

Multi perspectives on rape

Introduction

Rape is an enduring and ubiquitous problem. It can happen to anyone, anytime and anywhere. WHO, on behalf of the UN Interagency working group on violence against women, conducted an analysis of prevalence data from 2000-2018 across 161 countries and areas, and found that worldwide, nearly 1 in 3 of women have been subjected to physical and/or sexual violence by an intimate partner or non-partner sexual violence or both. Rapes have been committed since time immemorial, and society's attitudes towards and ways of dealing with its perpetrators and victims have changed in some ways whilst remaining the same in others.

The harms caused by rape are physical, psychological, financial, cultural, and moral. Much attention, rightly, focusses on the victim/survivors but there is considerable collateral damage to all of those who are touch in some way by a rape. This book seeks to give voice to the wider population of those who are caught up in its aftermath. As Remer and Ferguson (1995:407) state, "victimisation has a ripple effect, spreading the damage in waves out from victims to all those with whom they have intimate contact." That ripple effect also "travels across time, across place and through kin and friendship ties" (Condry, 2010:219). No-one can remain untouched by their exposure to the experience of rape and its damaging consequences, but too often, some voices are muted or unheeded.

Included in this book are: the complainant/victim/survivors; partners, parents, family members and friends: the practitioners who support them: the professionals of Criminal Justice Agencies who investigate and prosecute their cases: and of course the suspect/accused/defendants and offenders/acquitted.

Our inspiration for focusing on voice derives from the work of Jan Jordan. Her book 'serial survivors' explores in detail the personal journeys of women raped by Malcolm Rewa (Jordan, 2008). As Belknap (2009:393) says in her review of Jordan's book

"The biggest contribution of the book is the voices it provides to these survivors, allowing an intense and real impression of the rapes, the responses to the survivors by others (from professionals to neighbors) and the impact of rape on these women's lives. Perhaps what is most powerful in these accounts is the honesty of the women,...Equally significant is that

while organizing themes in the survivors' experiences and feelings, the women's self-report data also indicate the vast differences among rape survivors in terms of their experiences and feelings. That is, *Serial Survivors* leaves the reader understanding that there is not 'one' response to being raped, even among 15 women raped by the same man"

Jordan opens a window into the rape survivor's journey and her touch points as she traverses the criminal justice system demonstrating the intensely personal responses. We have taken this idea and extended the gaze to portray the perspectives of "others" in that journey from their vantage points. We have also extended the notion of voice. As well as using voice in the empowerment sense to tell your story at your own pace and in your own way, we elaborate voice as giving expression to attitude and opinions. In this way we can examine the beliefs that professionals bring to the investigation and prosecution of rape. We also utilize the official voice in formal guidance, reports and statistical analyses that influence but also reveal the disconnect between practice and policies. In these ways we hope to unmute what has hitherto been silent, faint, or indistinct. Our theoretical framing is in the tradition of the psychology of ordinary explanations (Antaki, 1981) in which we follow the dictum: if you want to know something about how a person feels, what they know or think- ask them. Our methodology follows on from this through directly or indirectly obtained narratives and testimonies from the key informants.

Mapping the contours of this book

"Rape is a truly devastating and life-changing crime. Victims of this most invasive abuse can suffer lasting trauma, and too often their experience of the criminal justice system adds to their suffering."

This statement was made by Max Hill Director of Public Prosecutions in the UK's Crown Prosecution Service's (CPS) Rape Strategy Update (2022). The CPS commissioned a review of victims' experiences of the Criminal Justice System (CJS) and the conclusion was that "victims want a voice and victims deserve agency" (Sam Cunningham 2020)¹. This is a plea that the present authors recognise. But we seek to extend our gaze beyond the victim. The act of rape and sexual violence and its consequences are tragic and traumatic whose impacts have a reach beyond those directly involved. The ripples of those consequences leave collateral damage in a wider space of influence.

¹ [A victims' strategic needs assessment for the Crown Prosecution Service \(crestadvisory.com\)](https://www.crestadvisory.com)

The primary aim of this book is to widen the scope of individuals who are usually scrutinised in cases of rape. To help readers navigate its contents there follows a series of maps that chart the methods we employ, identify the people whose voices we seek to amplify, steers through the routes of the criminal justice journey and identify the key concepts we will be drawing upon.

Methodological map

In responding to our aim of presenting ordinary stories about rape, we are adopting an eclectic approach in collecting commentary, testimonies, and evidence to include in this book. We trawl the traditional research literature, examine grey literature such as blogs, doctoral theses and other unpublished research; consult official statistics; examine commissioned enquiries, reports by regulatory and inspecting organisations and Government papers and draw on the official guidance available to lawyers and judges. In addition we found testimonies from media coverages of rape cases and conducted a number of interviews with key informants for this book. (See Figure 1.1 for a summary). Whilst each story is grounded in the individual’s experiences, and there may be fault lines in recall and accuracy, it is the recurring patterns that speak to the commonality of pain and the problems inherent in a failed criminal justice system when it comes to dealing with rape. As Gill (2009:169) eloquently argues:

“[b]y examining individual stories, research can give voice to the voiceless and provide an impassioned advocacy for those whose experiences are typically ignored; ultimately, large scale change must derive from learning more about the experiences of individual survivors”

and to which we would add all the others involved in the rape sphere

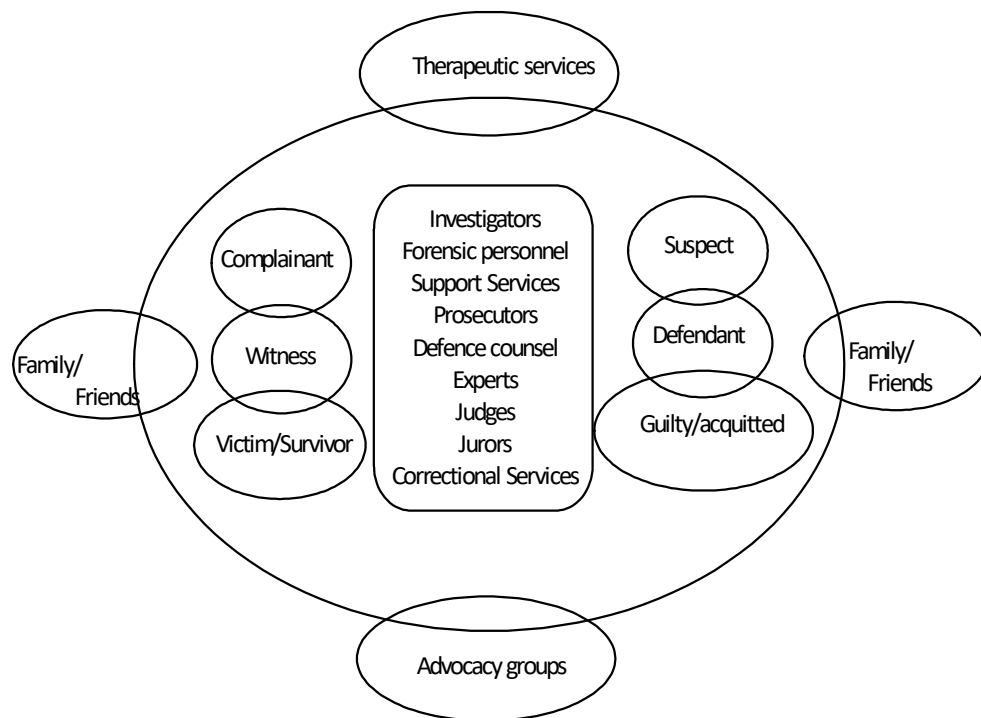
Figure 1.1 Resources



People map

Horvath and Brown (2023:6) provide a mapping of those who are rape's sphere of influence and Figure 1.2 is an adapted version illustrating those roles which are the subject of detailed analysis in the present book.

Figure 1.2 Map of the people involved in rape's sphere of influence (adapted from Horvath and Brown, 2023)



We consider how rape effects the lives of all those directly and indirectly involved.

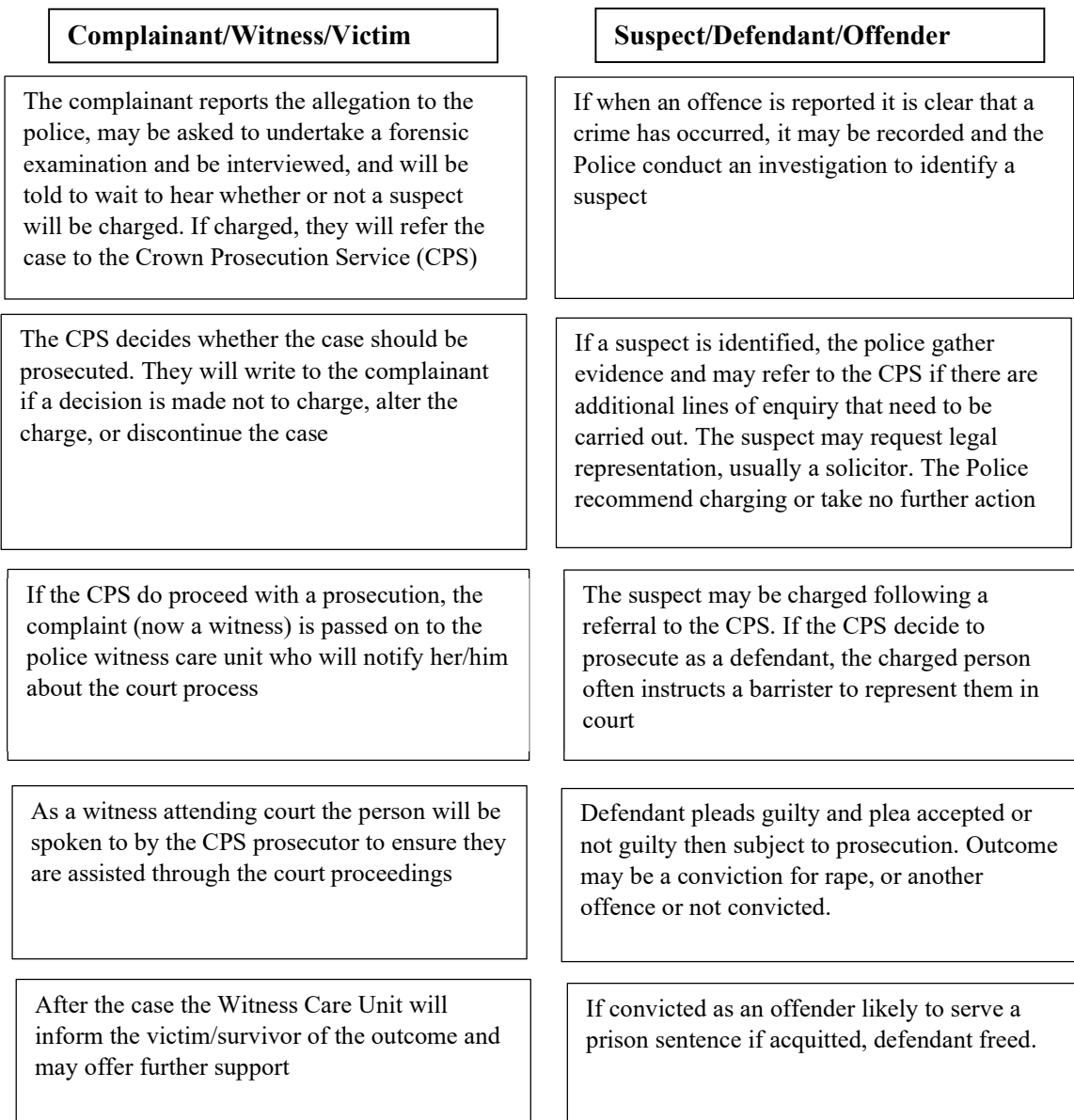
The Criminal Justice Journey map

This book seeks to identify and discuss key stages in the journey through the Criminal Justice System (CJS). Cunningham and Desroches (2022)² nominates five key points in the CJS route map as experienced by the complainant/witness/victim/survivor in England and Wales that serve as our journey template as illustrated in figure 1.3. The suspect/defendant/offender journey is charted by Elkin (2018)³ and also shown in figure 1.3. These stages will be explained in more detail in subsequent chapters.

Figure 1.3 The route map of the criminal justice journey

² [A victims' strategic needs assessment for the Crown Prosecution Service \(crestadvisory.com\)](#)

³ [Sexual offending: victimisation and the path through the criminal justice system - Office for National Statistics \(ons.gov.uk\)](#)

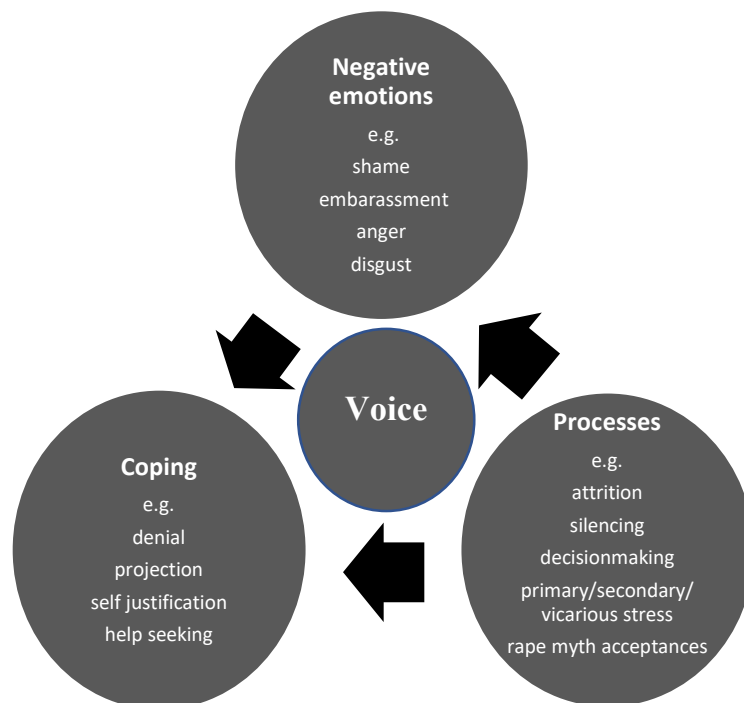


The conceptual map

In helping to explain the experiences of the people through their CJS journey we draw upon the concepts of negative emotions, coping strategies and several process variables as summarised in figure 1.4. As will be discussed these concepts can be equally applied to the experiences of complaint/witness/victim/survivor as well as the suspects/defendant/offender/acquitted. Staging posts in the journey also affect close friends and relatives and the professionals implicated in rape cases. At the heart of our analysis is the concept of voice through which to hear the experiences of our key players. This book explores those voices implicated in primary, secondary and tertiary victimhood. Following Condry (2010) we use

the term primary victim as someone who has suffered harm and/or experienced trauma as a direct response of a crime such as rape; secondary victims are those suffering harm from the effects through their relationship with a primary victim (i.e. secondary trauma). Vicarious trauma extends the ripple effect to tertiary victims such as counsellors, lawyers, police, judges or jurors working with rape victims. As does Condry, we also note the contentious nature of naming someone as a victim (see later discussion in this chapter).

Figure 1.4 The conceptual map



Historical map

Before providing a synopsis of the contents in each chapter, this introduction will set out briefly the historical context illustrating the sedimental traces of present-day attitudes and problems besetting those who make allegations of rape and outline some of the definitional and terminological problematics.

Stevenson (2007:417) argues that reference to the past is not a matter simply for “historical curiosity” rather such analysis strikes resonances for present management of rape and sexual assault cases. Stevenson quotes Kelly et al. (2005) who concluded that powerful and

persistent cultural narratives still define the meaning of notions of 'real' rape and 'real' victims of sexual assault today. A further justification for a retrospective analysis is offered by Stevenson (2000:344) who says:

“The prevalence, in trial practice, of ingrained societal and cultural attitudes, reinforcing traditional gender stereotypes and public perceptions as to the conduct and persona of complainants of sexual violence, suggests a need to consider the rape complainant in a cultural (as well as legal) context. Clearly, too, the historical influences shaping the cultural context within which the legal framework operates merit exploration”.

Conley (1986) describes how prior to the modern period, the law viewed rape as a property crime i.e. a theft of chastity, which was the basis of a woman's marriageable value and as such the woman's suffering was irrelevant. Medieval legal procedures required that the victim provide proof of physical injury and torn clothing, demonstrating that rape was essentially a crime of violence, the basis of the idea of 'real' rape. The standard of proof of non-consent meant that if the woman was not injured but had submitted out of fear or had been rendered incapable of refusing, consent would be assumed and that a rape had not occurred. D'Cruze (2014:27) points out that prosecutions were arduous for women requiring their “prompt and rational action” following an attack and the humiliating display of her violated body to male authority figures, repeated visits to court and many repetitions of her case. Any deviations in her account and she might lose her case and subject her to charges of defamation or fornication. Thus, even from the earliest times not only did the onus of proof lie with the victim, but also the legal bar for a man to be found guilty of rape was high and a failed case often rebounded on the complainant.

D'Cruze (2014) states that by the Victorian era, regulated domestic life became an attribute of respectability. She explains “away from the protection of husbands and fathers, feminine sexual attractiveness was seen as provoking potentially uncontrolled male desires, in effect female victims were assumed to have caused the violence they experienced” (p33). On the one hand, the rapist was represented as monstrous such that no respectable man could be deemed a rapist (Conley 2014). On the other hand (Conley, 1986) declares that a woman who claimed to be a rape victim was immediately suspect, and unless she had been the victim of a brutal public assault by a total stranger, it was assumed the incident had probably been a seduction and that she was to blame. It was during the mid-Victorian period, with the rise of 'respectability', that many of the rape myth attitudes began to crystallise into legal

imperatives. Sexual assaults by ‘respectable men’ were called "drunken impulses" or "sudden outbreaks of wickedness" or "harmless fun" or "seductions” (Conley, 1986:535).

Stevenson (2017:417) indicates that participating in a court case, especially in the higher courts, involving a sexual dimension would ensure the “invocation by defence counsel of imputations of unreliability at best and at worst immorality on the part of the prosecutrix.” Women alleging rape were expected to act and portray themselves as “unequivocal victims” if their allegations were to have any credibility. A woman who conducted herself in a manner suggestive of an ‘independent mind’ was less likely to be believed and not only could she expect to be held personally responsible for the consequences that might ensue, irrespective of cause, her attitude would also evoke sympathy for the defendant. The modern manifestation of the unequivocal victim according to Larcombe (2002:138) is the “ideal victim”. She argues that to be believed, the ideal rape complainant is seen as virtuous, moral and sexually restrained, historically often represented by resistance. Paradoxically, Larcombe argues, these attributes are precisely not the characteristics of a successful rape complainant in court. There she needs to be independent, able to speak out to counter defence counsel’s innuendos and put downs in cross examination, and able to talk frankly in sexually explicit terms. Moreover, deference to male respectability was highly influential. Jurors were easily impressed by a man’s professional status and employment record; such that good reputations could secure reduced sentences and even acquittals. Here we have the resonances of victim blaming and the diminishing of male responsibility especially for ‘respectable’ men.

Conley (1986) describes a case from the Victorian era to illustrate how respectable men were given special consideration. (See box 1.1)

Box 1.1: A rape case from 1865 (taken from Conley, 1986)

A Royal Marine Lieutenant was charged with assaulting a fourteen-year- old girl at a fair. He had grabbed her, dragged her into some bushes, and thrown her to the ground. Witnesses, hearing her screams, had rescued her, and handed him over to the police. At the trial, the victim "underwent a stringent and lengthy cross-examination; her answers were given most clearly, and her evidence in no way shaken; although she wept bitterly and fainted away when outside the court." Her rescuers and the arresting officers all swore that the accused had offered them money not to testify. The defence attorney warned of "the danger of convicting upon such testimony. A conviction would lead to his client's loss of prospects for life. Although he did not deny that she had been molested to some extent, he urged that she had exaggerated what had occurred." After a few respectable witnesses testified to his good character, the defendant was acquitted.

Over a hundred years later another case has a remarkable resemblance. The two cases contain the same elements of concern for the prospects of the defendant and the potential culpability of the complainant. In June 1977 a Guardsman, Tom Holdsworth,⁴ was accused and found guilty of sexual assault and was given a three-year custodial sentence which was reduced on appeal to a six-month suspended sentence. The grounds for his release were his excellent record of service in the Coldstream guards and the blighting of a promising career occasioned by a custodial sentence. In addition, the judge commented that had the young woman in the case resisted, Holdsworth might well have desisted from the attack. This decision resulted in a campaign of moral outrage by the Daily Mail.

Such concerns are not confined to the UK. In the United States a media storm ensued in the case of Brock Turner. Turner was a Stanford University student on a swimming scholarship. He was arrested on campus on 18th January 2015 after two graduate students spotted him lying on top of the victim who was unresponsive and partially clothed. He was found guilty of a sexual assault of an unconscious woman and was sentenced to six months in county jail and probation. Within the judge's reasoning for his sentencing decision was the apparently disproportionate impact on the offender's life and subsequent career prospects and mitigation affected by the complainant's state of intoxication. (See box 1.2).

⁴ reported in the Daily Mail 23th June 1977

Box 1.2 Extracts⁵ from Judge Aaron Perksy judgement in the case of Brock Turner

Is incarceration in state prison the right answer for the poisoning of [the][complainant's] life? I conclude that it is not and that justice would best be served, ultimately, with a grant of probation.

I have considered the fact that he was legally intoxicated at the time of the incident. Pursuant to the evidence at trial, this does affect judgment. And as I indicated previously, it's not an – and, I think, as [the complainant] wrote – it's not an excuse. But it is a factor. And I think it is a factor that, when trying to assess moral culpability in this situation, is mitigating.

The adverse collateral consequences on the defendant's life resulting from the felony conviction. ...are severe. And so here, we have, I think, significant collateral consequences that have to be considered... I think you have to take the whole picture in terms of what impact imprisonment has on a specific individual's life. And the impact statements that have been – or the, really, character letters that have been submitted do show a huge collateral consequence for Mr. Turner based on the conviction.

So here we have an example of the Victorian “drunken impulse” of an otherwise respectable man whose life chances will be damaged by a custodial sentence for rape. The disproportionate sympathy afforded to the alleged perpetrator has been called “himpathy”. Coined by Manne⁶ (2018) this was applied in the case of sexual harassment claim made against Brett Kavanaugh during confirmation hearings for his appointment to the Supreme Court. Much of the news coverage and politicians’ response emphasized the potential impact on Kavanaugh such that he was portrayed as the victim and his accuser the aggressor (Boyle, Jessie & Strickland, 2023:116).

There are also contemporary examples of victim blaming as in the case of a young British woman who accused 12 youthful Israeli male tourists aged between 15 and 22 of gang rape whilst she was in Cyprus in July 2019. (See box 1.3). The Times of Israel⁷ describes how the Israeli media denigrated her character, shamed her for perceived sexual promiscuity, and

⁵ [Stanford sexual assault: read the full text of the judge's controversial decision | Stanford sexual assault case | The Guardian](#)

⁶ [Opinion | Brett Kavanaugh and America's 'Himpathy' Reckoning - The New York Times \(nytimes.com\)](#)

⁷ [The long arc: 3 years on, the Cyprus gang rape case begins to bend the other way | The Times of Israel](#)

presented an inaccurate telling of events that influenced public opinion and even the behaviour of the presiding judge. She was turned into “a young woman not only disbelieved but made into a criminal by a public out to defend the honour of its young men against a “loose” woman out to ruin [the] lives... [of] a group of good boys who got in trouble.”

Box 1.3: The Cyprus rape case⁸

The 19-year-old reported to police that she had been having consensual sex when friends of the man came in and attacked her. A forensic pathologist recorded her scratches and bruises. Twelve Israeli men, who all deny raping her, were arrested; five were released when no DNA evidence linked them to the incident, and the rest when she revoked her complaint 10 days later. She alleges that police forced her to sign the retraction after eight hours of questioning without a lawyer or translator. Experts have said that she was particularly susceptible to pressure because she was suffering from severe post-traumatic stress disorder, and that it is highly likely that the statement was dictated by someone who does not speak English as her first language

The young woman was charged with public mischief and fined. The judge in the case was reported as saying⁹

"The defendant gave police a false rape claim, while having full knowledge that this was a lie...during her testimony, the defendant did not make a good impression, she did not tell the truth, and tried to mislead the court... "there was no rape or violence" and police had thoroughly investigated.. The reason why she initially gave false statements was because she realised that she was being recorded while she was having sexual intercourse and so she was placed in a difficult position and felt embarrassed...She then apologised saying she had made a mistake by filing a false statement."

Her conviction was later overturned on appeal.

The description offered by Stevenson (2000:347) of the Victorian woman's experience could equally be applied to this case

“Unless her conduct and behaviour conform to prevailing societal expectations, as understood by the legal system, then, instead of being viewed as a victim, she will become a protagonist. In this way, it can be seen how easily the legal objectification of the rape victim allows the ingress of rape myths into the courtroom”.

⁸ [The Guardian view on attitudes to rape: from Ayia Napa to Manchester | Editorial | The Guardian](#)

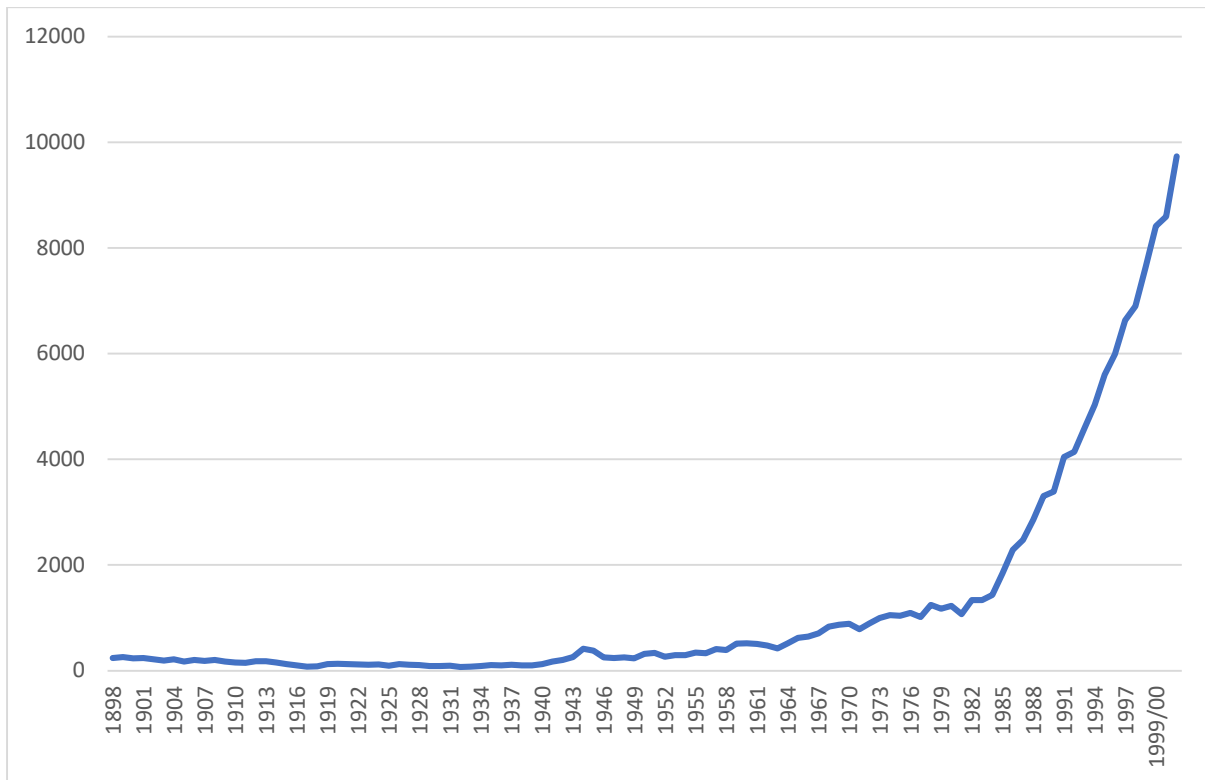
⁹ [Ayia Napa Briton found guilty over false rape claim - BBC News](#)

Contemporary public attitudes display enduring stereotypes about what is considered a “real” rape and the blameworthiness of women in contributing to their own victimization and the responsibilities of the men who attack them. An Amnesty International Survey (2005) public attitude survey reported a third of respondents thought women were partially or wholly responsible for a rape if they had previously behaved flirtatiously. A recent survey by YouGov conducted on behalf of End Violence Against Women Coalition (EVAWC) in December, 2018¹⁰ found a third of people in Britain think it isn’t usually rape if a woman is pressured into having sex but there is no physical violence, and that a third of men think if a woman has flirted on a date it generally wouldn’t be rape, even if she hasn’t consented to sex..

In 1861 the UK’s Offences Against the Persons Act was a consolidating statute that named rape as a felony although the offence itself was ill-defined. Because of this the number of prosecutions increased, although conviction rates remained low not least as D’Cruze (2014) says, complainants often faced hostile cross examination designed to destroy their moral character. As the century progressed the number of rapes recorded by the police increased so that when records began in 1898, 236 cases were lodged. As the graph in figure 1.5 shows, rates remained pretty stable until around the 1980s.

¹⁰ [Major new YouGov survey for EVAW: Many people still unclear what rape is \(endviolenceagainstwomen.org.uk\)](https://endviolenceagainstwomen.org.uk)

Figure 1.5 Rates of recorded rapes in England and Wales 1898 to 2000



The rise in the number of reported cases around in the early 1980s was in part due to the late Roger Graef's 1982 documentary in Thames Valley Police in which a rape victim was clearly disbelieved, subjected to oppressive questioning by the police and encouraged to drop her case because of their assumption there was little chance a prosecution would succeed (Brown, 2011). This documentary, against the backdrop of another public outcry of a lenient decision by a judge in a rape case (Wright, 1984), led the Women's National Commission (abolished in 2010) undertaking a review resulting in the issuing of instructions from the Home Office for the police to revise their investigative procedures. Under the stimulus of the Commission's recommendations the first Sexual Assault Referral Centre (SARC) was established in 1987 and changes made to the Law to include rape in marriage and preclude sex histories as part of cross examination.

Definitional map

The focus of this section is to address two definitional problems: What is rape?

What label to use when talking about those who have experienced rape?

What is rape?

Annabelle Mooney summarises the public's attempt to define rape in a BBC radio discussion (Mooney, 2006:60/61)

“The definitions offered, sometimes implicitly, by the public vary widely. One contributor argues that rape needs to have a “violent element”, failing to recognise that rape itself is violent. Another writer suggests that rape can occur with “somewhat mutual consents of the parties involved”. One Canadian contributor suggests as a solution to rape “a law of sex after marriage” such that any other sex is illegal. An American offered that it is “Very difficult to judge what is rape and what is seduction”. One contributor urged women to “take responsibility for their own actions” that “you can’t just switch male sexual emotions on and off at a whim”.

As Mooney says, we may like to think that everyone understands rape in the same way, this is not the case. Rachel Kryss, co-director of EVAWC observed on the YouGov survey results quoted above “These figures are alarming because they show that a huge proportion of adults in Britain – who make up juries in rape trials – are still very unclear about what rape is¹¹.

This ambiguity and the floating nature of the concept was epitomised by the Whoopi Goldberg controversy when she attempted to exonerate the director Roman Polanski for having sex with an underage girl with the comment on the US ‘The View’ chat show “I know it wasn't rape-rape. It was something else, but I don't believe it was “rape-rape”¹². The allegation involved the grooming of a 13-year-old girl who was given alcohol and drugs and then raped anally and vaginally. Polanski’s celebrated status rendered a different reading of his behaviour by his apologists.

Do legal definitions help? Eileraas (2011) states that there is no consensus regarding the precise definition of rape and that legal definitions vary from country to country. In contemporary legal usage, rape usually refers to unwanted penetrative sexual intercourse that

¹¹ [Major new YouGov survey for EVAW: Many people still unclear what rape is \(endviolenceagainstwomen.org.uk\)](https://www.endviolenceagainstwomen.org.uk)

¹² [Polanski was not guilty of 'rape-rape', says Whoopi Goldberg | Roman Polanski | The Guardian](https://www.theguardian.com/culture/2012/01/12/roman-polanski-whoopi-goldberg)

involves the use of force and the lack of consent. Yet there is widespread disagreement regarding the meanings of “penetration,” “force,” and “consent” the primary elements of legal definitions. Eileraas elaborates further by saying often there are a series of modifying special conditions and circumstances such as sexual intercourse with a child (and different jurisdictions specify different ages as to what constitutes a child) who is legally regarded as unable to consent.

There are a whole set modifier that describe rape including target, the relationship between victim and perpetrator, number of attackers, the modus operandi, motive, behaviour or by a media sobriquet. Table 1.1 provides a list of categories of rape.

Table 1.1 Terms used to describe rape

Type	Sub-types	Definition
Target	Child (paedophilia) Teen (hebephilia) Adult Elder (gerontophilia) The dead (necrophilia) Same sex Cross over Spouse LGBTQ+	Sexual attraction to prepubescent children. Sexual interest in 11- to 14-year-old pubescents Sexual interests in adults Sex attraction toward old persons Sexual activity with a corpse Sexual activity with someone of the same sex as self Sexual interest in both sexes Forced sex without consent of a married partner “Corrective” sex in an attempt to “cure” a person’s sexual orientation
Relationship	Stranger Date Acquaintance Intimate partner Marital	Choice of someone unknown Someone from a pre-arranged meeting Someone known minimally by name Someone having had prior sexual relations with A wife or husband
Quantum	Solo Duo Gang/multiple Serial	A single attacker A pair of attackers Three or more attackers Commission of more than one rape on different/same targets
Modus operandi	Con Blitz Surprize Drug assisted	Use of subterfuge Direct, injurious physical assault Lying in wait for target/a sleeping target Use of drugs (e.g.rhohipnol) to incapacitate target
Motive	Anger Sadistic Revenge Opportunistic	Undifferentiated pervasive aggression Protracted distorted sadist sexual fantasies Vindictive misogynistic Impulsive anti-social and predatory
Behaviour	Criminal Pseudo intimacy Sexual Violent	Often opportunistically associated with theft/burglary Mistaken beliefs about socially accepted intimacy Driven by sexual desire Physically aggressive and intent to harm
Type of penetration	Oral Anal Vaginal	Penetration by the penis of the mouth Penetration by the penis of the anus Penetration by the penis of the vagina
Sobriquet	Jack the Ripper	Killer of a least 5 women in Whitechapel. London 1888

Rape may also be found when a person has sex with someone deemed legally incapable of consenting due to mental illness, impairment, or intoxication (See the Brock Turner example above). Some jurisdictions explicitly define “rape” as an act that involves penile penetration of the vagina, whilst others include all non-consensual sex as rape. Other definitions of rape are gender specific. In Scotland, for example, male rape was not officially recognized as a form of “rape” until 2009. Not only this, but many cases that seem to conform to a legal definition are either not perceived as such nor prosecuted. Gavey refers to the grey area between consensual and non-consensual sex by posing these questions (Gavey, 2005:169)

“Was she really raped, despite disowning that label for her experience? Or, does her refusal of that label suggest that her interpretation of that experience as other than rape made it so? And, what does it say about our culture(s) that there can be so much ambiguity over the differential diagnosis of rape versus sex? How should we conceptualize and judge the myriad of coercive sexual acts that lie somewhere between rape and consensual sex?”

Kelly (1989:41) tried to overcome this problem by identifying sexual assault more pervasively as “any physical, visual or sexual act that is experienced by a woman or a girl at the time or later as a threat invasion or assault that has the effect of hurting her or degrading her and/to takes away her ability to control intimate contact”. This fails to solve the inclusion of men and boys and also those who seek to minimise or re-label what has happened to them. Weiss (2011) e.g. found four such strategies:

- Neutralizing their unwanted sexual situations by denying their offenders’ intentions to harm them especially victims who know their offenders, by denying criminal intent spares them from having to admit that their friends, family or lovers had hurt them on purpose or with malice or where alcohol or drugs were involved denial protects an, their own self-images as well as offender’s identity.
- Minimizing the severity of their injuries in order to make their situation appear less threatening, and in doing so, contribute to a more manageable adjustment afterwards.
- Accepting some responsibility for what happened to them by self-blame for risky behaviours that precipitated their sexual victimization.
- Depicting themselves as ‘survivors’ who were able to take care of themselves

Newins et al (2021) report that approximately 60% of women rape victim/survivors do not label their experiences as rape.

What label to use when talking about those who have experienced rape?

The terms used by academics in their research on rape reveal different orientations (Hackett and Saucier, 2015). Their systematic review demonstrated differences between research that framed women who have been raped as rape victims, or as rape victims *and* rape survivors. The latter studies reflected more realistic and multidimensional versus stereotypic and limited conceptualizations of women who have been raped, whereas the rape victim literature lacked this diversity. The rape survivor literature tends to emphasise more positive outcomes for women who have been raped.

Papendick and Bohner (2017) suggest that common connotations associated with "victim" in the research literature are unawareness, helplessness, and especially passivity whereas the label "survivor" emphasizes an orientation toward active resistance and recovery as well as a rejection of ascribed passivity. They also note shades of difference in the meanings of e.g. the term survivor in English and German -the English "survivor" is more distinctly defined as a person who continues to live despite an invasive experience, whereas the definition of the German "Überlebende" focuses more on merely staying alive and appears less future-oriented and forward-looking. Moreover they discerned that Überlebende was less frequently used in German compared to the English usage of survivor.

The use of self-identifying labels can also be problematic. Boyle and Rogers' (2020) in a study of those experiencing at least one sexual assault found 44% in their sample identified as both "victim" and "survivor" and 20% as neither with 11% of respondents identified themselves as a "victim" and 25% as a "survivor. In a study of students from a psychology department studying at a large public university in the South-eastern United States, of the 2,433 participants who had identified as female and who had experienced a rape since the age of 14 years of age 55.6% identified as an acknowledged survivor.

Sir Richard Henriques (2019)¹³ drew attention to the problematics of using the term victim for a person making an allegation to the police. He stated (at 1.12)

¹³ [Sir Richard Henriques \(met.police.uk\)](https://www.met.police.uk)

“the word ‘complainant’ is deployed up to the moment of conviction where after a ‘complainant’ is properly referred to as a ‘victim’. Since the entire judicial process, up to that point, is engaged in determining whether or not a ‘complainant’ is indeed a ‘victim’, such an approach cannot be questioned.”

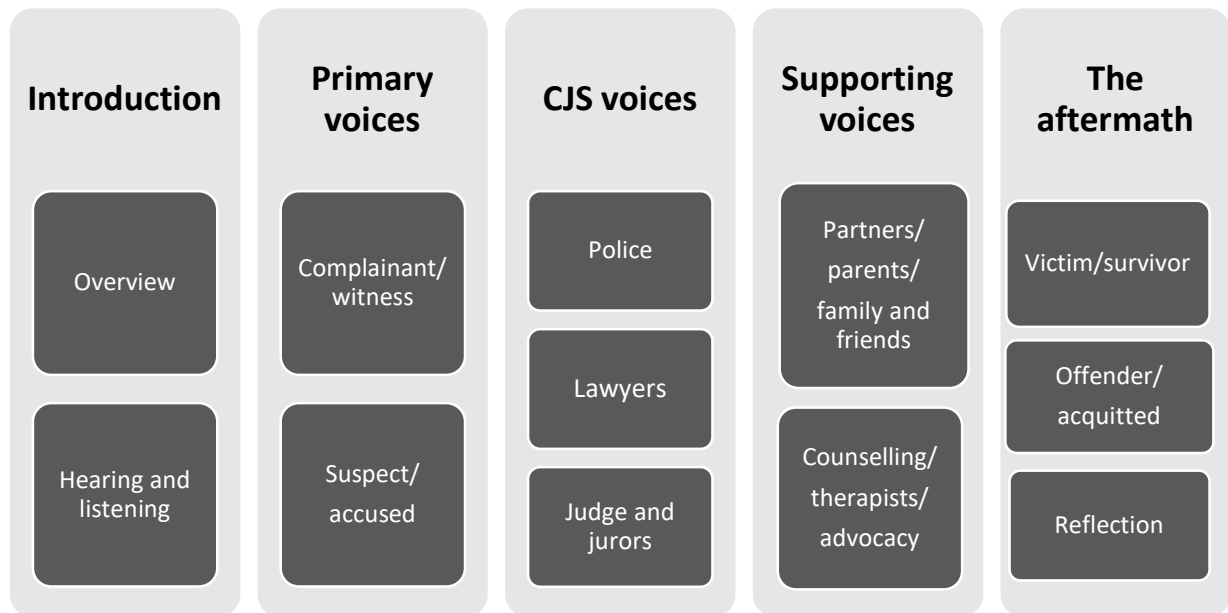
Sir Richard further notes (at 1.13) that the MPS strongly oppose this view on the grounds that not using the label victim reinforces a system based on distrust and disbelief. In terms of the preferred terms of those directly involved, Mooney (2006:46) whilst recognizing the usage of the term complainant as a legal role thinks it is suggestive of someone whining rather than suffering.

The approach taken in this book is to give voice to those caught up in the rape sphere and use whatever label seems contextually appropriate.

Chapter map

The book is divided into five sections, setting the scene, detailing the experience of the primary participants, then we discuss the other key Criminal Justice System (CJS) players, and those who provide support before finally, discussing the aftermath. Figure 1.6 summarises our sections and chapter contents.

Figure 1.6 Book contents



In chapter two, the idea of silencing (another conceptualisation developed by Jordan) is explained, and a rationale provided for hearing all the voices of and listening to every key player. The idea of rape journeys will be delineated, and a timeline developed fleshing out the decision points through the Criminal Justice System (i.e. reporting, investigating, prosecuting, rendering of a verdict and aftermath). Aspects of decision making, such as the impacts of rape myth deployed when professionals assess the veracity of rape claims are laid out. Finally an account is given of the methodology to be used in the book – e.g. testimonies taken from a variety of personal and professional contacts and sources who have been engaged in rape in some form.

The focus of chapters three and four are the primary protagonists i.e. the complainant/witness and the accused/suspect/. Chapter three looks at the impact and individual experiences of the former and considers the person's progression through their different roles as they progress through their criminal justice journey. The effects of disclosing a rape and the barriers in reporting to the police are explored. The concepts of shame and guilt are utilised. The next chapter examines relevant conceptualisations and research in relation to being accused of rape. The chapter reviews the experiences of being arrested and interviewed; being falsely accused and becoming a defendant.

Chapters five, six and seven look at the investigators, the lawyers and the judge and jurors respectively. Chapter five provides a description of the police roles and their involvement in the investigation of rape. Much is critical and delineates poor investigative practice. In particular the process of attrition is described whereby cases drop out of the CJS.

Additionally, the chapter also charts the toll that rape investigations take on the investigating officers. Attention switches to the lawyers, both defence and prosecution in chapter six. Here whilst focussing on the Crown Prosecution Service of England and Wales, international examples from the United States, Europe and Australasia show that stress is experienced by advocates the world over. Some of the ethical debates surrounding defending those accused of rape also discussed. The last chapter in this section homes in on the courts and looks at the experiences of judges and jurors. Here the role of judge and the trial process are explained. A common thread through these chapters is the corrosive impact of rape myth acceptance.

Bohner et al (2009) identify the concept of rape myth as originating in the 1980s which are generally accepted as referring to prejudicial, stereotypical and/or false beliefs about rape, its victims or perpetrators. There are four types of rape beliefs: blaming the victim; disbelieving allegations; exonerating the perpetrator; claims that only certain types of women are raped.

Chapters eight and nine examine the experiences of the personnel who provide support for those involved in a rape case. The first of these chapters looks at those in support services such as the Independent Sexual Assault Advisors (ISVA)s, voluntary organisations and the Court witness service. Here there is an outline of motivations for and impacts of this type of work and the types of support provided. Chapter nine delineates the experience and importance of a supportive social network and some of the broader collateral damage such offences create for partners, parents and family and recognises the need for provision of assistance for these participants.

The last section, chapters ten and eleven work through the aftermath of a rape case. For the victim/survivor, how do they recover and what facilitates and impeded recovery. For the defendant what is the impact of being convicted of such a crime, how does an offender go about reconstructing a post- prison identity and re-integrate into the community? What does an acquittal mean to the defendant?

The final chapter, Chapter twelve, provides some reflections. A summary of the general conclusions and common themes are provided together with reiteration of the importance of

viewing rape through different lenses and how to effect change. The authors offer some critical self-reflection on their own journeys in writing this book.

Conclusion

Three enduring themes are threaded throughout the book: vulnerability to the pain and stress that a rape wreaks on those primarily, secondarily and tertiarily involved; susceptibility to faulty or bias decision making; and the inescapable conclusion that the criminal justice process is not effective in dealing with the complexities and difficulties implicated in rape.

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