

# Chapter 7

## Cyber–Stalking or Just Plain Talking?

### Investigating the Linguistic Properties of Rape–Threat Messages as Compulsive Behaviours

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#### **ABSTRACT**

*In the United Kingdom there were a number of rape threats made to prominent public figures who identify feminists. It led to three people being jailed, namely Isabella Sorley, John Nimmo and Peter Nunn. This was at a time when the UK police had identified around 50,000 online sex offenders but said they could not all be prosecuted. This study investigates the use of rape threats and other threatening language based on those tweeted by these people to see the contexts in which they are used. The study finds that most rape and other threats made are done as a joke and not with any real malicious intent. The chapter recommends on the basis of the evidence necessary for the authorities to use the judgement in DPP v Chambers, which would mean the context of an alleged abusive message would be considered.*

#### **INTRODUCTION**

The term ‘rape’ has to date been one rarely used lightly, usually to refer to the assault by penetration of a woman, although many argue the term should equally apply to the sexual assault of men. As a technical term, one might therefore see rape to refer to the sexual interaction of another without their consent. Whilst this might be possible to be generally accepted by many in the area of sex offending, it is not by today’s standards the only use of the term. As this chapter explores, the use of the term, even as a threat,

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has been diluted from one which refers to an unconsented sexual assault to replace a number of verbs to reflect different intentions, but usually in a non-serious sense. That is, it can refer to a joke where one is being warned of the consequences of one's actions – such as when one would drop an issue.

Posting messages online that could be menacing towards someone because of a group they belong to, such as rape-threats towards someone because they are a woman, can be seen to be a 'hate crime.' It has been argued that hate crimes have a number of elements, including violence, threats, abuse, intimidation and harassment, often manifested as blackmail, vandalism, hate letters and graffiti (Tatchell, 1996). Many of these can be seen to be reflected online, of which the sending of rape-threats to women on Twitter might be considered quite obvious. However, it is the case that there are two elements to the sending of rape-threat messages online, which are that the messages can be either cyber-trolling or cyber-stalking (Bishop, 2013a; Bishop, 2014d). Cyber-trolling refers to looking someone up and posting provocative messages to them, but not hate-based ones. Cyber-stalking on the other hand involves the persistent targeting of a specific person with hate messages intended to cause apprehension. Distinguishing between the two should be easy, on the basis of the judgements in *DPP v Connolly*, *DPP v Connolly* and *DPP v Chambers* (Bishop, 2013b). However, courts such as in the case of *R v Isabella Sorley* and *R v Peter Nunn* have not given proper consideration to these cases, which might change should offenses under the Malicious Communications Act 1988 become 'either way' and therefore heard in a Crown Court where the judges should be better prepared and with the appropriate amount of time available to them to hear defences considering these cases.

The existence of the term and use of the term 'rape' online does not simply refer to using the threatening use of the term in a synchronous chat-like environment, such as Twitter. A notable example is the situation surrounding former Wales and Sheffield United footballer, Chedwin Evans, who is known as Ched Evans. Ched Evans was convicted of rape on 20 April 2012. On his release, the convicted rapist continued to plead his innocence and even went as far as to set up a website to proclaim this. The website, [chedevans.com](http://chedevans.com), has contained references to social media and other sources that Ched Evans has tried to use to suggest the court that found him guilty of rape made the wrong decision. Supporters of the convicted rapist have used social media platforms like Twitter to harass and stalk the woman whom Ched Evans was convicted of raping, which according to her father led to her having to move home on at least 5 occasions. A total of 9 Twitter users were convicted of naming the person Ched Evans was found to have raped in November 2012. These were Gemma Thomas, Craig McDonald, Holly Price, Michael Ashton, Benjamin Davies, David Cardwell, Paul Devine, Dominic Green, and Shaun Littler.

Such a string of namings might lead to one considering whether a form of joint enterprise existed. It was reported in December 2014 that Evans's victim had to move houses and change her identity 5 times because she kept being discovered and named on Twitter. Such actions are an offense under the Contempt of Court Act 1981, which grants lifetime anonymity to victims of rape. An attempt was made to create a "do a Ched Evans" meme, which failed to attract more than 4 postings (Figure 1).

## **BACKGROUND**

Considering the use of the term 'rape' and references to similar concepts like 'stalking' have diminished in a social sense, with the words being used in casual conversation. Whether or not this is morally desirable it is a fact that media institutions and celebrities who are no longer untouchable will have to get used to. Whilst calling someone a Nazi offline is hugely offensive, online it is the norm. This is the

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