the possibility that our listening practices will provide an ethical space of hospitality and open up the possibility of political change. An example of current limits of hospitality, and its selective elicitation of speech can be seen in the story of Chanel Miller whose statement about being raped at a party at Stanford University was originally released anonymously under the pseudonym Emily Doe. The statement received a massive response, being read 11 million times in four days, and amplified by powerful institutional actors, with public readings on CNN, in Congress and an open letter in response posted by then Vice-President Joe Biden (Miller, 2019: 250). In her memoir, Miller might almost be drawing on Derrida's notion of hospitality when she writes that the reception to the statement not only created space for her but for others to speak. It had, she writes, 'created a room, a place for survivors to step into and speak aloud their heaviest truths, to revisit the untouched parts of their past'. Miller did not, however feel that that hospitality was unconditional, linking her decision to remain anonymous to her feeling that she had to conceal her Asian-American identity: "If I had come out with my identity the room would have collapsed, its roof weighted by distractions; my history, ethnicity, family. The few that had discovered my identity had taken screenshots of my old spoken word videos, leaked with the caption, Brock Turner has yellow fever..." (252). For Miller, coming forward with her full identity would have limited the hospitality she was given and precluded her ability to extend that hospitality to others. In this sense, her understanding of the listening she would receive, and the terms on which it would be offered, became a part of her thoughts and the shaping of her speech and its limitations, although it might also point us to the possibility of a form of listening based in both hospitality and travelling.

We must therefore think not only about who is listened to but how and under what circumstances. There is, in white-dominated public spheres such as the USA, what Stoeber (2016) describes as a 'sonic color line' that operates to normalise white practices of listening in ways that limit the cultural space and authority granted to non-white voices and perspectives. The colonial and white supremacist structuring of listening practices exists within feminism as in the broader public sphere, and has been pointed to repeatedly by women of colour. Writing about the lack of public attention in Australia to

the hundreds of murdered and missing Australian Aboriginal women, Amy McQuire (2022) analyses a set of listening practices that rely upon and reinforce the sonic colour line, through blaming Aboriginal women for white Australia's refusal to hear them while engaging in a cycle of repeatedly discovering the endemic violence faced by Indigenous women only to forget it again. 'For so long, Aboriginal women have been accused of being complicit in a 'silence' surrounding violence against Aboriginal women, while simultaneously being tasked with the responsibility of 'breaking' it'. She notes that a failure to listen, and particularly a refusal to listen to Indigenous women as knowers and experts about their own situation, is recast as the failure of Indigenous women to overcome their own silencing. In so doing, McQuire might be seen as engaging in what Stoeber (2016 describes as 'decolonial listening', both enacting and demanding a practice of listening out for and to the perspectives and knowledge of Australia's First Nations women on their experiences and understandings of the structural violence they face. As Justine Lloyd (2009: 478) argues, 'we must 'recast' the question 'why weren't we told' to instead ask "why weren't they able to listen?" or even who was granted the listening apparatus, where was this listening happening, and with what temporalities, and to what extent could this listening ever become collectivized?' Signs of a collective listening would mean, as many Indigenous women have pointed out, white feminists mobilising in the same way for murdered and missing Aboriginal women as the thousands on the march 4 justice did for Brittany Higgins, the survivor at the centre of the Lehrmann trial, where the defense barrister was so worried about con artists (Carlson, 2021).

But, it also means using listening as a way to begin to address ongoing and entrenched colonial dynamics within institutions and discursive practices of white-dominated feminist spaces. Over twenty years ago, Aileen Moreton Robinson (2000: 186) challenged white feminists in Australia to 'theorise the relinquishment of power' and, as Tanja Dreher (2009) has argued, listening is a central element of this project. Such practices of listening are difficult because they make us vulnerable (Lipari, 2014). They can only be undertaken in the understanding that that there will be failure and misunderstanding and discomfort (Dreher, 2009). But, in comparing listening to the practice of flying, Lipari (2014: 174) argues that it is only through accepting this vulnerability and potential failure that we can 'escape, if only momentarily, from our tiny earthbound perspective with ourselves as the center of the world, and ... take in a far greater view of the whole. Listening, like flight, offers unfamiliar vistas and new mis/understandings'. Vulnerability and misunderstanding are, inevitable and necessary for political projects, particularly those that seek to engage in practices of decolonial listening that might challenge entrenched racial patterns in who is listened to and how. They are also, as Moreton-Robinson and Dreher, insist, vital practices for white feminists, particularly in the context of ongoing colonial violence.

From Believing Women to a Just Hearing

Building listening publics through practices of political listening requires significant labour, but it is labour that is often unrecognised and under-theorised (Lacey, 2023). As Leigh Gilmore (2023: 110) writes, 'listening more and better might seem like modest goals' when considering the ongoing realities of sexual violence and the social forces that enable it. But, in fact, the work of listening is crucial to understanding and combating the harms and injustices of sexual violence and social responses to it. As I discussed above, entrenched practices of unjust listening are in fact the result of significant labour performed in and through legal and other institutions. The ongoing practice of building a listening public capable of hearing and responding to a broader range of stories and claims to justice demands a similar level of work. In this final section, I consider what this work might entail.

In recent years, as sexual violence has occupied a more prominent position in the public sphere, the role of listening has tended to emerge through the hashtag and political slogan, 'Believe Women' (Serisier, 2022). The slogan gained public prominence following the confirmation of Brett Kavanaugh as a US Supreme Court Justice despite Christine Blasey Ford's testimony that he had sexually assaulted her when they were both teenagers. Operating both as an exhortation made of others and a declaration of one's own identification as a believing listener to women's stories, it reduces the work of listening to the question of belief, a framing that I suggest here is ultimately insufficient to encapsulate the work necessary to achieve a 'just hearing' for survivors of sexual violence.

It is important to note that the slogan has been the subject of significant controversy, with its critics claiming that it represents both a denial of due process and, relatedly, that it represents a call to abandon the critical or evaluative aspects of listening, demanding that we 'turn off our brains' and adopt an attitude of automatic and excessive credulity. However, if we contextualise the call within the unjust listening practices of dominant legal and social responses to survivors, we can read the call to belief as essentially corrective, attempting to enact a practice of listening oriented towards a just hearing for survivors. In this sense, both just and unjust listening practices are active, and involve labour. In most contexts where people describe something that has happened to them, such as an act of violence, this work is performed by both speaker and listener through an enactment of what Lejeune (1989) describes as the 'autobiographical pact' where the speaker offers a true account and the listener offers an orientation of belief. This doesn't mean unconditional belief, but instead it is an interaction where an undertaking of offering a true, even if subjective, account is met with the promise of a just hearing devoid of unreasonable suspicion. To listen with the kind of 'critical ear' that opponents of the call to believe women insist on, demands that the narratives of survivors of sexual violence be treated as an exception to this pact, aligning themselves with the suspicious listening

public that refuses to grant survivors a just hearing. The call to believe women, in contrast, can be read as an insistence that listeners should perform the same kinds of listening work, oriented towards belief, in relation to stories of sexual violence as to the other narratives that people tell about their lives.

Neither listening oriented toward suspicion or belief is inherently easier. Both require work from the listener, but it is work of different kinds and with different consequences, particularly in relation to justice and the obligations of the listener. As Brecht suggests in his poem, to listen to screams of harm as though they were summer rain is to perform a work of refusal, refusing the ethical demand they place upon us. If, however, misdeeds are no longer simply falling rain but an injustice, we are called on, as Brecht notes to cry out 'stop'. The paranoid listening outlined in the opening section is a listening which refuses this cry to justice by listening for the figure of the lying woman and insisting on hearing a narrative in which the sexual status quo does not require social or political change. In contrast, to listen in a way that allows the ethical obligation of these stories is to accept that the most intimate realms of our lives are not always or necessarily places of safety but of harm and violence, and they tell us about a social problem we are unable to fix. Chanel Miller highlighted these different types of work and their consequences in her description of the listening practices she experienced in court. The court was offered two stories, her story of an elite college athlete dragging an unconscious woman behind a dumpster outside a party and attempting to have sex with her, or the defense's story which she summarised as a 'poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling onto the ground' (Baker, 2016). In terms of what is asked of the listener, the appeal of the latter over the former narrative is not difficult to imagine.

It is in this sense, that the work of listening is inextricably bound up with, as Leigh Gilmore (2023: 164) notes, the question of 'what we owe to survivors'. And, I suggest, belief does not get us as close to answering this question as does the concept of a just hearing which exceeds the notion of belief. It is entirely possible to believe someone without fully engaging the ethical work of listening. As Gilmore (2023, p. 33) notes, genuine listening requires that we recognise something as 'true without assuming the form it will take or where it will lead'. In a further indication of the complex work required for listening, Ailwood et al (2022) suggest that an ethics of listening in relation to survivors requires at least four elements: openness, receptivity, attentiveness and responsiveness. None of this is guaranteed simply through calls to 'listen to survivors', 'believe women' or be 'survivor-led'. For instance, feminist academics who themselves are committed to pursuing criminal justice responses to sexual violence may interpret survivor voices and perspectives through this pre-existing framework in place of undertaking the more difficult work of listening in a way that may require changing one's perspective, or at least recognising that it is not shared by all survivors (ackhurst, 2023). We might

read the efforts of organisations like the UK-based ‘Survivors Voice’ to provide guidance on working with and on behalf of survivors as both recognising and attempting to address this issue. At the time of writing, the organisation is piloting a charter, ‘Turning Pain into Power’ that offers a toolkit for thinking through practices and methods for listening to survivors, as well as assessing honestly the extent to which survivor knowledge has been meaningfully engaged with. They recognise that there are many ways of claiming to listen to survivors and that some of these claims do not in fact engage fully in the labour of listening. In doing so, they recognise that the work of listening is difficult on multiple levels, and involves skills that must be developed (Perôt, Chevous and Group, 2018).

Tarana Burke, founder of the ‘Me Too Movement’, a community organising initiative that preceded the viral hashtag of 2017, offers valuable insight into the difficulty of this listening work. On the ‘Me Too’ website, she locates the origin story of the organisation in her experience as a youth worker at a camp where young girls were asked to share intimate experiences of their lives, a sharing that almost inevitably included disclosures around sexual violence. At one camp, Burke (2013) had become close to a young girl named Heaven who approached her following one of the intimate sharing sessions: ‘She had a deep sadness and a yearning for confession that I read immediately. And I wanted no part of it.’ While Burke at first attempted to avoid Heaven, the girl was finally able to talk to her, and began to tell her about being sexually abused by her mother’s boyfriend:

I listened until I literally could not take it anymore — which turned out to be less than five minutes. Then, right in the middle of Heaven sharing her pain with me, I cut off this little girl’s story and directed her to another female counselor who I believed could “help her better”.

Burke writes that she ‘will never forget the look on Heaven’s face’ as she ‘could not find the strength to say out loud the words that were ringing in my head ... as she tried to tell me what she had endured.’ Burke’s response to Heaven had nothing to do with disbelief, locating the difficulty of listening elsewhere. It highlights that, as in the case of the speaking survivor, the individual burden of listening can be excessive. In response, Burke, like so many women before her embarked on a project to constitute a new listening public who could offer ‘empowerment through empathy’, an ethos based in the two words, ‘me too’, that she was unable to utter in that moment, but which have gone on to become central to contemporary efforts to build listening publics around sexual violence oriented to justice.¹

Burke’s story also demonstrates that a politics based around listening is one that necessarily has a different temporality to that which focuses solely on speech. I noted above Amy McQuire’s (2022)

¹ I am grateful for the comments of Kate Lacey who helped to develop my thinking about this story and its implications for thinking about public listening.

critique of the cycle of spectacle and forgetting that characterises white Australia's response to violence against Indigenous women. A political project of listening is important in the moments of public attention given to sexual violence but even more so in the periods of seeming silence in-between. The work of listening publics in shifting the conditions of audibility for marginalised speakers is necessarily long and slow work. It means, as Burke demonstrates, doing the work of building listening publics over time, slowly, and with the recognition of the inevitability of moments of both collective and individual misunderstanding and mishearing. It is the long temporality of meaningful solidarity work, particularly across different positions of power and marginality (Dreher, 2009).

Engaging in this way is far more than 'believing'. The call to belief partakes in what Bickford (1996) describes as a common mischaracterisation of listening, that it inherently minimises or erases debate, difference and conflict. As if to listen means erasing the self and simply accepting or adopting the speech of the other, so that we might, for instance, say either 'listen to women' or 'believe women' as though they were the same. However, usefully, Bickford points out that listening is important precisely because the political is an arena of disagreement, conflict and debate. At its best, listening offers a political route to resolve conflict or at least recognise it in politically useful ways (p. 2). In contrast, listening 'stops the moment we mark limits. The moment we think that we know exactly what it is' (Arthur et al. 2021).

Feminism and sexual violence politics is a space marked by conflicts and disagreements, including among survivors. This commitment to listening becomes more difficult, but more productive, when people do not offer the stories or interpretation of experience that we feel that they should. We often presume that 'listening to survivors' as a generic act means supporting certain things like rape law reform or custodial sentences or certain definitions and understandings of the traumatic effects of rape. But there are many people who experience harmful or unwanted sex that they choose not to label as rape or sexual violence, others who believe that their experiences were not traumatic and survivors of violence who do not support solutions focused on the criminal law or punitive forms of justice. If we believe we know the outcomes or consequences of listening before we do it then we are no longer really listening.

Conclusion: Political Listening as a Precondition for Justice

This article has focused far more on listening than it has on justice. This is in large part because I want to suggest that justice, when it comes to sexual violence and more broadly, is not simply out there to be found but is a key part of fashioning what Bickford (1996: 19) describes as 'democratic shape to our being together in the world' and 'a constitutive element in the process of figuring out, in the face of conflict, what to do'. In relation to rape particularly, feminists have long recognised that 'who gets

to tell the story and whose story counts as “truth” determine the definition of what rape is’ meaning that how we listen and to whom becomes central to our understanding of the problem and what justice might look like (Higgins and Silver, 1991: 1). Understandings of justice among survivors have been described as kaleidoscopic, or we might say there are as many different visions of justice as there are understandings and experiences of sexual violence (McGlynn and Westmarland, 2018). And, as I have shown here, the injustice of rape has been accompanied and compounded by practices of unjust listening, and indeed by failures to ‘listen out’ for wider conceptions of justice than those prescribed by the criminal justice system and the carceral of punitive solutions it offers (ackhurst, 2023).

It is in this sense that I would suggest that what justice is in relation to sexual violence remains a question for political deliberation and democratic shaping. As I have argued here, survivors need and deserve a just hearing, but this can only result from an active politics of listening or what Kate Lacey describes as the constitution of listening publics oriented towards justice in relation to sexual violence, and particularly to seeing practices of listening as essential and ongoing feminist labour for those who believe in justice in response to sexual violence. It is only through this politics, I would argue, that the question of justice can be adequately posed, let alone answered. Having said this, we can know that justice is impossible in a world that continues to cast rape and other forms of violence as inexorable and inevitable. In other words, a world in which cries of sexual and structural violence are allowed to fall like rain in the summer is not a world within which justice can be imagined or built. We must constitute listening publics that refuse to accept this violence as a natural or a ‘background’ to our everyday lives. To insist that cries of suffering should be rare, and they must be responded to. To listen out for and in to these cries is to insist that they no longer fall like rain in the summer, and to work towards a world in which it is impossible to imagine that they ever did.

Bibliography

ackhurst m (2023) Investigating the Impasse: Exploring What is Wanted After Sexual Violence and the Things that Get in the Way. PhD Thesis, Birkbeck College, UK.

Ailwood S, Loney-Howes R, Seuffert N and Sharp A (2022) Beyond Women’s Voices: Towards a Victim-Survivor-Centred Theory of Listening in Law Reform on Violence Against Women *Feminist Legal Studies* <https://doi.org/10.1007/s10691-022-09499-1>

Alcoff LM (2018) *Rape and Resistance*. New York: Wiley.

Alcoff LM and Gray L (1993) Survivor Discourse: Transgression or Recuperation? *Signs: Journal of Women in Culture and Society* 18(2): 260-290.

Arthur CC, Kalulé P and Kanngeser A (2021) Abolitionary Listening: Propositions & Questions. In: Critical Legal Thinking. Available at: <https://criticallegalthinking.com/2021/09/22/abolitionary-listening-propositions-questions/> September 22 (accessed 18 May 2023).

Baker KJM (2016) Here's the Powerful Letter the Stanford Victim Read Aloud to her Attacker. In: BuzzFeed. Available at: <https://www.buzzfeednews.com/article/katiejmbaker/heres-the-powerful-letter-the-stanford-victim-read-to-her-ra> (accessed 23 March 2018).

Bickford S (1996) *The dissonance of democracy: Listening, conflict, and citizenship*. Cornell University Press.

Brecht B (2019) *The Collected Poems of Bertolt Brecht*. New York: Liveright Publishing Corporation.

Brison SJ (2002) *Aftermath: Violence and the Remaking of a Self*. Princeton and Oxford: Princeton University Press.

Brownmiller S (1976) *Against Our Will: Men, Women and Rape*. Melbourne: Penguin Books.

Brownmiller S (1999) *In Our Time: Memoir of a Revolution*. New York: The Dial Press.

Burgin R (2022) Lehrmann trial discontinued: when prosecution isn't in the public interest. In: The Conversation. Available at: <https://theconversation.com/lehrmann-trial-discontinued-when-prosecution-isnt-in-the-public-interest-192495> (accessed 23 May 2023).

Burke T (2013) The Me Too Movement: The Inception: Available at: <https://metoomvmt.org/get-to-know-us/history-inception/> (accessed 23 May 2023).

Carlson B (2021) No public outrage, no vigils: Australia's silence at violence against Indigenous women. In: The Conversation. Available at: <https://theconversation.com/no-public-outrage-no-vigils-australias-silence-at-violence-against-indigenous-women-158875> (accessed 23 May 2023).

Connell N and Wilson C (eds) (1974) *Rape: The First Sourcebook for Women*. New York: Plume Books.

Corradi Fiumara G (1990) *The Other Side of Language: A Philosophy of Listening*. New York: Routledge.

Dreher T (2009) 'Listening across difference: Media and multiculturalism beyond the politics of voice' *Continuum* 23(4): 445-458.

Gilmore L (2017) *Tainted Witness: Why We Doubt What Women Say About Their Lives*. New York: Columbia University Press.

Gilmore L (2023) *The #MeToo Effect: What Happens When We Believe Women*. New York: Columbia University Press.

Gould C and Duffin P (2022) Bruce Lehrmann's barrister likens Brittany Higgins claims to those of a con artist in rape trial. *The Australian*, 19 October. Available at: <https://www.theaustralian.com.au/news/latest-news/no-evidence-to-back-brittany-higgins-story-says-defence-barrister/news-story/90c77a4e35c9f89239165d725c9e0af4>.

Griffin S (1979) *Rape: The Power of Consciousness*. San Francisco: Harper & Row.

Higgins LA and Silver BR (1991) Introduction: Rereading Rape. In: Higgins LA and Silver BR (eds) *Rape and Representation*. New York: Columbia University Press, pp. 1-11.

Incite! (2003) Community Accountability Working Document. Available at: <https://incite-national.org/community-accountability-working-document/> (accessed 23 May 2023).

- Lacey K (2013) *Listening Publics: The Politics and Experience of Listening in the Media Age*. London: Polity.
- Lacey K (2023) 'The Labour of Listening in Troubled Times' *Journal of Sonic Studies* 24. Available at: <https://www.researchcatalogue.net/view/1932647/1932646>
- Larcombe W (2002) Cautionary Tales and Telling Anxieties: The Story of the False Complainant. *Australian Feminist Law Journal* 16: 95-108.
- Lejeune P (1989) *On Autobiography*. Minneapolis: University of Minnesota Press.
- Lipari L (2014) *Listening, Thinking, Being: Toward an Ethics of Attunement*. Philadelphia: The Pennsylvania State University Press.
- Lloyd J (2009) The listening cure. *Continuum* 23(4): 477-487.
- McGlynn C and Westmarland N (2018) Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice. *Social & Legal Studies* 28(2): 179-201.
- McGuire D (2010) *At the Dark End of the Street: Black Women, Rape and Resistance - a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*. New York: Vintage Books.
- McQuire A (2022) 'The Act of Disappearing', In: Meanjin. Available at: <https://meanjin.com.au/essays/the-act-of-disappearing/> (accessed 23 May 2023).
- Miller C (2019) *Know My Name: A Memoir*. New York: Penguin.
- Moreton-Robinson A (2000) *Talkin' Up to the White Woman: Aboriginal Women and Feminism*. Brisbane: University of Queensland Press.
- Perôt C and Chevous J (2018) Turning Pain into Power: A Charter for Organisations Engaging Abuse Survivors in Projects, Research & Service Development Survivors Voices. Available at: <https://survivorsvoices.org/charter/> (accessed 23 May 2023).
- Phipps A (2020) *Me Not You: The Trouble with Mainstream Feminism*. Manchester: Manchester University Press.
- Serisier T (2018) *Speaking Out: Feminism, Rape and Narrative Politics*. London: Palgrave Macmillan.
- Serisier T (2022) What Does it Mean to #BelieveWomen? Popular Feminism and Survivor Narratives. In: Dawson P and Mäkelä M (eds) *The Routledge Companion to Narrative Theory*. London and New York: Routledge, pp. 342-353.
- Stoeber, JL (2016) *The Sonic Color Line: Race and the Cultural Politics of Listening*. New York: New York University Press.
- Young S (1997) *Changing the Wor(l)d: Discourse, Politics, and the Feminist Movement*. New York/London: Routledge.
- Zacharek S, Dockterman E and Sweetland Edwards H. (2017) The Silence Breakers *Time*. Available at: <https://time.com/time-person-of-the-year-2017-silence-breakers/> (accessed 11 June 2018).