Accounting for Rape

Psychology, Feminism and Discourse Analysis in the Study of Sexual Violence

Irina Anderson
and Kathy Doherty

Women and Psychology

ACCOUNTING FOR RAPE

Accounting for Rape presents an original perspective on the subject of rape and sexual violence. The authors scrutinise existing social psychological experimental research on rape, in particular rape-perception research, which, they argue, fails to analyse the subtlety and political significance of rape-supportive reasoning and the forms that it takes, thus also underestimating the extent of rape-supportive reasoning. The authors provide a critical interrogation of dominant theories and methodologies, and thought-provoking analyses of conversational data, exploring everyday accounting practices in relation to reports of both female and male rape. They synthesise discursive psychology and a feminist standpoint to explore precisely how rape and rape victimhood are defined in ways that reflect the social, political and cultural conditions of society.

They show how the gender and sexual orientation of alleged victims and perpetrators is crucial to social participants when making sense of a rape report and in apportioning blame and sympathy. They also examine how arguments that are critical of alleged victims are built in ways that are 'face saving' for the participants in the conversations, and how victim-blaming arguments are presented as 'common sense'. Crucial to this is the way in which rape-supportive talk is underpinned by a range of deeply ingrained cultural sense-making resources that construct and legitimate hegemonic forms of heterosexual identities and gender relations and neo-liberal notions of ideal citizenship. Finally, the authors demonstrate the potential of the application for their approach in both professional and academic contexts to promote attitude change.

The book will be of great interest to those studying social and clinical psychology, cultural studies, sociology, women's studies and communication studies.

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For my wonderful children and Jim, for my great mum and for my grandmother, Olga and Lara (IA)

For Helen (my amazing mother) and the wonderful men in my life, Stephen, Barney and Eric (KD)

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1

RAPE-SUPPORTIVE CULTURE AND THE RAPE VICTIM

Extract 1

> I keep wondering maybe if I had done something different when I first saw him that it wouldn't have happened – neither he nor I would be in trouble. Maybe it was my fault. See, that's where I get when I think about it. My father always said whatever a man did to a woman, she provoked it.
>
> (Rape victim, cited in Holmstrom and Burgess, 1978)

Extract 2

> You may recall that Mr. Diggle and the woman in question danced and drank the night away at the Grosvenor House Hotel and returned to a friend's flat, whereupon the lady lawyer undressed in front of Mr. Diggle, who then made what turned out to be an unwelcome advance. Mr. Diggle, given the circumstances, behaved as you would imagine any half-drunk, virile man would. If any damage has been done to the reputation of the legal profession, it is by the stupid, unnamed woman, who apparently continues to earn her living as a lawyer yet clearly possesses not an ounce of common sense.
>
> (Anne Robinson, *Daily Mirror*, 15/2/1995)

Extract 3

> Despite the climate of the times I regard her invitation to come to her bedroom when she was scantily clad (she was wearing a calf-length dressing gown), as opposed to asking you to wait until she was more suitably dressed, as an amber light.
>
> (Judge Bell, *Daily Mirror*, 28/1/1995)

Extract 4

> These allegations are, 'at the lowest end of the scale . . . at the borderline between touching and being excessively effusive'.
>
> (Judge Medawar, *Evening Standard*, 28/2/2005)

Extract 5

> If you take out uncovered meat and place it outside . . . without cover, and the cats come to eat it . . . whose fault is it, the cats' or the uncovered meat's? The uncovered meat is the problem. If she was in her room, in her home, in her hijab [the headdress worn by some Muslim women], no problem would have occurred.
>
> (Sheik Taj Din al-Hilali, Australia's most senior Muslim cleric, *Guardian*, 26/10/2006)

Social reasoning about rape

This book examines social explanations for rape (see Appendix). Our focus is on explanations as 'accounts' which are meant to excuse, justify or exonerate the socially sanctionable behaviour of self or others (Scott and Lyman, 1968; Antaki, 1994), where issues such as what happened, why and who is at fault or to blame are discussed and debated. Nobody chooses to be raped. And yet, as each of the examples above show, in talk about alleged incidents of rape, rapists are often exonerated while it is the victim who is found culpable. This pattern of attribution represents a common cultural reaction to reports of sexual violence. Each of the women in the above examples brought a charge of rape against an alleged perpetrator. Each one, in some sense, is seeking support and retribution for an act identified by them as rape. However, in each case the victims are not believed but instead derogated both in terms of character (e.g. 'the stupid, unnamed woman') or behaviour (e.g. 'her invitation to come to her bedroom when she was scantily clad').

In the first example, the victim blames herself for the rape and has clearly internalised her father's views on women's role in 'provoking' violence and 'causing' male behaviour in general. In the second example, extracted from the remarks of British journalist Anne Robinson, it is the alleged *perpetrator* who is defined as the innocent victim of a feckless 'sexually provocative' woman. His behaviour is normalised, exonerating him from responsibility for the act, and the victim's behaviour is positioned as deviant and thus blameworthy. In the third extract, once again, the victim is positioned as provocateur. She is positioned as responsible, via her choice of clothing, for both the sexual arousal of her attacker and for implying

consent to intercourse. In this account, agency and responsibility are removed from the alleged rapist by casting the victim as the rightful guardian and regulator of his behaviour. In all cases these accounts function to minimise the severity of an experience that has been reported as a violent assault, and in extracts 2 and 3 this is accomplished by reframing the incident as 'normal' heterosexual behaviour. Extracts 4 and 5 illustrate the continued resilience of such judgements. Far from being a thing of the past, victim-blaming continues to be a feature of society. The Amnesty International Survey (2005) into blame judgements in rape produced disturbing results, showing that of the 1095 adults interviewed, 22% of the respondents thought that the woman is at least partially or totally responsible for the rape if she were alone in a deserted spot at the time of the attack. The same number of respondents thought that she is partially or totally responsible if she has had many sexual partners. Thirty per cent of respondents thought that the woman is partially or totally responsible if she was drunk at the time of the rape, 37% thought the same if she failed to say 'no' clearly enough and 26% thought that she is partially or totally responsible if she was wearing revealing clothing at the time of the rape.

Extract 4 refers to Judge Medawar's summing up of a child sexual abuse case. He rejected the case without putting it to a jury, prompting Scotland Yard officers to consider the unusual step of mounting a challenge to the judge's ruling. Extract 5 refers to the recent furore caused by Australia's mufti Sheik Taj Din al-Hilali's remarks relating to several gang rapes in Australia. Although this example is clearly intersected by religious and racial issues, it nevertheless illustrates the global nature and resilience of these judgements, so much so that several social commentators have perceived a recent change, for the worse, in attitudes towards rape. For example, Julie Bindel (*The Guardian*, 25/10/2006) wrote that:

> While in the 1980s and 1990s police and public attitudes towards rape victims seemed to be improving, they more recently appear to be ricocheting backwards. So much so, that a couple of years ago I made a pact with myself, which I vowed never to reveal publicly. At this juncture I feel I must, though: if I was raped now, I do not think I would report it to the police.

The author also says that, 'Those who report their attackers and see their cases either discontinued or the defendant acquitted – as happens with almost 95% of reported rapes – are now faced with the risk of being identified, vilified and even criminalised', and describes recent cases where, for example, 'Various footballers accused of ''roasting'' women have been exonerated, while the women who accused them of rape are vilified as ''prostitutes'' and ''gold-diggers''.'

Such negative, judgmental attributions are disturbingly common (a quick browse through most newspapers will reveal this to be the case) and (as will be discussed below) are likely to be extremely damaging to victims of rape. Over the last 30 years, the examination of social reasoning about rape from a variety of perspectives has produced a substantial research literature devoted to cultural understandings of rape and the experience of rape victims in both everyday social settings and institutional contexts. A pattern of derogatory judgements about rape victims has been documented at every level of society, prompting researchers to analyse how and consider why people respond to rape victims so negatively in comparison to victims of other criminal offences (Krahé, 1991). Although most people would recognise in the abstract that rape is a morally unjustifiable act, it seems that rape victims are nevertheless particularly likely to be monitored for their 'innocence' and the degree of that innocence in the incident itself (Lee, 1984). Public declarations of rape are scrutinised and debated in the media and in everyday interaction.

In this book, we adopt a feminist perspective to argue that rape is both socially produced and socially legitimated, as a mechanism that ultimately maintains patriarchal gender power relations. We start by reviewing classic feminist scholarship on the social definition of rape and the consequences of a 'rape-supportive culture' for the victims of rape. We then turn to mainstream, positivistic rape-perception research in psychology. Here we argue that the individualistic, highly cognitive perspective of humans as nothing more than elaborate information processors is deeply problematic for research that purports to examine how social judgements about rape are derived and perpetuated. If we are to explore meaningfully the social definition of rape and the impact of these practices on maintaining gender power relations, we must dispense with experimentalism and turn to a research framework informed by social constructionist epistemology and feminist practice. Here, the significance and practical consequences of the social construction of meaning in cultural and political context is placed centre stage. We further argue that participation in rape-perception research can be a disempowering experience for research subjects who have no forum to challenge or transform the standard victim-blaming views that they are presented with and invited to reproduce. We present three chapters of qualitative, discourse analysis research that examines social reasoning in response to reports of both female and male stranger rape, attending to the intricacies of the accounts presented and outlining the resources and argumentative strategies used by the participants when dealing with issues of accountability for the reported rape and to manage their own identities in the process. We will show that reasoning about rape is influenced by gender and heterosexuality norms and that the gender and sexuality of a victim become crucial issues for the participants in terms of the apportionment of blame and sympathy. These accounts are also saturated with neo-liberal

discourse, which constructs good citizens as individually responsible for 'hazard/risk' management in relation to heterosexual encounters and sexual violence and therefore to blame for rape victim-hood. This argument neatly obscures the accountability of alleged perpetrators and the context of rape-supportive culture. We also examine how the metaphorical frames in play in the accounts for male and female rape construct the character and motivation of the alleged victim and rapist and the actual rape experience in different ways with differing implications for the management of accountability and apportionment of blame and sympathy. In the final chapter we discuss implications for the experience of rape victims and strategies for intervention and change.

Feminist scholarship on the social definition of rape

In a landmark paper on the social definition of rape, feminist scholars Burt and Estep (1981) highlighted the difficulties that claimants to the 'sexual assault victim' role routinely encounter in being granted 'genuine' victim status and thus in gaining access to the advantages that the 'victim' label would usually afford, e.g. sympathy, resources, temporary relief from responsibilities and legal recourse. They note that 'victims themselves, their significant others, and the social control agencies to which (rape victims) sometimes turn for help all need to be convinced that the claim to rape victim status is legitimate' (Burt and Estep, 1981: 15). As Williams similarly argues:

> For some crimes, robbery for example, the victim's responsibility is rarely questioned, but for rape the victim's responsibility is mostly always questioned.
>
> (Williams, 1984: 67)

These early discussions on the social definition of rape and the experience of rape victims were highly significant in establishing an important insight that is fundamental to the analysis of accounting practices for rape that are presented in this book. A key point communicated in this work is that victim-hood is a social creation. Definitions of what counts as 'rape' and who is to be treated as a 'genuine' victim – innocent rather than accountable – are constructed in discourse and practices that reflect the social, political and cultural conditions of society.

Burt and Estep (1981) identify several potential arguments that social participants might offer to challenge a sexual assault claim and suggest alternative identity categorisations that can be imposed on a claimant of rape victim status, demonstrating in principle how a range of cultural assumptions about gender and sexuality could underpin denials of rape. First, they note that arguments may be put forward that 'what happened'

was consensual as opposed to coerced intercourse – that is, that the encounter was 'just sex'. In these types of argument, a victim's perception of the situation is positioned as problematic by re-defining a violent and coercive experience as consensual and/or even pleasurable. In this case a victim role claimant may be re-categorised as too naïve or stupid to appreciate that normative heterosexual encounters are 'adversarial'. This model of sexuality is legitimated in the sexology literature and in sex manuals where female resistance behaviour is represented as part and parcel of the (hetero)sexual 'game' of courtship and mating, functioning to increase male arousal (Jackson, 1987; Nicolson, 1994). The male sexual impulse is constructed as active, aggressive and straightforward and as central to what it means to be masculine – 'real men' are always on the lookout for sex and would never refuse an opportunity for sex should it be presented. Once sexually aroused, men are understood as having tenuous self-control over their actions until they are sexually satisfied – specifically via penetration of the vagina by the penis. Jackson (1987) points out that in Havelock Ellis's writings a close association between male sexuality, power and violence was constructed as a biological necessity and therefore as inevitable, as was the connection between female sexual pleasure and pain. This version of sexuality and sexual practice is romanticised in a variety of forms of popular culture (Ussher, 1997; Lees, 1997) where the sexual role of the heterosexual male is represented as one of pursuit and conquest where the female must be (and will expect to be) 'coaxed' into submission, by force if necessary. Jackson (1987) argues that the phallocentric model of heterosexuality and sexual practice promoted in the classic writings of Ellis, Kinsey (see Weinberg, 1976) and Masters and Johnson (1966) – and in the sex manuals that followed – defines and institutionalises male domination and female submission as natural and essential. Nicola Gavey (2005) cogently argues that heterosexual norms are thus highly problematic, as a model for sexual relationships and operating as a cultural 'scaffold' for rape. Feminine sexuality is constructed as passive and acquiescent, but at the same time potentially dangerous and provocative, shackled by socially required femininity. In relation to this version of gender identity, sexually forceful men can be (and are) constructed as romantic heroes. Women's consent is always up for question when heterosexuality is scripted in this way because it allows for too much ambiguity around what is rape and what is 'just sex'. Normative heterosexuality is imbued with a dominance–submission dynamic leaving little room for notions of women's active desire, pleasure or consent and little or no imperative for men to check that women are actively consenting to sex and/or finding the experience pleasurable. Victim discrediting strategies, working to normalise the violence of rape, often pivot on the issue of consent. In 1996 for example, in a New Zealand case, a judge commented that 'if every man stopped the first time a woman said ''No'', the world would be a much less exciting place to live' (cited in Gavey, 2005).

Heterosexual norms therefore provide the discursive building blocks from which to construct a denial of rape victim status. A rape victim role claimant may be told that her experience was perfectly 'normal' and nothing out of the ordinary. The alleged perpetrator's behaviour, it may be concluded, was unproblematic – he was merely treating the woman's resistance as part of 'natural' courtship behaviour, and as such he has nothing to account for. The problem, she will be told, is therefore with her – with her perception of the events or with her inability to communicate clearly enough that her resistance was real and not 'feigned' (Crawford, 1995). Alternatively, drawing on the cultural stereotype of femininity that constructs women as manipulative or vindictive, a rape victim claimant may be accused of lying about the rape, of denying consent after the event, perhaps to exact revenge on an erstwhile 'lover'. As will be examined in the empirical chapters that follow, the issue of what counts as 'sex' or what counts as 'rape' is routinely treated as a matter for dispute in everyday, academic and institutional discourses about sexuality and sexual violence. Because rape is an act of violence perpetrated on the sexual body, rape is too often written off as 'just sex' or as an act primarily motivated by sexual desire. However it is clear, as many feminist scholars have argued (e.g. Griffin, 1971; Brownmiller, 1975; Scully, 1990; Ussher, 1997; Scarce, 1997; Doherty and Anderson, 2004; Gavey, 2005) that these kinds of arguments systematically downplay the often life-threatening and profoundly humiliating nature of the experience reported by victims of rape and sexual assault.

The second broad type of argument which challenges a claim to 'genuine' rape victim status, noted by Burt and Estep, is to concede that coerced intercourse probably did occur but to minimise the significance of this event by arguing that no damage was done either because the victim wasn't particularly injured or because the victim is somehow unimportant and not worthy of sympathy. A possible categorisation for an alleged victim in the first case is that s/he is a 'sexual masochist' who allegedly enjoys violent sex. It may be acknowledged that the event in question was coercive, but then further argued that coercion is a normal and pleasurable feature of sexual experience for the particular individual concerned. Once again, such accusations miss the basic point that rape is experienced as a non-consensual act of *aggression*, far removed from the power play that may or may not operate in *consensual* sexual contexts. The negative impact of a rape experience can also be minimised by categorising those claiming the victim role as insignificant and thus not worthy of too much sympathy. Burt and Estep highlight how some individuals are considered by society to be 'open territory' victims, devalued, and who get marked as 'fair game', often because they can be seen to have transgressed from the normative expectations of their gender role, e.g. sex workers, the poor, lesbians, gay men, single women or 'fallen' women.