## CHAPTER 14

# Recalling Rape

## *Moving Beyond What We Know*

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> I have never allowed anyone to refer to me as a "rape victim." Certainly for the time that buddy held a knife to my throat I was his victim and I cannot deny that. But every time that term is used to define me, I feel I am returned to that moment, that night of terror and helplessness. Nor am I fond of "survivor." Like everyone else, I was already surviving the normal pain and hardships of life before I was raped, thank you very much. "Okay. So what do we call you?" you ask? Call me a woman. Call me a woman that has been raped. Call me a woman that has been raped by a man. (From *The Story of Jane Doe*, Doe 2003: 120)

### INTRODUCTION

From the United States (Ponterotto 2007) and Canada (Ehrlich 2007a) to Israel (Bogoch 2007) and Scotland (Mooney 2007), we find that not only does rape persist as a social problem, but that victim-blaming, male privilege, and stereotypical interpretations of rape continue unabated in legal systems. Some scholars even argue that anti-rape work has further entrenched rape myths. This chapter employs the textual analyses of narrative and discourse to examine representations of sexual abuse put forth by women who resist rape—physically and/or discursively—and whose narratives seem to resist the "rape victim" label. The data suggest that texts women themselves create to represent rape can be mined for the resources we need in the criminal justice system to understand more fully how women deal with rape. Thus, rather than treating the travel of texts, this chapter will illustrate how texts could be used as the vehicles that can take us from our stereotypical and conventional wisdom to a new place where we might comprehend broader and more complicated representations of rape.

Specifically, this chapter will explore what might lie beyond the terms *victim* and *survivor* as they get conceptualized in talk-in-interaction that takes place between women and legal professionals in the US criminal and civil justice systems. Over the last decade sociolinguistic and discourse analytic research on the social act of reporting rape in legal settings has shown how language conspires with culture to reproduce rape (Matoesian 1993, 2001), to represent rape as consensual sex (Ehrlich 2001), and to manage euphemistic meanings of rape (Trinch 2001, 2003). These sociolinguistic approaches to studying discourse about violence against women have underscored that when women seek justice, they encounter different gender entitlements regarding sex that privilege a man's right to rape a woman.

The road to categorizing "rape" as a crime and making "raped women" into legitimate victims of crime has proven to be long and arduous, requiring its pioneers to forge new paths by overcoming obstacles and roadblocks along the way. Still, critics argue that the last 30 years of work about and against rape has made little progress to erode the mythology that continues to surround rape and even less to eradicate it. Some faultfinders claim that anti-rape work has further entrenched and even exacerbated certain rape myths.

In the pages that follow, I will investigate how one ideological vehicle of anti-rape work, namely the "trauma of rape" narrative, has been a double-edged sword in the feminist and psychological counseling movement against rape. While this dominant "trauma of rape" narrative has perhaps succeeded in gaining public attention, fostering outrage, and even securing assistance for women who have experienced rape, I argue that it has also taken us to a place that may silence those women who do not consistently represent their rape experience in terms of trauma. By problematizing the "victim-survivor" binaries in legal and lay language-in-interaction, I explore where we might travel if we consider the sociolinguistic and discursive possibilities inspired by Lamb's (1999) and Gavey's (2005) proposal to demystify rape by examining women's narratives of resistance as opposed to making arguments that women are either *victims* or *survivors* of rape.

Many women who experience a particular type of "real rape" give accounts of their victimization that fall short of their listeners' expectations to hear about trauma.[1] When this is the case, these women tend to get pushed off the path to justice that other presumed "deserving victims" get to take because they present their account and themselves as having suffered psychologically from the event. For this reason, the purpose of this chapter is threefold. First, this work will point out how the dominant "trauma of rape" narrative may overemphasize women's pain, suffering, and victimization at the expense of understanding rape when it is reported in the absence of any perceived psychological damage. Second, this chapter seeks to reveal textual representations of sexual abuse put forth by women who resist rape—either physically or discursively—and who narrate events and ideas that refute the "rape victim" label and many of its connotations.

And third, the analysis also attempts to contribute to a conversation about how victims act in the aftermath of rape, by listening to how some women quite pragmatically need and/or choose to perform aspects of themselves—such as power, resilience, and resistance—with which the cultural identity of "rape victim" is incongruent.

Situated in a larger cultural and political context yet created locally within a particular speech setting, narratives serve "to show our interlocutors the salience of particular aspects of our identities" (Schiffrin 1996: 199). Here, I will examine three women's narrative reports of rape in protective order interviews with legal professionals. I will show that some women represent rape as violence that does not get in the way of what they need to do in their everyday life. As they talk about what they do and what they need to do, they seem not to allow rape to define them as living "sadly ever after." These women's texts suggest that they do not let rape obliterate their lives. A singular focus on the damage rape causes may conceal the full spectrum of ways in which women represent, report, and perhaps even experience rape. By adding women's non-trauma narratives of sexual violence to our representations of rape, we might make progress in resisting rape's power to silence.

## MOVING BEYOND VICTIM IDEOLOGIES

Beliefs and theories about how victims would or should act are well-studied in the literature on rape. Such ideas have often been referred to as rape myths, and they seem to take hold of Americans' minds in such a way that makes it nearly impossible in conversations, whether casual or classroom, for people to ask, "Why do men rape?" instead of the more commonly heard question, "Why was that woman in that situation (whatever it might be) if she did not want to be raped?" This epistemology of rape reveals the societal and cultural practices that uphold male privilege, male aggression against women, and women's lack of autonomy over their sexual selves. Cole (2007) links prevailing stereotypes about raped women with historical facts. She writes that, historically, the "victim" of rape was the man responsible for the woman raped, either her father or her husband, and that even today, "the rape victim's legal standing as a 'victim' continues to be greatly disputed" (Cole 2007: 122). Today, for example, rape of a woman who survives in the absence of physical bruises, cuts, lacerations, bleeding, and/or broken bones is still often conceptualized as sex. Furthermore, women who have experienced such rapes have been forced, through leading questions, to answer "no" in court when asked, "Was the man that raped you violent?," even though the perpetrator had held a knife to the woman's throat (Doe 2003).

As an antidote to this understanding of rape, feminists like Holmstrom and Burgess (1974) introduced the world to symptoms of what they called Rape Trauma Syndrome (RTS).

Later, Judith Herman (1992) introduced ground-breaking work on both trauma and recovery for people victimized by violence. Cole (2007: 122) states, "Diagnosing and publicizing RTS was a vital step in advancing the public's understanding of the psychological impact of rape as well as in helping victims recover from the experience." But feminists from the beginning of their work in the anti-rape movement were ambivalent about using victim discourse to further women's rights and status. And indeed, their nascent fears have proven prophetic as the "trauma of rape" narrative seems to be overdetermining how legal authorities, jurors, and judges expect to hear about rape. For instance, some Canadian judges have treated "post-traumatic stress disorder" as necessary evidence to rule in favor of a woman claiming to have been raped by a man (Des Rosiers, Feldthusen, and Hankivsky 1998). Along these lines, other researchers complain that psychology's rape trauma syndrome is essentializing because sexual violence is seen as "a totalizing experience itself, a singular event that fixes the victim on the trajectory of others who are defenseless and seeking rescue" (Haag 1996, cited in Gavey 2005).

Thus, the prevalent "trauma of rape" narrative may overemphasize women's victimization at the expense of really understanding rape. "Victims" get taken seriously when their actions prior to, during, and after a rape are consistent with the public's expectations.[2] Any action seen as incongruent with what the ideal "innocent victim" would do is cause for disbelief, concern, and derision. Before a rape occurs, less than ideal victims are blamed for putting themselves in the wrong place, drinking too much alcohol, or doing drugs, for example. During a rape, women are blamed because they did not fight hard enough, they did not say "no" explicitly enough, and they did not make a clear enough plea for help (see Ehrlich 2001; Matoesian 2001). And after a rape, less than ideal victims do not appear to have suffered enough trauma. Sometimes they go out with friends, they return to the place where they were raped, they even might have sex with their rapist or with someone else for that matter. When teaching excerpts of Peggy Sanday's (1990) *Fraternity Gang Rape* along with Philipe Bourgois's (2004) "The Everyday Violence of Gang Rape," I hear comments from students such as, "I mean, come on, was she really raped? If I were raped, I would not go back to the house where I was raped to get a pair of sunglasses." Or, "Who would get raped and then go back to the fraternity/crack house the next night?"

Along the same lines, when I tell some people what I study, they either shy away from me or they ask me, "How can you work on such a depressing and awful topic?" An acquaintance once asked me if it was hard for me to understand the women who participated in my studies because she assumed that they were crying while they were reporting what happened to them. Gavey (2005: 175) suggests that this rape myth about victims being incapable of life after rape comes from the way public rhetoric privileges "[rape's] power to cause severe and irrevocable psychological harm to the victim."

Suggesting that women are doing many things at once when talking about rape may appear to turn the idea of rape as a social, cultural, and linguistic taboo on its head. However, in the data that I present below, Latinas' stories of rape suggest sociolinguistic taboos about rape can and do co-occur with accounts of agency and resilience. These women are far from resigned to the social fact of having been raped, or to the limitations imposed by cultural norms for acting, speaking, and being in rape's wake. Instead, their narratives can be read for elements that show how women strongly oppose both the act of rape and the way rape has been constructed as an absolute and totalizing trauma. Rather than looking at rape disclosures in terms of the sociolinguistic system that constrains what speakers can say about it, these rape narratives will be examined for political strategies that could function in a larger cultural and linguistic field. With such a reading, women themselves might show us how to undermine the ways in which culture mystifies and maintains rape's unique power to horrify.

## METHODOLOGY AND DATA ANALYSIS

The data I will discuss now come from Latina women's narrative reports of rape in protective order interviews. Protective orders are also known as restraining orders, protection from abuse orders, and orders of protection. They are issued by judges in civil proceedings, and they require that the respondent stay away from the complaining party for a specified period of time. Two different settings in two US cities in the Southwest provide the contexts for these interviews. One is a district attorney's office where paralegals interview women seeking protective orders and the other is a pro bono law clinic where volunteers—most of whom are attorneys and law students—do the interviewing. Elsewhere (Trinch 2003), I have detailed how these narratives are co-constructed between interviewer and interviewee in these legal contexts. Undoubtedly, the context is particular, as all contexts are. The women recounting their experiences in these settings are not in counseling sessions, talking to their close friends, in a courtroom, in a police department, or speaking to family. That said, as my prior work has demonstrated, women who have experienced both rape and domestic violence travel through social and legal settings and often need to or choose to tell their stories in these varied places. From sociolinguistics, we know that there is no essential way to tell the story. The context of any telling will inevitably contribute to the way an account is retold.[3]

In order to see what might lie beyond the categories of "rape victim" or "rape survivor," I want to explore situations in these protective order interviews in which women themselves indicate their resistance to rape and their resilience in the aftermath of a rape. In two prior, complementary studies about how Latina women report sexual violence in protective order interviews in the US Southwest (Trinch 2001, 2003), I hypothesized—based on theories of cultural taboo and euphemism (Ullman 1966)—that the topic of rape would be marked in the speech of both interviewers and victims as either prohibited or somehow restricted in the discourse. I also found a rich social science literature that portrayed Latina women as unwilling or reluctant to speak about rape directly (Larrain and Rodriguez 1993; Lefley et al. 1993; Michael et al. 1994; Williams and Holmes 1981).

From my analyses of disclosures of sexual violence from within a corpus of over 300 interviews, I found several patterns. First, contrary to generalizations made in the literature about Latina women's cultural sensibilities about reporting rape, they actually showed great variation in disclosing sexual violence. Second, topics that refer to sexual violence, and rape, *are marked* in many of these women's speech as taboo—usually through euphemism. At the same time, the use of euphemism is contextually determined, where women who use euphemistic speech in one context might not use it in another. Likewise, complete reporting of sexual violence sometimes depends on whether interviewers are willing to disambiguate meaning when clients' terms for sexual violence are euphemistic and vague. Finally, some interviewers also seemed to be constrained by the taboos associated with sexual assault. For example, when writing affidavits, interviewers sometimes select more euphemistic lexical items than their clients.

Beyond these linguistic aspects of the data corpus, other interesting observations also emerged, such as the fact that these women, who all came forward to tell their stories, did not show outward signs of shame, stigma, fear of speaking, or a need to suffer alone in silence. All the women in the corpus signed consent forms for me, and many of them stated that they would be happy if their story helped someone else in some way. They were well-dressed, composed, and few cried at all while speaking about what happened to them. Moreover, their coming to speak about their situations in search of a solution was only ONE of the things they had on their "to do" list for the day. In other words, they had jobs and made plans—both long term and short term. They discussed their own safety and talked about sexual violence openly. They never suggested that they deserved to be sexually, physically, or emotionally abused. Nor did their narratives in any way suggest that because they were some man's wife they were required by culture to submit to his will. Many had children, whom they took care of, and many had already separated from their abusers. Some of the women already had new boyfriends.

In short, these women, referred to sometimes in my work and in that of many other scholars as *victims*, looked and acted like women. I offer this ostensibly obvious observation in order to provide comparisons with stereotypes of rape victims that leave little room for women's diverse expressions of the sexual violence they suffer.

Aspects of these women's rape stories are marked sociolinguistically for being unexpectedly mundane, quite matter-of-fact, and even decidedly unemotional, and thus discordant with cultural expectations of victimization. Focusing on three examples from this corpus, I will show how women answer questions regarding sexual violence, how they create the topical coherence between sexual violence and domestic life, and how they include or omit evaluations of their assault. From these accounts emerge very multifaceted representations of rape in place of the more familiar, monolithic narrative of "rape trauma."

In excerpt 1[4] below, the client reports to the paralegal that her husband forced her to have sex with him and that this incident was physically rough enough to make her wrists swell and hurt. The rape incident she reports is decidedly violent, but she reports that her response to it was mundane. Namely, she went to work the next day. Although the rape trauma narrative would suggest that women need to convalesce physically and emotionally after rape, for many women, taking time off from work simply is not practical. This client also situates this rape squarely within domestic life. It takes place within her marriage, in the context of her home, and with the threat of her children seeing their father raping their mother. The rape she narrates in a matter-of-fact manner occurred a month and a half before the interview, and it is not the incident that brought her into the DA's office. She offers it at as mere evidence of the larger abuse problem that she faces regularly.

### Excerpt 1: Victim returns to work after rape even though her arms hurt[5]

P: ¿Usted, ha, ha sostenido algún moretón o ah, golpes?

***C: Hace, la última vez que tuvo relaciones sexuales conmigo, hace como un mes y medio. Fue a fuerzas. Regresé al trabajo toda la semana, no podía ni trabajar (.02). Pero eso no le quiero decir a los niños (.03).***

P: ¿ Además del alcohol, él usa alguna otra droga? …

P: O.K., durante un incidente, dice usted que había sexualmente, la, la<br>C:[Sí

P: se aprovechó de usted. Y eso, ¿cuándo sucedió señora, más o menos?

C: Hará, como un mes y medio también.

P: So más o menos también en ((month)).

C: Mhmh, y yo pensé de que lo vuelva a intentar, y ahora sí lo reporto porque pos no, eso no debe ser a fuerzas. Y fui al trabajo con todas las manos a adoloridas y todo. (.04)

P: So la agarró fuerte sus ah,…

C: [Sí eso que se ((showing her wrists and forearms)) me (haya) hinchado me dolía.

P: Y, y hizo alguna amenaza si acaso, usted no (.)

C: [Mhmh

P: [lo *hacía*. ¿Que le dijo?

C: Que iba a hacer escándalo pa' que los niños miraran todo. ((.21 seconds of silence while paralegal types))…

Translation of Excerpt 1

P: Have you sustained any bruises?

C: **It was, the last time he had sexual relations with me, about a month and a half ago. He forced me. I returned to work all**

**that week, I couldn't even work (.02). But I don't want to tell the children that.** ((.03))

P: Besides alcohol, does he use any other drugs? . . .

P: O.K., during an incident you said that there was sexually, the, the

C: Yes

P: He took advantage of you. And that, when did that happen ma'am, approximately.

C: That would be about a month and a half ago also.

P: So more or less also ((month)).

C: Mhmh, and so I thought that in case he tried to do it again, and now I am reporting it because well, that should not be forced. And I went to work with sore hands and everything. ((.04))

P: So he grabbed on hard to your ah,

C: [Yes that ((showing her wrists and forearms)) was swollen, it was painful.

P: And did he happen to threaten you if you didn't do it?

C: Mhmh

P: What did he say to you?

C: That he was going to make a scandal so that the children watch ((.02)) And all the time he asked me why I didn't want to have relations with him, he said, um, he asked if I had someone else and I told him no, "It's the situation that we live in, what do you want?" ((.07)).

P: So did you fill out a police report on this, for that, on this occasion?

C: No.

P: And, and during the incident that happened, when, um, but whenever he tried um…

C: I just told him that so he wouldn't do it again.

In Excerpt 2 we find a client who is unique in that she sobs uncontrollably through parts of the interview. My ethnography of reporting rape in intimate-partner violence, following Hymes (1974), shows that women's crying and sobbing are the exception rather than the rule. Most clients do not cry when reporting in these contexts. However, the discourse context suggests that this client, though having been a victim of both domestic violence and rape, is not crying because of either battery or sexual assault. By reinserting the rape disclosure back into the original interview context, we learn that the sexual assault incident that this client discloses was the reason why she left her abusive husband some time prior to the interview. And this client, like most women who are raped, did not report her husband to authorities in order to accuse him of rape. Space constraints and issues of confidentiality keep me from including the entire interview, which shows that the client starts to cry at the beginning of the interview when she mentions the fact that her husband took their daughter from her and refuses to give her back. So, with her rape narrative we are able to see how a client juxtaposes representations of sexual violence and coercion with what, at the moment of her telling, she seems to deem “real terror”: her estranged husband’s abduction of their daughter. The woman starts weeping aloud at the beginning of the interview when she recounts the abduction of her child and she continues throughout.

If we isolate the retelling of sexual assault for analysis, then it appears to be a difficult topic for the client to speak about. She uses no direct referents to refer to rape, she cries and she admits that she acquiesced and had sex she did not want to have to avoid a fight.[6] But if we situate the rape narrative in the longer story, we could also conclude that the rape is of little importance to her, at least at the moment. While it might be true that at this instant this client does not want to talk about rape, her reluctance might actually have little to do with the fact that it is a taboo topic. The source of her horror and the focus of her attention are likely to be her daughter’s abduction, and therefore, it may be that she does not want to talk about rape because she wants the interviewer to help her get her daughter back.

### Excerpt 2: Client starts to cry again when reporting sexual assault

***First reference to sexual assault***

P: O.K., on ((date)) could you tell me what happened during that, that incident and ( )
C: [He was, he wasn’t there
P: o.k.
C: He went to work, actually it happened Saturday the night before that ***he forced himself on me.*** And um, I have had, I have been bleeding for three months
P: [***So he raped you.***
C: ***Um, he didn’t get to. O.K. he didn’t get to***. Um, ((starts to cry again)) then, “because I’m his wife” he kept telling me, “because I’m his wife” be supposed to, you know, “that’s what wives are for.”
P: Mhmh
C: And I told him, I said “Look ((alleged abuser’s name)), I’ve been bleeding, I’m going through a doctor, and I have my surgery on ((date))” as a matter of fact,
P: Mhmh
C: And he knew, he knew my problem, medical problem.
P: [Mhmh
C: But because I’m his wife, I’m supposed to
P: [O.K.
C: [you know…
P: [O.K., When did that occur?
C: On ((date)).

P: ((repeats date))?
C: Uhuh.
P: About what time?
C: Umm, about eleven o'clock at night, I, I
P: Was he drunk?
C: Yes.
P: And so you got home and he
C: [he was just home, yeah, he was home drinking when I got there, and…
P: (types for 18 seconds***) So you said, he didn't really rape you, so he***
C: [***Yeah, I didn't***, I just, I finally, ***other times I'll just, this is, this is awful and disgusting, and disgusting, but I'll just lay there, other times.*** But I got, I, I was hurting, I was bleeding, I ((stops and sniffling)).
P: (typing for 12 seconds) O.K. And, ah, anything else that happened during that incident?
C: Um, no, he just um, where I kicked him, um, he just got upset and um
P: [Where did you kick him?
C: Right in his, like in his
P: [Groin?
C: Groin area.
P: O.K., and ah, that's it? Anything else?
C: No, and uh, he went to to the other bedroom and and passed out, and then the next morning, he works, on Saturdays,
P: [Mhmh.
C: [so, I could, I didn't sleep that night, so I had it already, planned, I, I, you know, that was enough and that I was gonna leave him that, that morning. And I did.

This client shows she used a number of strategies to deal with unwanted sexual aggression: (1) she acquiesced, (2) she had her 13-year-old son sleep with her for protection, (3) she used her physical strength to fight off her abuser off, (4) she left her abuser, and (5) she tried to move on with her life. For this client, the repeated rapes are not, it seems, nearly as threatening and/or violent as her estranged husband's having taken their child away from her.

Later on in the interview, the paralegal returns to the topic of sexual assault. She asks:

### Excerpt 2 (continued):

***Second reference to sexual assault:***

P: O.K. Any other incident besid-, that has occurred during the past few months, whether he threatened to harm you, ***or maybe attempted to, rape you, or force you to do something?***

C: No, that was, that was, like I said.
P: That's been the only time ***that that has happened***?
C: ***Well no. It occurred other times but, I can't recall.***
P: O.K.
C: ***I mean it happened frequent***. And um, I even had my thirteen year-old son come over and stay with me to sleep with me cause I knew that if my son was there, he wouldn't come in the bedroom and
P: [***force himself?***
C: [***try anything***.
P: O.K. ***So he has forced you to have sex several times during, during your marriage?***
C: [Yeah

The third excerpt stands in stark contrast to the two prior excerpts. The client in excerpt 3 has undoubtedly come to discuss a rape. In fact, she depicts it in painstaking detail, while remaining completely unflappable, even stoic. The narrative fragment included begins at this point where the client is recounting her response to her abuser's pleading with her to revive their relationship.

### Excerpt 3: Can a woman let someone rape her?

C: Um, at that time, he was on top of me and I told him, um, **"You better finish this 'cause it's not gonna happen."** I had, I had, like I said, I had been telling him during past arguments, **"you need to either grow up, or kill me."** And that's what I meant by **"you need to finish this."**
P: Uhuh
C: Um, he started ripping at my clothes. He never said a word, but he started ripping at my clothes. Um, he ripped, I had three shirts on and he ripped my outer shirt. But uh, I started fighting with him, I started punching him with a closed fist and I was scratching at him. And I kicked him. When he didn't have my leg restrained, I was able to kick him. Um, but, on the floor, he was able to take off my pants, my underwear and my shoes. And during the struggle, I know at least twice, I was able to like sit up, or like, to try to like turn away from him, my upper body, and I did tell him that I was out of breath. I couldn't catch my breath. Um, but he continued. He finally got the pants, the underwear and the shoes off and then I was able to get up off the floor, and I went to open the front door and as I opened it and hit my rocking chair, he, he got to that point and he closed it.
P: O.K., so you opened the front door?
C: I opened the front door. My intentions were to yell, but that, since I was out of breath, I couldn't yell. But since he reached the door, I moved over

to my sofa and um, he followed me there and he started trying to pull off my jacket and um, I had on three shirts. I struggled with him with the jacket and my long sleeved shirt, and during that course, I managed to um, kick him in the groin also. Um, I think I was still scratching at him at that point too. Um, and I was, by then I was tired with, with all the fighting so I didn't struggle as much and so he was able to take off my other t-shirts that I had on at that time.

P: Mhmh

C: Um, at that point, I did tell him um, (.03) uh (.01), I told him**, "What do you think, just 'cause I have no clothes on, I'm not gonna walk out the door?"** Now I don't know if he was like stopped because he was tired of the struggle too, but I, at that point, I …

In retelling the sexual assault, the client says that she fought off her abuser, was not particularly afraid of him, mocked him, stiffened her body to make it difficult for him to manipulate her, called 911, and tried to yell out the front door. In her account of what happened after the rape (not reproduced for reasons of privacy and space), she tells her interviewer that she was active, thinking, and competent. That is, she was worrying about her children and about having enough time to take a shower to prepare for their coming home from school. She even reports having realized that she should not have been in the shower because she had been raped and should not have been washing away evidence. She talks of how she arranged for a friend to keep her children so she could go to the police. And she tells the interviewer that after speaking to the police, she followed their advice to take the necessary steps so that the police would be able to charge her abuser with the crime.

One interpretation of this woman's narrative of resistance is that her telling demonstrates her resolve to resist further domestic abuse. If we compare the rape narratives of the clients in excerpts 2 and 3, something interesting happens. The client in excerpt 2 stated that it was the night that she fought against her husband's sexual advances and that she had decided that the next morning she would leave him. She also, however, admitted "other times I'll just, this is, this is awful and disgusting, and disgusting, but I'll just lay there, other times." The client in excerpt 2 then suggests that sometimes, even when she did not want to engage in sexual activity, she let her husband have sex with her. So is it possible that the client in excerpt 3 is representing an instance of having let her husband rape her? Is she being strategic by physically resisting her abusers' unwanted sexual advances, in order to gain something substantive to report to authorities so that she can permanently make a break from her abuser? There is linguistic evidence in excerpt 3 to indicate that the client sees herself clearly as both witness and victim. She is able to speak from both of these discourse frames (Tannen 1993). In an extraordinary way, this client speaks from a witness frame while recounting the particulars of the rape. She is not crying as she gives meticulous details that include: when clothes came off, how clothes came off, how she struggled to resist both physically and intellectually, and how she spoke to the abuser in stern, humiliating, and threatening terms.

From her witness frame, she uses legalistic words and phrases as she describes what happened in utterances such as:

1. "When he didn't' have *my leg restrained*, I was able to kick him,"
2. "he did *penetrate* at that time, and then..."

Additionally she attempts to be precise in her description of actions with the following types of statements:

1. "...he kept putting his, *his left arm* to spread my, my legs."
2. "I started punching him *with a closed fist* and I was scratching him."

Her narrative flows on its own trajectory with very few interruptions from the paralegal, so these courtroom-like linguistic elements come from the client herself without elicitation or questioning from the interviewer.

Additionally, from the witness reporting frame, the client also includes direct quotes of her own prior language. Use of direct quotation is often interpreted by people, the press, and the courts as a technique of narrative precision, or a representation of teller fidelity to events as they really happened (Rumsey 1990; Matoesian 1999; Trinch 2010). While, on the one hand, the quotes make the client look like a faithful narrator on a quest for exactitude, on the other hand, the quotations also show a side of her that was not necessarily terrified by the rape experience. In other words, the quotes make her somewhat hard to interpret as a victim because they readily admit that she taunted her rapist, had a plan for survival, and was not shocked into submission. Moreover, in her narrative, she employs the following utterances that seem to indicate both that she resisted victimization and that in order to be a good reporter or witness, she has to be more than "just" a rape victim:

1. "What do you think, just 'cause I have no clothes on, I'm not going to walk out the door?"
2. "What's the matter big man, you can't get it up now?"
3. "What do you plan on doing now?"

Also from the witness-reporting frame, the client takes care to point out, again unprompted, that the abuser was saying nothing while he was raping her. Her linguistic choice to include this information seems to adhere to what is expected of her in these interviews. Apparently, she presumes that the interviewer would ask her, "What was he saying while he was raping you?" and indeed, interviewers regularly ask this type of question. And, most importantly, she confirms her witness frame by saying that during the rape she told her abuser:

4. (4) "You better enjoy this because I'm gonna report it."

This client's narrative includes all of the answers for which interviewers normally have to ask. Furthermore, her words do not construct her as having been emotionally distraught or terrified throughout the rape experience. Rather, her representation of rape makes her seem as though she had been in control of her own emotions and maybe of the situation in general. During the interview, she mentions having cried the next morning when her abuser was trying to reconcile with her. She says, "I *finally* blew up, I was crying during that time and I wouldn't face him." Here, she represents herself as having tried to hold it together during the incident. Her use of the word "finally" to introduce the loss of her own control shows a certain adherence to the rape trauma narrative. That is, she suggests that her crying is the last inevitable element in the succession of events she narrates.

But notice how differently she frames herself in the excerpt below:

### Excerpt 4: Client changes her frame from witness to victim

Um, so I called my girlfriend if she could take care of the kids. She asked me what was wrong and I told her that uh, he was there when I got home, that we had argued and that I, that I was tired of it. That I wanted to put a stop to it, and that I was gonna go talk to his parole officer. But, I had been calling and nobody had ever been answering at the parole offices, so I took my children to leave them with her. **And she came outside with me and she asked me what had happened. And I broke down at that time and I told her, "He raped me." And I said, "And I can't get a hold of the parole officer so I'm going to the police station." She asked me about, if I wanted her to accompany me and I told her no, but I continued crying, I broke down even more. And um, I told her no and I started walking away to get in my vehicle and she ran to let her husband know that she was gonna go with me. And she came with me and she took me to the [[police]] station, um, I gave the officer the report. He advised me to go to the ((name of)) hospital to be checked, um, then to go back to my home because he was gonna go with an investigator to take pictures and pick up evidence.** And uh, we did that, we stopped on the way for my friend's purse and her husband accompanied us. And, um, we went back to the house and um, the officer went back to the house and the officer had already advised me, **"You need to get some clothes and stay away from the home for a few days since you don't know how he is going to react."**

P: Mhmh

From this victim frame, the client shows herself to be very upset because of and as a result of the rape. First, she narrates that her friend noticed that something was wrong with her. In this way, the client suggests that she does appear to look different, if not from "any other woman," then definitely she does not look like herself. In her narrative, the client even has her friend asking her two times what was wrong.

Curiously, the client says she refused her girlfriend's help verbally, but she suggests, again from a victim frame, that her emotions spoke for her and told another story. The client goes from taking herself to see her alleged abuser's parole officer to being taken to the police station by her understanding and perceptive friend. At the police station, the officer to whom she makes the report, advises, informs, and protects her. The abuser is made out to be violent, even when the victim did not seem to be afraid of him in her account of the rape.

Perhaps it is too provocative to suggest that this client let her estranged husband rape her. And indeed, such a sentence—at some level—barely seems to make sense within a conventional cultural intelligibility of rape (Ehrlich 2007b). But as we look for agency in women's rape stories, we note and accept that women strategically allow their partners to have unwanted sex with them to avoid rape.[7] So, we should ask then, is it possible that some women might allow their partners to rape them—especially if they are seeking strategies to end an abusive marriage or relationship? In other words, did this woman fight back this time in order to bring her abuser's presumed entitlement to her body into question? Admittedly, it is dangerous to suggest that women are being pragmatic about being raped. Culturally, it is still quite a contentious belief that rape exists at all. Defense attorneys continue to get away with arguments in court that adult women wanted to have sex with the men they allege raped them. And they continue to suggest that these women, through their lies, managed to convince police, rape crisis advocates, and prosecutors to press charges against and bring to a rape trial a man that they willingly had sex with but then later decided to accuse of rape, because they got mad at him. Because this absurd defense of rape is such a prominent narrative that continues to resonate with judges and juries, it is probably time to realize that keeping silent about women's power and ability to resist rape is also very risky.

Gavey (2005: 215) argues that we need to "unsettle rigid gendered binaries around . . . representations of victimization." And as early as 1974, feminists, Medea and Thompson (1974: 6–7) stated that one condition necessary to end rape was to make all women learn "how to cope with the idea of rape." They maintained, "Until [rape] is reduced from an overwhelming, darkly evil prospect, the individual woman will not be able to deal with it." So, while we should not abandon rape narratives that speak of pain, suffering, and serious, long-term psychological damage, perhaps we should see if there is any value in adding more mundane representations of rape to the spectrum of gender-related violence. "Mundane" is used here in the sense that these rapes themselves are common, everyday occurrences, especially since these are the types of rapes—acquaintance, date, and marital rape that most often occur. And "mundane" is used to refer to the ways that some women actually represent rape sometimes.

## CONCLUSION

McCaughey (1997: 17) suggests that the "broken body" narrative has been used repeatedly throughout the years to claim that "a set of social arrangements is objectively wrong." As a consequence, the rape trauma narrative has become the truth standard to which individual rape accounts are often held to for judgment and scrutiny. Lamb (1999: 133–34) proposes we change our focus from rape's ability to victimize women to women's ability to resist rape. She claims that such an approach would unite women by making them realize their sameness.[8]

Because Lamb and Gavey are quite certain that current status quo understandings of rape victimization are unlikely to end rape, they are committed to creating new understandings of victims. Yet they recognize the risk inherent in their proposals. The question of how much tolerance society will have for women claiming both victimization and resistance remains to be seen. For this reason, I cautiously propose that we maintain the category "victim," but that we try to re-humanize women who have been victimized by presenting them as complicated, competent, rational, thoughtful, strategic, and smart members of their families, workplaces, and communities. Pointing out resistance in rape narratives can help us show students of law, criminology, and criminal justice the complexities involved in the phenomenon of sexual victimization. This strategy may aid in striking an appropriate balance between demystifying rape and not trivializing it, as Gavey implores us to do. By adding these readings to our already existing representations of rape and by highlighting those nonvictim aspects of some women's rape narratives, we might find new and productive ways to treat women, to include them in the criminal justice system and ultimately even to stop rape.

By studying how women report rape, we cannot make claims about how women experience rape. However, we can see how rape narratives involve more than the idea that rape may cause its victims severe and irrevocable damage. With their texts in tow, we can, in a way, travel with women who have been sexually assaulted to new discursive territories where we can develop a richer understanding of the experience of rape—an understanding that can dispel existing stereotypes that box women in and limit their resilience. One strategy for getting to a place beyond "just" considering rape to be a crime might require travelling through existing texts of rape to see, in women's words, what they do afterwards, and how they themselves move forward after rape.

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## NOTES

1. I use the term "real rape" here ironically because what the public considers to be "real rape" (i.e., by a stranger that physically injures or that threatens great physical injury) occurs far less often than the majority of rapes (which are also quite "real") but for which the circumstances seem less violent to the public because the men that rape in these cases tend to know the women they rape.
2. Gavey (2005:172) states, "By the mid-1990s, the concept of victimization was arguably in crisis. . . . Representations of victims have always been double-edged, and there is some danger that understandings that invoke sympathy and support may again be overshadowed by those that invite disbelief and derision." As I mentioned earlier, I am not arguing that we do away with the terms "victim/survivor." Rather, my aim is to represent more fully the experiences of women who have endured some type of gendered violence like domestic abuse or sexual victimization/coercion so that we can demystify rape and stop reifying the idea that "women" experience rape in a certain way.
3. Frankly, this fact is precisely the point of the chapter. Some critics, both sociolinguists and other social scientists, of this notion that women do not always represent rape with trauma have tried to suggest that there is an essential trauma narrative that indeed would occur if only the conditions were right. They have said that the context of the narratives I examine (i.e., the protective order interview) does not allow for this narrative to emerge. While I do not deny this possibility, as an anti-essentialist, my point is that humans are flexible. And the data suggest that they are often flexible and adaptive to context after rape as well.
4. All names, dates, and other identifying characteristics have been changed.
5. Transcription conventions should be understood in the following way:
   P refers to the paralegal-interviewer

   C refers to the client

   Bold type is meant to call the readers' attention to those parts of the dialogue that refer to the points I am making in the text.
   [ single left-hand brackets denote an overlap

   ((.05)) Double parentheses with decimals refer to pauses and silences in seconds

   . . . refers to omitted text, irrelevant to the analysis

   ((month)) Words inside double parenthesis are author insertions and notes

   ( ) Empty parentheses refer to inaudible utterances.

6. In studies on battered women, it is remarkable how many women report having had sex they did not want to have. Campbell et al. (1998) and Woodham (2008) show that women acquiesce to unwanted sex as a means of managing and trying to control their abusers' and

rapists' violence toward them. In Ehrlich's data (2012 and in this volume), one of the rapists actually coerces the woman to have sex with him by threatening rape, as if there were a difference.

7. Terry A. Kupers ([2001] 2007) suggests that some men in prison may also utilize this strategy to avoid being raped and brutalized repeatedly. He interviewed a man that he described as heterosexual, yet effeminate, that decided to become another prisoner's "woman." While he considered the sexual acts that he engaged in to be coerced, rather than consensual, he saw his "relationship" with a physically dominant man to be a protection against other prisoners' raping him.
8. "This is an approach that could unite women, that sees victimization as a public health and safety issue and puts responsibility for change on the party most likely to cause the problem: men. The focus on difference—victim, survivor, battered woman, sexually abused, those who can remember, those who cannot… eclipses the fact that these are, we are, women who have a lot more in common than men and the media would have us believe" (Lamb 1999: 134).

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