



# Revealing Rape's Many Voices

## Differing Roles, Reactions and Reflections

Jennifer Brown  
Yvonne Shell  
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Jennifer Brown  
Department of Social Policy  
London School of Economics and Political  
London, UK

Yvonne Shell  
Department of Psychology  
University of Winchester  
Winchester, UK

Terri Cole  
Department of Psychology  
Bournemouth University  
Poole, UK

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*To A.M.H.*

*Jennifer Brown*

*For my son Marcus, for his patience, generosity of spirit, and wicked sense of humour. Believe me when I say I know I am short, you really don't need to remind me of this fact every single day! And to all brave souls who voice their truth in whatever way works for them, and equally to those who have the courage to truly hear what is said.*

*Yvonne Shell*

*To my closest friends and family who are always there to listen. My wish is that anyone experiencing any form of trauma has the level of support I have always been lucky enough to receive from their genuine kindness and support. Let's look after each other.*

*Terri Cole*

# Foreword

When the COVID pandemic struck in early 2020, word spread quickly. In no time we were overwhelmed with information on every aspect of its nature and impacts, the dangers it posed and the necessity of doing all we could to limit its spread. Every news report piled layer upon layer of detail, a cacophony of voices until we felt like screaming, ‘No more! Shut up!’

The silence surrounding the global pandemic of sexual violence stands in stark contrast. High prevalence rates persist despite more than fifty years of feminist activism and reforms, with the majority of victims still opting not to report the crime. If they do, the chances of seeing the perpetrator convicted are lower now than they were, with justice for rape victims remaining a highly elusive concept. The harms and damage inflicted are substantial, and the risks of long-term post-traumatic stress disorder high, yet information campaigns and prevention initiatives receive sparse attention in contrast to other pandemic threats.

How do we make sense of the silencing that surrounds rape? It starts with the act itself. When a man rapes a woman, he both violates her body and mutes her voice. Any protest on her part is ignored, her lack of

consent irrelevant. She becomes his prop, her self subsumed to his will. All that matters to him is that he gets what he thinks he is entitled to and takes what he feels he deserves. His efforts to negate her identity leaves a legacy that takes a long time to recover from, one that ripples out to affect the lives of countless others along the way. It may begin with the victim/survivor but fans out to impact those who know and love her, those she contacts for help, those she engages to seek justice on her behalf, those she encounters in police stations and courts, the media who cover the case, everyone who sees the coverage, everyone who comes to know the story of this woman who was raped.

Whilst in recent years greater attention has been paid to listening to how victims/survivors speak of their experiences, silence has typically surrounded how those around them are impacted. When I interviewed women all attacked by the same serial rapist (Serial Survivors, 2008), an important finding was how their partners and family members were also affected, how relationships became strained and how guilt and criticism could unfold. One husband treated his raped wife as if she had “cheated” on him, another became obsessed with plotting revenge. In both cases their own issues took centre-stage, the victim/survivor herself rendered silent and invisible. In effect these men were also victimised, whilst at the same time acting in ways akin to perpetrators. Such is the complexity of rape and the fraught ways it interacts with everyone’s personal legacies within wider patriarchal contexts.

This book serves as one of the relatively rare acknowledgements of how extensive the ripple effects of rape can be. The authors have sought to explore how a single crime ends up impacting multiple lives, considering the vicarious trauma experienced by police, lawyers, counsellors, judges and jurors. They utilise a range of innovative ways to reflect the voices of all parties involved, capturing insights into the perspectives each hold of the other. In so doing they provide a window into the enduring influence of historical myths and attitudes that traditionally punished and revictimised women for ‘getting themselves raped’.

As well as recognising how harm ripples outwards, this book demonstrates how restoration in rape’s aftermath also has a ripple effect. Emphasising how victims/survivors may be impacted in diverse ways, including the possibility of some experiencing empowerment post-rape,

provides an important antidote to the traditional ‘rape means ruination’ narrative. Similarly, the authors courageously include the voices and perspectives of those who perpetrate rape, stressing the need to recognise these men’s identities are more multifaceted than the crimes they commit.

Whilst many reforms have been introduced in recent years, it takes time for change to ripple through systems and institutions. Progress is currently stymied by culturally embedded attitudes informed by a legacy of patriarchal thinking reflected in languages of blame and shame. Rape justice will remain more aspiration than reality until all those involved in responding to victims/survivors can silence their own biases to truly hear the voices of those impacted by sexual violence. This book urges us to open our ears.

Emerita Professor Jan Jordan  
Te Herenga Waka—Victoria  
University of Wellington  
Wellington, New Zealand



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## Disclaimer

The authors have made every effort to contact authors/copyright holders of extracts reprinted in *Revealing Rape's Many Voices*; differing roles, reactions, and reflections. This has not been possible in every case, however, and we would welcome correspondence from those individuals/organisations whom we have been unable to reach.

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# Part I

## Introduction



# 1

## Multi Perspectives on Rape

### Introduction

Rape is an enduring and ubiquitous problem. It can happen to anyone, anytime and anywhere. The World Health Organisation (WHO, 2021), on behalf of the United Nations (UN) Interagency working group on violence against women, conducted an analysis of prevalence data from 2000 to 2018 across 161 countries and areas. WHO reported that worldwide, nearly 1 in 3 women have been subjected to physical and/or sexual violence by an intimate partner or non-partner. 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, focuses on the victims/survivors but there is considerable collateral damage to all of those who are touched in some way by a rape. This book seeks to give voice to the wider population of those who are caught up in what we are calling the rape sphere. 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). Included are the complainants/victims/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 the suspects/accused/defendants and offenders/acquitted. There are of course others caught up in the rape sphere such as the UK politician Jess Phillips MP, who is one of the most trolled members of Parliament for her stance on violence against women, and health professionals who provide forensic and medical services. The ripples of harm also reach out to academic researchers and journalists writing about rape. 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. Our word limit curtails us from writing about all those collaterally damaged by rape, so we chose to write about the key players within the ambit of the criminal justice system.

Our inspiration for focusing on voice derives from the work of Jan Jordan. Her book “serial survivors” explored in detail the survival journeys of women raped by Malcolm Rewa in New Zealand (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... 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 survivors’ journey as they traverse the criminal justice system, demonstrating each touch point as intensely personal. We have taken this idea and extended the gaze to portray the perspectives of “others” in their criminal justice journeys. We have also extended the notion of voice. As well as using the experiential voice

as empowerment to tell your story at your own pace and in your own way, we elaborate voice as giving expression to attitudes and opinions, opining. In this way, we can examine the beliefs that professionals bring to the investigation and prosecution of rape. We also utilise 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 introduction to 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/witnesses want a degree of agency over the CJS process" (p. 57). Moreover many typically see the CPS as "an expression of the state and the justice process, and so want to be recognised and not invalidated as a victim of crime by the CPS, regardless of the criminal justice outcome" (Cunningham & Desroches, 2022: 68). These are pleas that the present authors recognise. But we seek to extend our scope beyond the victim/witness. The act of rape and sexual violence and their consequences are tragic and traumatic but whose impacts have a wider reach than those directly involved.



To help readers navigate this book's contents there follows a series of maps that chart the methods we employ, identify the people whose voices we seek to amplify, steer through the routes of the criminal justice journey and surface 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 presenting commentary, testimonies and evidence to include in this book (see Fig. 1.1 for a summary). We trawl the traditional research literature, examine grey literature such as blogs, doctoral theses and other unpublished research; consult official statistics; examine commissioned enquiries and reports by regulatory and inspecting organisations and draw on the official guidance available to lawyers and judges. In addition, we found testimonies from media coverages of rape cases, judgements from rape trials and reports about offenders from the UK's sex offender register. We also conducted several interviews with key informants for inclusion in the book. 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.



Fig. 1.1 Resources

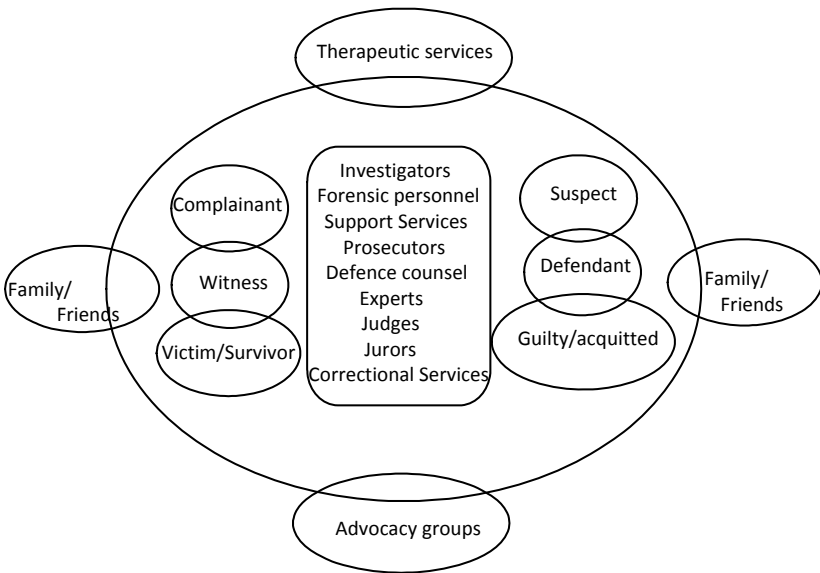


Fig. 1.2 Map of the people involved in rape's sphere of influence (adapted from Horvath & Brown, 2023)

### People Map

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

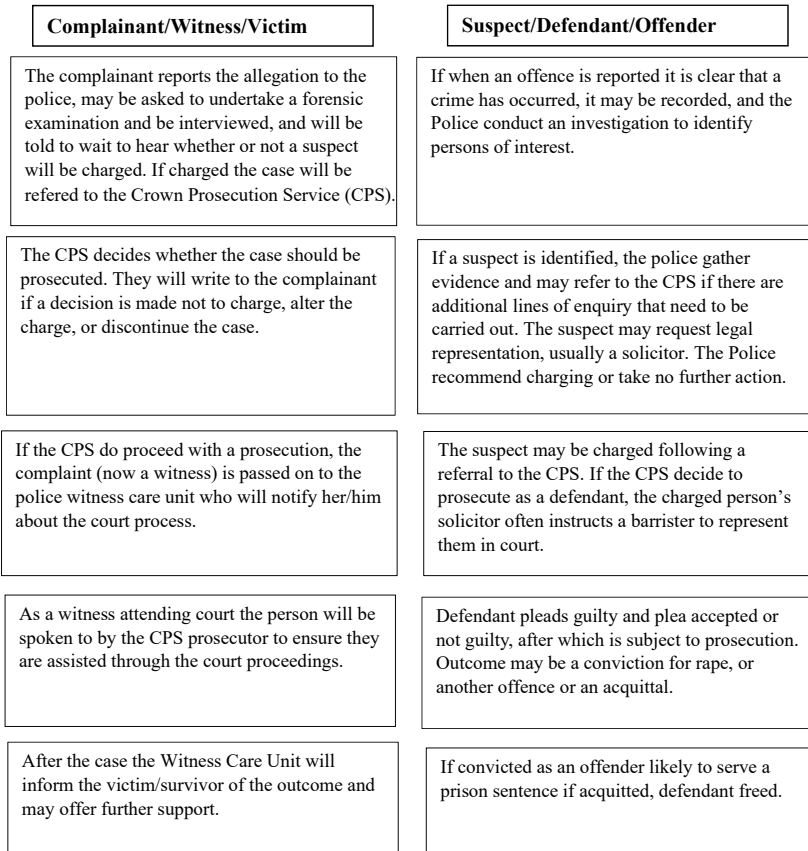
We consider how rape affects the lives of all those directly and indirectly involved.

## The Criminal Justice Journey Map

This book seeks to identify and discuss key stages in the journey through the CJS. Cunningham and Desroches (2022) nominate 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 Fig. 1.3. The suspect/defendant/offender/acquitted journey is charted by Elkin (2018) and also shown in Fig. 1.3. These stages will be explained in more detail in subsequent chapters.

## The Conceptual Map

In helping to explain the experiences of the people through their CJS journey we draw upon the concepts of moral emotions, coping strategies and several process variables as summarised in Fig. 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 and the offender/acquitted. Staging posts in the journey also affect close friends and relatives and the professionals implicated in investigating and prosecuting 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 to a rape; secondary trauma is the additional suffering consequential to traversing the criminal justice system (and can also refer to harms from the effects experienced by others through their relationship with a primary victim). 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

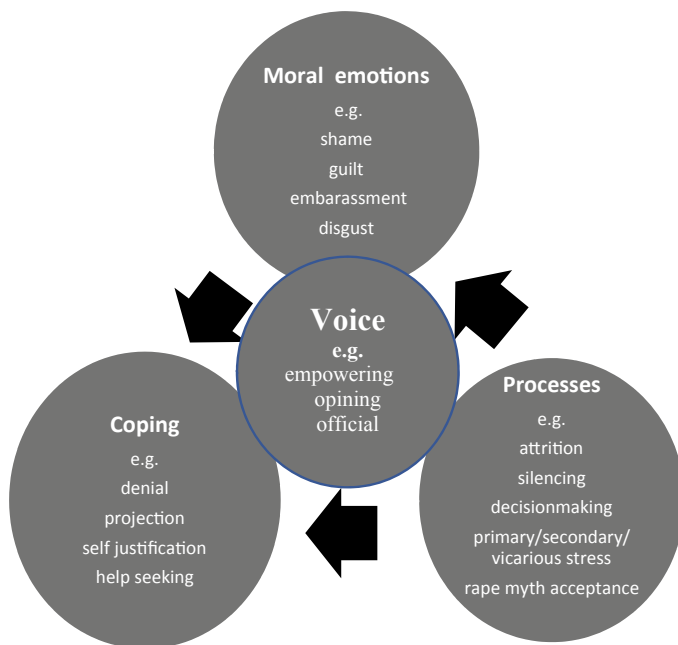


**Fig. 1.3** The route map of the criminal justice journey

contentious nature of naming someone as a victim (see later discussion in this chapter).

## 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



**Fig. 1.4** The conceptual map

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 simply a matter of “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 (2012: 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 account. Any deviations, and she might lose her case and be subject 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 (2012) 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" (p. 33). 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 have been raped 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