Only the plaintiff's story is not enough to make it true

A qualitative study of the Swedish judicial system's assessments of rape cases

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ABSTRACT

This essay explores how trustworthiness is created, established, and constructed in regard to women subjected to sexual violence, analysing significant features which may be decisive in court's assessment of rape. The construction of the plaintiff's trustworthiness and its impact on the legal process will be analysed in ten Swedish court cases about rape and through interviews with four women working in different women's shelters. The theoretical framework is based on the concepts of intersectionality and respectability. The results show that the assessment of the plaintiff's trustworthiness is an essential part of the court's judgement in rape trials. This assessment is influenced by perceptions and prejudices linked, among other things, to what is understood as the woman's behaviour before, during and after the assault. A coherent image of how the plaintiff should appear and behave, able to have the highest possibility to appear as trustworthy in the court. Thus, this study identifies the construction of an ideal victim shaped through her capacity to narrate the event in a coherent and organised way.

Keywords: Rape, violence against women, intersectionality, respectability

Nyckelord: Våldtäkt, våld mot kvinnor, intersektionalitet, respektabilitet

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1. Introduction

Feminist movements around the world have identified the centrality of sexual violence at the core of patriarchal power (Hall, 2015: 2). The term sexual violence covers a broad spectrum of different kinds of crime, from verbal sexual threatening comments to rape. Studies have argued that society create and regulate different expectations, rules and norms on how women and men should act and behave regarding sex and sexuality (Ekman, 1998: 8). Notions of gender and sexuality are asserted by a number of studies to have an impact on the interpretation of laws and the application of justice in relation to rape (Andersson, 2011: 182). Scholars have also argued that judicial practices risk producing and reproducing boundless feminine and passive subjects to rape, as well as delineated masculine perpetrators. This upholds a stereotypical view of gender and sexuality by drawing conclusions based on gender-coded conceptions of norms and sexuality (Ibid: 182). In the case of sexual offense crimes, it is common that the only witnesses to the incident are the plaintiff and the perpetrator. This means that the focus is on judging the plaintiff's trustworthiness, which can affect the outcome being conviction or acquittal (Pickel & Gentry 2017: 255). How trustworthiness should be judged is not obvious, and is thus arbitrary to how judges and jurors expect a trustworthy plaintiff to behave, in turn commonly based on myths surrounding rape, but also through notions of respectable femininity that often tend to pathologize or criminalise underprivileged categories (class and race among others) (Ibid). Recently, there is however a greater consciousness about plaintiffs being victimized as a result of stereotypical notions, nonetheless, these notions still exist within the justice system (Ibid).

When it comes to social factors of class and race, the criminal justice system has its roots in and is shaped within liberal concepts such as equality of opportunity, which tend to deny the impact of class and race in legal decisions, whether as a category of discrimination, or as a social construct limiting legal opportunities (Swidorski, 2003: 99). Studies of differential justice focus on the effects of social status and class on legal outcomes, stating that it is also relative to the class, race and gender of the offender in the court. Findings vary widely, and some studies prove differential treatment (Franklin and Fearn, 2008; Farrell and Holmes, 1991: 529).

1.2 Purpose and aims

In Sweden, on November 21st 2017, a group of men were charged with group rape (multiple perpetrator rape), an event that had taken place in August of the previous year. The preliminary investigation forming the basis of the trial received great criticism (Backlund and Mannheimer: 2017, SVT). It was in August 2016 that a woman contacted the police to share her experience, asserting that she had been raped by several men in a stairwell. A total of five men were prosecuted, three of them for aggravated rape and two for abetting rape. The assault reportedly lasted four hours. The five prosecuted men were acquitted of all charges by the district court, in turn severely criticising the preliminary police investigation. Indeed, the woman pointed out the location where she thought the assault took place, but it took the police almost a year to realise she had pointed out the wrong stairwell. 37 samples from the stairwell were taken and sent to the National Forensic Centre, which later were proven to match the prosecuted men. The results were however delayed due to what they described as long processing times and heavy workload with other ongoing investigations. Due to heavy workload, the police did not arrest the men until June 2017, ten months after the crime was committed. The trial initiated on 21st of November 2017 against the five prosecuted men. On December 19th, verdict stated that all were released from suspected crime.

The case described above is one of many rape cases where the prosecutors are acquitted. Therefore, I find that a relevant contribution of the field of gender studies is the exploration of how the Swedish court constructs a truthful and trustworthy victim of sexual violence, a construction that is regulated by diverse forms of social status, among others class and race (Zatz, 2000: 505). Most studies emphasise only one of these dimensions at a time, and generally they focus solely on the defendant. Nevertheless, a few researchers have developed more complex research of the influential ways in which race, gender, and class assemble (Ibid).

The aim of the essay, taking inspiration from these contributions, is to explore the construction of trustworthiness within the Swedish justice system regarding victims of rape. The aim is also to analyse how evidence of what is true is constructed, and in which ways the position of a trustworthy victim is framed through hierarchical social relations such as class and/or race. Theoretically, the essay is situated in a critical dialogue with the concepts of respectability and intersectionality. The methodology used is framed through critical discourse and content

analysis, and operationalised through the analysis of court protocols, combined with four individual semi-structured interviews with women working at women's shelters. The central focus of the thesis is to explore the ways through which truth is created, and knowledge of sexual violence is given meaning by diverse key actors. Taking the Swedish justice system as fundamental to the functioning of a democratic society as a point of departure, this study aims to analyse its role in the perpetuation of unequal gendered power structures and outdated notions of femininity.

1.3 Framing of research questions

Violence against women is commonly described as men's violence against women. Indeed, a majority of all violence in the world is carried out by the category of men (Nilsson, 2009: 15). Within the research field of gender and violence, references are made to a trio of men's violence; against women, against other men, and against themselves (Kaufman 1997: 30). A common notion today is that violence against women can be understood on the basis of an unequal distribution of power, a distinction that is dependent partly on material condition and partly on cultural conceptions (Steen, 2003: 13). Cultural conceptions here refer to the beliefs and values of social groups as well as languages, forms of knowledge, material products, ways of life etc, which in turn can be understood as patterns organising social life (Ibid).

How men's violence against women should be conceptualised, defined and explained has been a contested issue since the mid-1970s (Nilsson, 2009: 13). What kind of explanation prevails plays an essential role in how society responds to the topic through praxis shaped both by professionals and in the legislation (Ibid).

The representation and construction of a rape victim in court, how violence is understood, as well as the factors of importance for the judges' assessments are all matters that have been researched (Zats, 2000: 508). They have been analysed thoroughly, and there is a general understanding of which factors affect the plaintiff's trustworthiness, such as clothing, behaviour, reporting etc. However, I deem relevant to investigate what social factors might come into play in the construction of a rape victim within court narratives. The aim of this study is therefore to examine how the Swedish court constructs a trustworthy victim in rape cases, with a focus on class and race. The questions for this study are as follows:

- How does the judicial system construct discourses of trustworthiness of women exposed to sexual violence?
- Who can embody a subject position of trustworthiness and through which mechanisms?
- When, why and how does the victim's behaviour and background become relevant to the outcome/assessment?

2. The Swedish law of sexual offense

This section introduces the Swedish law of sexual offense, including the judicial definition of rape, how the justice system defines intercourse, as well as a short presentation on how the Swedish consent law has contributed to the subject. However, this thesis has been written from a perspective dating from before the consent law was instituted, since my empirical material only contains one case occurring after it was passed, making impossible any kind of analysis of the impact of this law. I do however find it necessary to present both laws, in order to make it easier for the reader to differentiate between them and to situate themselves in the text.

2.1 Rape

Anyone who carries out sexual intercourse or other sexual act comparable to sexual intercourse with a person who does not participate voluntarily, with regard to the seriousness of the offense, is convicted of rape and is sentenced to prison for a minimum of two and a maximum of six years. When assessing whether participation is voluntary or not, particular consideration is given to whether will has been expressed through words, actions or otherwise. According to the Swedish Penal Code 6 chapter, 1 § (SFS: 1962:700), the law of sexual offense states that a person can never be considered to participate voluntarily if:

1. participation is the result of abuse, other violence or threat of criminal offense, threat of prosecution or indictment of another, or threat of leaving a malicious message to someone else;
2. the perpetrator unduly exploits the person being in a particularly vulnerable situation due to unconsciousness, sleep, serious fear, intoxication or under the effect of other substances, illness, bodily injury, or mental disorder; or
3. the perpetrator is capable of achieving participation by seriously abusing a person in a dependency position to the perpetrator.

If the crime is considered less serious in view of the circumstances of the crime, the perpetrator is convicted of rape and sentenced to prison for a maximum of four years (SFS: 1962:700)

Previously, violence or coercion, or the perpetrator exploiting a victim's particularly vulnerable situation was required for an act to be considered rape (Holmberg and Lewenhagen, 2019: 120-121). Since the 1st of July 2018 the sexual offense law will assume that sex should be voluntary - if not, it is illegal. This new law states that the court of law shall consider whether will had been explicitly expressed through words or actions or otherwise. Conviction for negligent rape became possible after the new consent law passed in 2018 (Ibid).

2.2 Definition of trustworthiness and soundness/reliability/accuracy

Trustworthiness and soundness, reliability, and/or accuracy (henceforth mentioned only as soundness) of the victim's account is of high importance when the court judges' sexual crimes. It is important however, to differentiate between these notions. Lawyers and researchers Helena Sutorius and Anna Kaldal write in *Evidence of sexual offenses* (2003) that trustworthiness is the sensation of truth in the account and its delivery. It is a subjective assessment carried out in the same way as in our daily lives; it is not only affected by our intuitive feeling of whether a person tells the truth or not, but also by how the information fits into our version of reality (Sutorius and Kaldal, 2003: 90). The soundness of a statement has its own value as evidence. The validity and soundness are the test of a statement against other statements and facts, in other words, free from inaccuracies (Ibid). Sutorius and Kaldal claim that trustworthiness is mostly assessed during the main hearing, while soundness is assessed during deliberation (Ibid). What is usually described in court cases as trustworthy, is whether the account is clear, long, vivid, logical, detailed, proven truthful through important details and also free from inaccuracies, contradictions, exaggerations, difficult explanations, plot holes, poor context or doubt in crucial parts. Four parts are especially highlighted in rape cases (Holmberg and Lewenhagen, 2019: 98-99ff):

- whether the story is detailed and concise,
- whether or not the plaintiff's narrative has changed throughout the lawsuit,
- whether the victim's acting after the incident appears illogical, such as going to the gym or sending nude pictures to the perpetrator,

- whether or not the account of occurred violence appears exaggerated in relation to her recorded injuries from the medical examination.

This is the definition of trustworthiness that the Swedish court bases their judgement on in relation to rape cases (and other sexual crimes), and thus the one I shall draw from for this study, as this is how trustworthiness is described in the court cases chosen as part of my empiricism. While being aware that this is a rather narrow and very black-and-white description of trustworthiness, since the aim of this study is to examine the court's construction of it, this definition is what I shall emanate from.

3. Overview of the field

There is extensive international scientific research on the topic of violence against women (Zengenene and Susanti 2019; Dyah, Sopyan, 2019; Rohit et al. 2018). However, in this chapter, an overview of the field will be presented focusing mainly on feminist research in Sweden. This chapter is divided into different parts, the first being an overview of Swedish rape laws through history, and how perspectives of rape have changed. The second and third part explores violence against women in modern times from a judicial perspective. The last part examines rape from a radical feminist perspective, how sexual violence can be presented as a structural gender-based issue, and the grey areas of whom can be exposed to what violence, and why.

3.1 Gender and sexual violence - A historical perspective

History scholar Karin Hassan Jansson's dissertation *Constructions of rape: Gendered notions of Violence and sexuality in Sweden between 1600-1800* (2002) *,* describes the construction of rape - connected masculinity and femininity in late-modern Sweden. By analysis of protocols and verdicts of rape cases from several places in Sweden she examines the laws and social structures tied to rape within this period. The considered issue with rape and other sexual violence during this time was manhood, virility, and man's sexuality. The first law mentioning rape and sexual violence was passed in the mid-13th century; it included abduction of women and rape, with the purpose of limiting ensuing conflicts and disagreements in society (between men), not because this was a crime against the woman's integrity or sexuality (Hassan Jansson: 294). Thus, rape was a crime inflicted on the woman's family, as their honour and reputation got tarnished; since women were the men of the family's 'property', rape was seen as a property

crime. The high authoritarian position that men maintained emanated power, and power plays out as a form of controlling property, usually through violence (Ibid). From the beginning of 17th century until mid-18th, rape was a violation crime and an act of offense. Anyone who carried out any form of sexual violence had not respected the rules of the Church, the highest legal institution of the time (Ibid). It was not until late 18th century that rape explicitly became part of the laws on women's integrity rather than of property crime (Ibid). In addition, even though the law changed in favour of women's integrity and sexuality, marriage was always the highest priority of all negotiations rather than the victim. Still, very few rape cases made it to court in this time (Ibid: 37).

Hassan Jansson (2002: 51) describes how the definition of violence focused on the woman's unwillingness to partake in sexual intercourse and being forced by the perpetrator against her will. Only physical aspects of violence are described, for example how the woman's resistance was displayed through physical marks, bruises, blood, or other signs that violence had occurred. Of importance was the woman's calling out for help as well as telling someone about the abuse right after it took place (Ibid). Towards the end of the 18th century, court decided that the circumstances mentioned above might not be reliable enough to strengthen the evidence that a rape actually had taken place. The violence itself therefore constituted punishment, while court could not necessarily predict if the violence would continue as before (Ibid: 163).

Gabriella Nilsson and Inger Lövkrona are both ethnology scholars and discuss violence as a cultural phenomenon in *The gender of violence* (2015). They examine the meaning of violence in history and society in a Swedish context, its function on an individual and structural level, and consequences for people subjected to it. According to the law of 1734, both men and women could be punished for premarital relationships; although the limit between free will and force could be questioned (Nilsson and Lövkrona, 2015: 110). The (un)willingness of the woman was more important, since interest focused on the distinction of violence and the need to prove that it really occurred. Should the occurrence of violence fail to be proven, the woman could be convicted of adultery (Ibid). It was not until the mid-18th century that rape was classified as a violation of women, focusing on her own femininity and behaviour, rather than on man's view and treatment of women (Ibid). It was primarily the woman's behaviour that was questioned, such as whether she had shown any sexual interest, not rejected the man at an early stage, or appeared outdoors by herself. This shift shows a slight change of interest from masculinity and power towards femininity and moral. As early as the 18th century there are records of such

'victim-blaming', also present today. It was the responsibility of *women* to *protect themselves* against sexual assault and rape (Ibid).

How sexual violence and rape should be defined is not obvious. Legally the notion of rape has varied, but central in the notion of rape in laws throughout history is what the law is supposed to protect, while the motives within criminalisation of sexual crimes have changed (Nilsson and Lövkrona, 2015: 108-109). Crimes categorised as sexual violence, especially rape, are hard to prove due to a lack of evidence and witnesses, and often lack of technical evidence. Even with evidence, it is difficult to prove if the sexual act was forced or not. Nilsson and Lövkrona (2015: 109) argue that a major theme in the idea of false accusations of rape and sexual violence is built on a notion that women are seductive and manipulative, using their sexuality as a weapon to trick and exploit men (Ibid). The number of professionals working within the justice system subscribing to this notion is surprisingly sizeable (Ibid).

3.2 Violence against women from a judicial perspective

In *Men's violence against women - a discourse battlefield. Reflections on the production of knowledge* (2003) Anne-Li Steen explores which different understandings are expressed in texts concerning men's violence against women, the male perpetrator and the female victim. She discusses the implications of these understandings in relation to different practices in this issue and explains the judicial perspective of violence against women in the Swedish context. The law-change from 1982 switching from individual to public prosecution, is seen as crucial in the perspective of violence against women (Steen, 2003: 20). Thereby, violence against women was no longer considered a private problem, rather a social problem. The swap from individual to public prosecution also involves the degree of violence that society accepts a woman to be subjected to, and the responsibility assigned to the individual and/or their family to solve the problem. These different requirements, especially judicial, are of great concern for men's legal responsibility to uphold the family and may be read in public investigation and referral responses (Ibid). Historically, domestic violence has been equal to street violence, neither giving domestic violence against women less penalty value, nor qualifying it differently than violence outside the home. It is not until the 1990s that laws more clearly reflect the difference between the reported crimes regarding men and women. The judicial change was focused on making the law neutral and general, since violence against women would reflect societal violence (Ibid: 21-22). Legally, violence against women could occur in connection with

criminal offenses such as murder, abuse with lethal outcome, rape or other sexual abuse. Other crime categories connected to violence against women are trespassing, assault, unlawful threats, and damage. In 1999, the new crime category gross violation of a woman's integrity was introduced. When violence against women is described, the violence referred to is usually under the category of abuse offenses (Ibid: 21).

3.3 Women worthy of protection and penalty worthy men

In his dissertation *Trustworthiness and worthiness*: *The judiciary's management of women's reporting of rape in Stockholm 1946 – 1950* (2002), Swedish ethnologist Simon Ekström shows that during the 40s in Stockholm, police and prosecutors did a selection of cases where the prosecution was based on a classification of victims and perpetrators as "women worthy of protection" and "penalty worthy men" (Ekström, 2002: 97ff). His analysis of these shows that only certain statements and stories were accepted, and that different degrees of morality and good character were ascribed women and men. All women were not "accepted" as rape victims, particularly women in prostitution, belonging to a category outside the frame of protectable womanhood. In order to become worthy of protection, she also had to possess a specific personality and/or character (Ibid). She had to be a woman of moral and honour, preferably also especially exposed through low age or disability. Ekström emphasises how revoked rape reports highlight the cultural logic stating that respectable wives and well-behaved girls do not simply get raped, other than by unknown perpetrators at places with poor lighting (Ekström, 2002: 148). Otherwise, the victim is undoubtedly partly responsible for the assault (Ibid). The author explains how rape cases are partly determined on a scale between penalty value and protective value. He argues that a conviction required a male categorised as punitive and a female victim deemed to be in the need of protection. The severity of punishment was based on the man's conformity to cultural notions of stereotypical rapist, and on cultural notions of the woman's honesty and sexual integrity. The legal judicial system was guided by a so-called gender separating morality, through which normative characteristics and experiences formed an important part of the assessment (Ibid).

3.4 From men being savage sex offenders to exploring the making of consent

The debate on violence against women and rape in general is characterised by feminist activists wanting to shift focus from the victim to the perpetrator. In 1975, Susan Brownmiller published the book *Against our will – Men, Women and Rape.* Brownmiller describes how rape is less an act of lust and passion from the male's perspective, and rather a means of power used by men to oppress women (1975: 14). The constant threat of rape oppresses women and favours men. During the emerging feminist movement, Brownmiller's book was the first of its kind: it was a reaction to prevailing myths about rape where an unknown (black) man assaults a sober (white) unmarried sexually inexperienced woman (Ibid:11).

Brownmiller's analysis emanates from a structural gender-based perspective of explaining rape. She makes assumptions through comprehensive documentation of how rape was used historically as a means of power in war, prison, slavery, and more. The concept of 'sexualised violence' was developed to describe several types of sexual abuse, including rape, and created an understanding of violence associated with male sexuality and the construction of masculinity (Brownmiller, 1975: 5). Brownmiller (1975: 14) perceives rape as an indisputable consequence of the fact that human anatomy enables forced sex. This contributed to creating a male rape ideology; when men discovered they could rape, they kept on doing it. Brownmiller imagines that the very first rape caused an unexpected fight through the female's resistance, resulting in the next rape already being planned. Rape became a weapon for men to gain power over women, securing his will and her fear (Ibid). Hence, from prehistoric times until today, rape was crucial, either as a conscious or unconscious process of intimidation, through which men kept women in a state of constant fear (Ibid:14-15).

Brownmiller's book was written in the 70s, and ever since, her radical feminist analysis has been both acknowledged and questioned. Andersson et al. discuss Brownmiller's contribution the Swedish academic and feminist debate in the book *Gender Limits* (2016) that although Brownmiller's book is based on the American context, she has had an major impact on what is called the second wave of feminism (Andersson et al. 2016: 89). Feminist such as Brownmiller put *power* within the public debate about rape in Sweden, where rape was described as a political act to scare and degrade women as a group. She did also expand the understanding of rape, how it happens, and against whom it can be committed (Ibid). The improvement of this

feminist perspective that separated sexuality from violence was to avoid the questioning of consent being relevant, and thereby also shame and guilt of the victim as its direct effects (Ibid). She contributed to the consciousness about power as a driving force behind the act and pointed out sexism as embedded in our cultural system as a cause for violence (Andersson et al. 2016: 89). The issue with consent is that it maintains gender power since the law never distinguished between mutually agreed upon sexual intercourse from that involving criminal sexual aggression (Ibid: 384). Brownmiller tries to understand *why (the category of)* men rape, and raised the question of consent already in the 70s. Gender scholar Lena Gunnarsson highlights in *Dynamics of consent: Sex, rape and the grey zone in between* (2020) what she calls dynamics of consent, which are processes where two (or more) people establish whether they should have sex or not (Gunnarsson 2020: 6). The complex and potential problematic character of the dynamics of consent is the grey areas, that in some way problematize the limit between consent and non-consent (Ibid). The focus in Gunnarsson's study is on dynamics where both parts participate actively, but where it is not completely clear if consent is voluntary (Ibid). Gunnarsson also discusses *who is* exposed to violence as well as who *can* be exposed to *what* kind of violence, which Brownmiller started to highlight in her book. In a patriarchal world, unequivocal abuses are diminished as something less serious – by all, victims, perpetrators, and justice system alike. Thus, these grey areas entail risks, while it is precarious to deny their existence (Gunnarsson, 2020: 42).

3.5 Summary

This essay is a dialogue with the contributions introduced above. The first part of the literature review describes the changes and transformations over time of rape and rape victim over 400 years in Sweden. A historical perspective is important to understand how rape and sexual violence have occurred, and how the society managed these issues. This perspective also elucidates how the law developed through the centuries and how rape became a violation crime from a property crime. Thus, this perspective is further illustrated in the second and third parts of the literature review, how laws have criminalised violence against women, and how violence against women has shifted from a private to public matter. This field is of high relevance for my study as my empiricism includes verdicts from the court, nevertheless the intersectionality perspective are the main focus. Finally, I highlight the radical feminist perspective on rape and the issue of consent. Brownmiller was a crucial contributor to the second wave feminism both in the academic and public debate. She also brought attention to the consent issue, which

became of high relevance when the #metoo movement started in 2017, resulting in the consent law. These perspectives are all needed to my study, hence they put rape within different contexts, and together they will complete each other to give an overview and understanding of the notion rape and rape victim.

4. Methodology

The following chapter will clarify the methodological frame used to analyse the empirical material. It also explores issues of the researcher´s reflexivity during the research process and in the analysis.

4.1 Critical discourse analysis

In this study, critical discourse analysis (henceforth CDA) will be applied as a methodology. According to Ruth Wodak and Michael Meyer in *Methods of critical discourse studies,* (2016) critical discourse studies (henceforth CDS) are strongly grounded in the tradition of critical theory (2016: 13). Research objectives include a specific theoretical framework and selected empirical material for the study (Wodak and Meyer, 2016: 14). Specific epistemologies influence the methodology, but also justifies and evaluates knowledge. CDS treat the meaning of social constructions, and conceptualise discourses as collectively constructed, with focus on power relations. (Ibid: 16). CDS assumes that understanding, significance and meaning are developed within the individual in coordination with other human beings and through power relations (Ibid). Therefore, Wodak and Meyer (2016: 17) assert that discourses emerge as social constructs and exert consequences in real life, e.g. construction of migrants as dangerous which would regulate migration policies. The authors clarify the difference between CDS and other discourse analysis tradition, as some CDS scholars play an advocatory role for socially discriminated groups, since CDS follow a critical approach to who has the power to define what a problem is and who is a problem (Ibid). Additionally, admitting that CDS strive to make power relations visible, as certain naturalized power relations remain hidden (Wodak and Meyer, 2016: 18-19). Moreover, an important characteristic of CDS is that all discourses are historical and can only be understood with reference to their context, thus, the perception of context is crucial for CDS (Ibid).

Sociologist Norman Fairclough) has further developed Critical Discourse Analysis (CDA) in *Discourses and Social change* (1995). To the author, discourses are digest ways of viewing the world, with underlying assumptions and judgements; discourses construct meaning, condition values and perceptions, and legitimise knowledge (Fairclough, 1995: 58). According to Fairclough, the term critical in CDA identifies and makes power ideologies visible, and criticizes the connection between text, social processes, and power relations. CDA is thus critical as it explains the relationship between the form and the function of language in society (Ibid).

In this essay, I will draw from the methodological discourse framework presented by Wodak, Meyer and Fairclough to explore the hidden social relations of power in the construction and definition of truth and evidence in women's narrative experience of rape.

While the study of court cases represents my primary data, it is important to note that every further step from the actual rape produces more inaccuracy. The event, brought up in court and transcribed, will undeniably have been tainted by the events in the courtroom, and by the transcription. Add my reading and understanding of it, as well as its translation to English, and the way I word my arguments. The event will indeed have been altered; this will be discussed in detail in the next chapter.

I will locate my analysis from this initial methodological perspective, especially when analysing the court protocols, since there were major criticisms regarding those written during the trials. However, I also collect interviews from workers at women's shelters, which opens a discussion of the construction of rape victim in narratives other than the Swedish court. This can add both strength and nuance to how rape victims are constructed in different contexts.

5. Method and material

The following section will describe the method used to conduct and analyse the interviews. In this study, I decided to use two established methods; individual interviews and directed content analysis. The first part of this section will treat the interviewing method, whilst the second part will deal with the directed content analysis. Then I will discuss the selection of the material and then the strength and limitations of the methods, followed by a discussion of validity and reliability. Finally, the ethical perspectives will be taken into consideration.

5.1 Qualitative in depths interviews

Psychologist scholars Steinar Kvale and Svend Brinkmann discuss the purpose of qualitative interviews in research in *InterViews: Learning the Craft of Qualitative Research Interviewing* (2014) They argue that the key to qualitative interviewing is to shape and lead the dialogue into a conversation conceivable on a daily basis, while withholding a professional structure (Kvale and Brinkmann, 2014: 41). However, while subjects like violence against women, race and class might be daily topics, they could also be difficult to talk about since the subject may be sensitive. Thus, I used my interview guide, "warming-up" the respondent with four or five questions in order to make them comfortable. The four women I interviewed are working at women's shelters across Sweden with different expert areas, such as addiction, domestic violence, sexual violence and prostitution and trafficking.

I chose to do semi-structured interviews, since this method allows the participants to discuss the questions on a deeper level, and allows me as interviewer to ask further questions not limited to my script (Kvale and Brinkmann, 2014: 41). Semi-structured interviews are relevant for this study as the subjects have different experiences from sexual violence, and the questions can therefore be adjusted or developed, and the respondent in turn is able to ask follow-up questions, allowing discussions. Semi-structured interviews are neither a closed questionnaire nor an open daily conversation (Ibid). In my study, I chose to focus on prejudices targeting women, from the police during report writing, and treatment of the victim in the court. The interview would address the respondents' daily work experiences, with 23 pre-formulated questions. Importantly, there are no standardised patterns how to conduct research interviews. The interview guide is not a prerequisite, rather guidelines (Kvale and Brinkmann, 2014: 141). The interviewer must decide how strictly to follow the preformulated questions, and it is crucial for

a good interviewer to be well prepared to handle different possibilities (Ibid). From earlier experience, I expected the most relevant topics to emerge in the follow-up questions, and indeed they did. The spontaneous follow-up questions made the interview proceed toward interesting issues.

The sampling was constructed as follows. I chose to contact all women's shelters in the city where I live, by using Google, email and phone. Social research scholar Alan Bryman calls this selection convenience sampling (Bryman, 2001: 97), and is easily available to the researcher through its accessibility. In this case, the respondents located at a reasonable distance were selected, due to time and money constraints (Ibid). Importantly, this selection is limited to only one area and may not be representative of a bigger segment (Ibid). I planned to do face to face interviews but due to the covid-19 outbreak, I was forced to change plans and conduct phone interviews: only one out of four could be done face to face. This became an opportunity to hear people across Sweden, to not limit geographically to my own city. This selection was more randomized as I googled organisations everywhere in Sweden and asked friends in other areas. I carried on with the four who answered. Even though I got larger representation this way, it may not be representative for the whole community as there were only four interviews, albeit from different areas of Sweden. Irvine et al. (2013: 90) write in "*Am I not answering your questions properly?" Clarification, adequacy and responsiveness in semi-structured telephone and face-to-face interviews* that an advantage of phone interviews is less small talk, and thus the interview being conducted in shorter time. Phone interviews are cost- and time effective, which was an advantage. The main criticism of phone interviews is that neither interviewer nor respondent can see body language and facial expression, neither may illustrate question with, for example, clarifying diagrams. Also, the interviewer is assumed to have less influence on the respondent as the interviewer's personal appearance cannot be perceived, and vice versa (Ibid).

5.2 The respondents

The plaintiffs in court protocols are always anonymous, thus finding out their race and class is problematic. However, I do believe the interviews may provide relevant details which the court protocols cannot. Other ideas originally relevant for this study was to interview people within the justice system such as lawyers, judges, counsels for the injured party, prosecutors etc. with experience from rape cases. It turned out to be difficult getting in contact with these people without any earlier established network. It would have been desirable to attend a rape trial, but

firstly, the majority of sexual crime trials are held behind closed doors to safeguard the integrity of those involved. Secondly, rape cases seldom end up in court, so due to the time constraints of this study, too few cases would have been observed. Also, workers at women's shelters have witnessed in trials for women beaten or exposed to sexual violence and would contribute with knowledge of how victims are perceived due to race and class.

Erika - The first respondent, the only one I met personally, is working at an organisation focused on of sexual violence. They mainly support people subjected to violence through group meetings.

Kajsa – The second participant was Kajsa, working for a women's shelter. She started the organisation in 2016. Their work covers mainly domestic violence, including different forms of violence such as physical, sexual, emotional, and psychological.

Matilda – The third participant was Matilda, working at a women's shelter organisation since the end of 2017. This organisation is oriented towards and specialised on women with addiction.

Petra – The fourth participant was Petra. She works for an organisation that she started in 2008 centred on trafficking, prostitution, and other forms of sexual violence. In addition, they educate the police and travel around schools to talk about their work and spread awareness on how to prevent sexual violence.

5.3 Interpretation - Qualitative content analysis

The analysis is conducted through directed content analysis. Political scientists Göran Bergström and Kristina Boréus describe in *The power and meaning of text* (2012) that content analysis is frequently used when quantifying, i.e. count of word occurrence to find patterns in larger material or compare texts from different times (2012: 50). Most common within social science is to quantify the presence of specific words, titles, metaphors, arguments, or specific phenomenon (Ibid). Philosophy scholars Hsiu-Fang Hsieh and Sarah E. Shannon describe in *Three Approaches to Qualitative Content Analysis* (2005) there are three different approaches in qualitative analysis; directed, conventional or summative (2005: 1277). Conventional analysis is used with a study whose aim is to describe a phenomenon, for example emotional reactions of hospice patients (Ibid: 1279). This approach is usually appropriate when existing

theory on a phenomenon is limited, the researcher avoid using preconceived categories (Ibid). A summative approach identifies and quantifying certain words or content in a text with the purpose of understanding the contextual use of the words (Ibid: 1283). This quantification is to explore usage within the words and analysing for the appearance of a particular word (Ibid). Summative analysis goes beyond mere word counts and include latent content analysis (Ibid). The direct approach, which will be used in study, is that the coding process assumes from the theoretical framework (Ibid: 1281), hence I argue that a directed approach is the most suitable for this study since my theoretical framework already was in place. The goal is to validate or extend a theoretical framework; predetermined theory and prior research is needed to address the research question (Ibid)

Coding is part of the directed content analysis (see appendix); however, for this study, I opted for a strategy originating from the aims of the research question. This method was applied on both the interviews and the protocols from the court trials to identify and categorise all perspectives of a phenomenon. Thus, firstly, I read the transcript and highlighted all which on first impression seemed to represent e.g. a description of intoxication in the plaintiff (Hsieh & Shannon, 2005: 1281). Next, I coded all highlighted parts using predetermined codes defined by theory or prior research, to identify concepts or variables as initial coding categories. Operational definitions for each category were determined using the theory, and any text or word that cannot be categorised within the initial coding scheme are given a new code (Ibid). The findings from directed content analysis offer evidence for a theory, presented by showing the codes (Ibid: 1282).

The categorisation and coding process were defined by the theoretical outline of this study, a deductive approach due to the theoretical framework already being in place before the coding process started. Firstly, several main categories were made, followed by subcategories. From there, I performed a systematic coding by identifying as many keywords and descriptions as possible, later selecting and reducing them. In the interviews, my focus was on class and race (see appendix) as the main categories, while other categories were analysis of trial protocols, from which it was difficult to assume the plaintiff's class and race.

5.4 Selection of court trials

The empirical material is formed by ten court cases, selected through the following criteria; three cases with media impact (where the perpetrator was not convicted), cases when the offender was convicted (four cases), and three cases served to provide different angels, from a broad timeline (2008-2018). To select the random court cases I used the database Karnov as a search engine, by typing in the word "våldtäkt" (rape) to find matches. I only had access to a limited number of cases and thus chose the first three cases accessible. For the cases where the perpetrator was convicted, I used the search engine InfoTorg Juridik and searched for rape cases by typing in "våldtäkt" (rape) and took the four first accessible cases with a convicted perpetrator. For the three cases with major media impact, I obtained the number of the verdict (Googling), then searched in InfoTorg Juridik and accessed them.

Judicial protocols from trials constitute the bulk of significant material for this study, with highly relevant information enabling the analysis. Most important, the court's assessment of the case is present in the protocols, and trustworthiness is described and measured in detail. Thus, I can examine what the district court chooses to judge within the trustworthiness of the victim. During the study, different delimitations have inevitably been made, selectively choosing what should be included or not.

Ten court cases are not enough to extensively cover the issue of this study, neither making it representative nor general. However, it is a reasonable number for me to investigate in relation to the scope and time frame of this study. Additionally, there are very few rapes that end with prosecution; the case needs to pass through a number of different steps before it is approved by a prosecutor. One of the most crucial steps, used as a basis for the trial, is the recorded preliminary hearing from the police where notes are taken. These hearings have not been included in this study due to time constraints and hardship to get hold of. I primarily investigate the discourses tied to the construction of the trustworthiness of the plaintiff, produce during the main hearing in the courtroom.

5.5 Strength and limitations

The strength of directed content analysis is that existing theory is challenged in a structured way. Categories can either offer a contradictory view of the phenomenon or further refine and extend the theory (Hsieh and Shannon, 2005: 1282). The advantage of having the theoretical framework already in place in the directed content analysis, is to see how theory interacts with the research material (Ibid).

As limitations, using one specific theory has inherent limitations since researchers approach the data with a strong bias. Researchers might be more likely to find evidence that is supportive rather that non supportive of a theory, as the theory influences the researcher too much (Hsieh and Shannon, 2005: 1283). Directed content analysis may also predict the variables to determine the initial coding scheme (Ibid: 1281). Further, in regard to interviews, some participants might answer questions in a certain way or agree in order to please the researcher. Another criticism of research interview is that the results might be invalid due to uncertainty if the respondent tells the truth (Brinkmann and Kvale, 2019: 300-301).

Other criticisms to research interviews are a constant risk of disclosure, or the respondent being taken out of context (Kvale and Brinkmann, 2014:143). Also, a significant power asymmetry may occur between interviewer and respondent (Ibid: 48-49), if one of the two is more knowledgeable on the subject. This balance was assured through my deeper knowledge of trials and trustworthiness judgement, by contrast, the interviewees held knowledge about class and race, and how the victims were treated by the police and justice system.

Considering the pros and cons of the interviews, I consider qualitative interviews to be preferred over quantitative due to their ability to explain and understand how people think and act, as well as the underlying meanings in the court protocols. However, I argue that these interviews are a relevant complement to the court protocols since it is impossible to assign ethnicities and classes to an anonymous plaintiff; yet elucidated in the interviews.

5.6 Validity and reliability

A study of high validity means that it highlights the aim of the research question. The reliability of a method is whether it is well accomplished, so that another researcher could undertake the same study, use the same method, and reach the same result (Kvale and Brinkmann, 2014: 264). Validity and reliability of the study are not necessarily connected; a study can have high reliability and low validity and vice versa. Obviously, a researcher may have interpretative preference of the empiricism since they themselves collected it. With this approach and interpretation there is a risk of my understanding of the empirical material affecting my analysis, misleading results. By sorting my empiricism through different theories and earlier research, I completed a constant validation of my knowledge production and will in the analysis present my empiricism with high transparency.

Brinkmann and Kvale (2019: 297) also point out that the validity of research interviews is dependant of the researcher's craftsmanship and skill, whether there is an objective reality to measure the knowledge (Ibid). The researcher being trustworthy based on quality of prior research and theories is central to the validity of the study (Ibid). Beside the question of trustworthiness, the researcher's moral, integrity, person, and ethical considerations, are also crucial in assessment of validity (Ibid). When determining the validity of the empiricism, the content and aim of the study take precedence over the method.

Another issue within the context of validity of content analysis is word counting (Bergström and Boréus, 2015: 83). It is a rare occurrence in content analysis within social sciences, interest in a specific word aside from its actual significance. There are two ways of managing this; to avoid ambiguous words in the coding, or to perform a computer analysis with a manual coding of the specific words (Ibid). In this study, the first option will be applied, due to lack of resources and knowledge for the second option. Additionally, coding words that can be vague, diverse or have several different meanings could also affect the validity of content analysis. To make decisions regarding significance of a word, the researcher must have sufficient knowledge about discourses (Ibid: 83-84). As my knowledge within the field of gender studies is comparatively sufficient and my knowledge about the judicial system is limited, my assessment of the discourses can thereby become unbalanced. Hence, using the method of counting words would therefore include lower validity of this study, and result in inaccurate outcomes.

5.7 Ethical considerations

For this study, public material is a part of my empirical material. However, everyone is anonymised in the court protocols to ensure that they cannot be tracked or accessed through this study. The plaintiff is always completely anonymous, but the prosecuted is not. Although I know these are public documents, and I have reflected over the aspect of it would be an infringement of their integrity. The question is if it can be tolerated for a researcher to examine someone's privacy, and violate the personal rights (Bryman, 2001: 137). According to the regulation of publicity, authorities must not deny access to public documents of this kind. Accessing any of these documents it is only a matter of time or cost (Rosquist, 2020: 88). Included in this study is sensitive information about court cases, prosecuted persons, victims, plaintiffs and witnesses. The identity of these people is protected through data anonymisation (names, numbers, age etc) by changing their name or not mentioning their name (Ibid). I have respected the ethical research principles, to prevent sensitive information being extracted by reading this study. The value of the research is not disadvantaged by the material being anonymised; in fact, the text analysis itself is reinforced by its focus on the construction of the victim, not what the individuals have done. Personal data relating to the perpetrator is unessential (Ibid: 89). However, some of the court cases included in the study impacted on Swedish media and names of victims might be known to the public (Ibid). Certain details in the analysis could also provide clues to readers about a specific case. There is a risk that personal data - despite the anonymisation, may be hinted at so that readers might identify individuals through secondary sources (Ibid).

As mentioned earlier, all my interviews were conducted in Swedish, and all court cases treat Swedish cases, written and documented in Swedish. I have consciously chosen to translate and produce this thesis in English in order to protect the individuals present in the court cases, and in the interviews. This decision brings about the potential risks with translation of such documents, for instance linguistic nuances being lost. Additionally, I do emphasise several issues of working with court cases and associated criticism, connected to several steps of translation. Firstly, translating from Swedish to English, I am aware of the risk of information from the trials falling away, as I cannot be completely sure that all information is correct. For example, preliminary research from the police, the basis of these trials, is information I did not have access to. Further, in some cases, it appears that the prosecuted did speak none to little Swedish, involving an interpreter, thus another step of translation. The court representatives

and most of the audience do not know the exchange of messages between the interpreter and the witnesses, not shared with them (Elsrud et al. 2017: 668). The interpreted version only exists in this study, following transcript of matters verbalised during the interpreted hearing (Ibid). Another issue in court cases, is the presence of sounds, body language, and other expressions not perceived in these protocols, (Ibid).

Concerning my interviews, it feels uncomfortable that my analysis would criticize the work of women's shelters, and I need to emphasise my opinion that their work is highly important, and my intention or ambition is not to condemn or admonish them, or to disapprove. Instead, I would highlight factors to help develop their work. As a feminist researcher I also reflected on bias in this research. I have never myself been the victim of rape, but I have been exposed to other forms of sexual assault. It does make me angry and upset every time it happens. Hence, I believe that no matter how hard I try to make this study unbiased, there might unquestionably be an underlying aspect of bias on this subject, obviously due to patriarchal structures still existing.

My focus is on empirical material with a female plaintiff and an accused male. This limitation does not exclude the relevance to study other gendered violence. I realized that the Swedish justice system seems gender biased to the stereotype of the woman as a victim and the man as a perpetrator. I have considered that this research may reinforce the idea of victim and perpetrator reproduced by court. This stereotype may eliminate their subjectivity and dispatch them to passive victim and aggressive perpetrator, without their own right to speak. Therefore, I emphasize my awareness that the Swedish court system is producing gender stereotypes, and also highlights the categorisation of gender binary. I also emphasize that this is not the aim of this study; neither to present the victim as a woman and the man as perpetrator, nor to speak for anybody else. In my study, the court cases have only been used as examples of how trustworthiness is described in court, and whether social factors such as race and/or class could affect that. Trustworthiness was chosen due to how highly it is valued by the Swedish justice system in rape cases and refers to patterns of behaviour and sexuality where patriarchal norms become visible.

Finally, this study is based on The Swedish Research Council's ethical principles (2002) (Vetenskapsrådets forskningsetiska principer). They have four basic requirements being information, consent, confidentiality and "usage requirements", that the information gathered

about individuals may only be used for the stated purpose – research (2002: 7,9, 14). These requirements are taken into account during this study. In my opinion, the information, consent and confidentiality are very relevant to include in this study. Every respondent received consent information to read before the interview about the study and their participation, ethical considerations, management of the material, recording consent, etc. The material was recorded on my phone and dictaphone, transferred to my computer with my access only, for transcription. Afterwards, I deleted the audio-files from both phone and computer. All names are changed, and I never mentioned their organisation to protect their identity, since most of the respondents work at places with protected accommodations.

6. Theoretical framework

The following chapter will present the theoretical framework of this essay. As aforementioned, the main focus of this thesis is the Swedish context, however, through the theoretical framework I will explore scientific evidence how violence against women is obviously not only a Swedish problem, rather a global phenomenon. Thus, these theories that will be presented is can also be applied in a Swedish context.

6.1 Black feminism and sexual violence

Critical race theorist and black feminist scholar Kimberlé Crenshaw discuss in *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color* (1991) the importance to study intersectionality with specific emphasis on men's violence against women. Crenshaw pinpoints that throughout history, it is clear that gender and ethnicity have affected perceptions, stereotypes and prejudices of both offenders and perpetrators in rape (Crenshaw, 1991: 1266). Emphasising the American context, stereotypical notions exist about the victim and the predator in rape cases. For example, black perpetrator and white victim, and vice versa, which has contributed to shaping unequal conditions strengthening both prejudice and power structures (Ibid). Moreover, Crenshaw argues that critics and activists since long challenged dominant conceptualisation of rape as racist and sexist, and that these arguments reveal which representations of rape are reproduced within race and gender hierarchies (Ibid). However, Black women are exposed to both gender and race hierarchies, being women of colour. This associates with challenges of both sexism and racism and is a contributing factor why raped Black women receive unequal attention (Ibid). Historically, race and gender hierarchies were

more defined and outspoken, and hence the racism and sexism written into today's social pattern are purely contemporary expressions of rape narratives from our historical background (Ibid: 1268).

Clearly, reforms in the political area would not challenge cultural narratives undermining the credibility of Black Women. In addition, Crenshaw stresses that sexism and racism intersect with norms of women's sexuality. People of colour have been sexualised for a long time, and these subordinated norms are used to categorise 'good' and 'bad' women (Ibid: 1271). As a result, Black women are essentially pre-conceived as 'bad' women within cultural narratives, and more legit to be raped (Ibid). These consequences of a complex intersection of gendered sexual and racial justice system display a system constructing rules only beneficial for white people, discrediting Black women. This would explain why rapes of Black women are less likely to result in trials than rapes involving white women (Ibid).

Rupa Reddy, a scholar studying gender violence in immigrant communities, stresses the importance to prevent stereotyping and/or stigmatisation of gender-based violence to only occur among immigrants. In *Gender, Culture and the Law: Approaches to 'Honour Crimes' in the UK* (2008) she examined honour-related violence in England, how different court cases judged honour-related violence as either gender-based violence or as a cultural tradition. By examining the outcome of the different approaches to the crime - established as gender-based violence or a cultural tradition- she wanted to see whether there were any differences in actions aimed to prevent violence against women (2008: 305). The categorisation of honour-related violence as an explicit cultural phenomenon would ignore its position in a wider scope of patriarchal violence. The consequences are worse protection of the victim and increased stigmatisation of women's rights in minority groups (Ibid: 313). Even though a cultural factor of violence against women *may* be present, it is definitely not *always* the case. Consequently, a more nuanced picture is needed, where both advantages and disadvantages of violence as a cultural phenomenon are affirmed (Ibid: 306). Western feminists, refusing to accept the contribution of cultural norms, may provoke an implicit assertion of superiority over women of other cultures, and shift attention from the subordinate women in their own culture (Ibid: 301). Analysing Reddy's study show that honour-related violence is judged in many court cases as cultural rather than patriarchal, but gradually, a more 'mature multicultural' approach is budding (Ibid: 311). By 'multiculturalism' Reddy means that violence against women would always be violation of women's fundamental human rights, regardless of cultural or religious context (Ibid).

6.2 The respectable victim

In *Formations of Class and Gender: Becoming Respectable* (1997, 2000), the notion of respectability is explained by feminist sociologist Beverley Skeggs. Skeggs is conducting a study of 83 white young working-class women in the UK, participating in their everyday lives, work, education and family. The notion of respectability needs to highlight the class perspective within feminist- and cultural science theory (2000: 14). The importance of a class analysis to understand the creation of femininity is emphasized, since class may affect which gender positions are possible to captivate as well as the creation of femininity (Ibid).

She problematizes how working-class women are seen to lack respectability, they strive for ideals possessed by the middle-class, associated with respectability. Clearly, respectability is one of the strongest characteristics defining femininity, how to speak and to whom, how to classify others and how to know who we are (Skeggs 1997:1). Within academia, the working-class always represented the lower position in society (Ibid). Skeggs focuses on working-class women and their femininity; more specifically on what kind of femininity is considered respectable or not. As opposed to the ideal of respectable middle-class woman, working class women are considered dangerous, crude and abnormal (Skeggs, 2000: 158, 253). Moreover, Skeggs highlights how respectability is non-problematic for middle-class women due to their high position of legitimacy, not needing to prove anything to achieve it (Ibid: 9). However, respectability is of utmost importance for working-class women, constantly struggling to achieve the ideal possessed by middle-class women (Ibid: 160-161). Thus, to show femininity in the18th and 19th century, one must make a good impression and prove oneself to possess good manners and impeccable appearance. This was seen as a legit investment for working-class women in the prevailing feminine ideal, providing them with status, although limited, and superiority over their working-class counterparts (Skeggs, 1997: 98-99). Skeggs also points out that black and white working-class women alike were defined as the sexual and unnatural Other, naturally in opposition with the respectable defined femininity at the time (Ibid: 90). Respectability has historically operated as social categorisation for women to be classified and subjectfied, to establish the difference between women, thus to enable them to be judged by their surroundings, yet also for them to judge and control other submissive women (Ibid: 70-71).

Skeggs argues that respectable femininity demands cultural capital, or other types of conduct or embodied characteristics (1997: 100). The women in Skeggs study are referred to class through work and education, but also through access to capital and convert of capital (Skeggs, 2000: 254). Skeggs operationalises this through Pierre Bourdieu's theory of capital. In *Distinction: a social critique of the judgement of taste* (1984), he explains that capital is divided into three parts, cultural, social, and economic (1984: 168). The cultural capital is language and values possessed by an individual, as well as education and family, e.g. where you parents come from etc. (Bourdieu, 1989: 4). The social capital is your social network, friends, colleagues, classmates, family etc. By contrast to the cultural capital, it is created by the individual. The social capital may vary, depending on life circumstances (Ibid). The economic capital describes the economic assets of the individual (Ibid). Finally, there is a symbolic capital which is the total aggregate of the various capitals in the individual.

The cultural capital of a person, according to Skeggs' study, is linked to his or her habitus. Habitus is a notion explained by Bourdieu in *Social space and symbolic power* (1989), as embodied dispositions, tendencies, and field, configured as a social-relation structure. The field is the social position, constituted by conflicts occurring when different groups aspire to establish and define cultural capital within a given social space (Bourdieu, 1984: 17). Depending on the social field, one certain type of cultural capital can be legitimate and illegitimate (Bourdieu, 1989:20). Hence, the legitimization of a certain cultural capital could be random, later added to the symbolic capital (Ibid: 4). The habitus of a person is imprinted to him or her by family, according to the person' nature, by social class and social interactions with other people (Ibid).

The respectable femininity has emerged from an over- and middle class habitus and has adapted to how women use their bodies to define class affiliation, where fragile femininity is a part of the middle-class respectable femininity (Skeggs, 2000: 158-160). Skeggs means that women considered non-respectable express a wish to be respectable and use it as a means to emerge from their earlier categories (Ibid). The working-class is associated with characteristics of non-respectability and could therefore not be included in the respectable femininity (Ibid: 253). Consequently, respectability is a sign of what class one belongs to (Ibid).

In this study, class affiliation and the different forms of capital described above are operationalised using Skeggs basis of occupation, expectations and leisure activities/hobbies (Skeggs, 2000: 128), while behaviour and violence is most important for Bourdieu's (1984,

1989) understanding of social class and cultural capital. Similarly, to respectable femininity created from class affiliation, access to cultural capital might change and thereby also social position, with embodied capital (Bourdieu, 1984: 171).

6.3 The trustworthy victim

History scholar Garthine Walker describes in *The Routledge history of sex and the body* (2013) a historically common pattern about sexual violence and rape, that a victim of rape does not consent to sex until pushed to do so under constraint force. Historically, men have been seeking to prove that their victims (women) consented of their own free will, while victims have been seeking to disprove their own complicity, and prove the rapist used actual or threatened force (Walker, 2013: 433). For early modern courts, a woman was considered trustworthy only if her non-consent had clearly been communicated to her perpetrator at the time of abuse, *and* if she had communicated it to others afterwards. If a woman remained silent and did not report the rape, her trustworthiness could be questioned since her silence was interpreted as a form of collaboration with her perpetrator, suggesting her consent after the act if not before (Ibid). During the assault she had to shout and resist physically, and should her resistance not have brought anyone to the scene, she had to inform others as soon as possible in order to create witnesses to her physical resistance; determine and show her evidence such as bruises, torn clothing, messy hair, cuts, emotional distress etc. The woman's body had to be inspected, and midwives' and surgeons' expert opinions were valued over the victims' own first-hand experience of what had happened (Ibid). The more evidence, the more trustworthy the victim. Women who allegedly did not cry out for help during the attack were punished for fornication or adultery (Ibid: 435). Married women were generally better served by the legal process in cases of sexual violence, as they automatically became more trustworthy on account of their social status (Ibid). By the year 1863, when rape crimes were established as violent crimes rather than property crime, the laws across Europe (Sweden included) started to take morality into account as an important factor to trustworthiness. Women lacking 'good' character rarely obtained a verdict in court, as they were considered to be so fallen that justice systems could not imagine how rape could even harm them. A woman's moral, and thus her social status, was established through her sexual purity and behaviour (D'Cruze 2013: 447-448).

In *Intimate Intrusions: Women's Experience of Male Violence* (1985), the sociologist and criminologist scholar Elisabeth Anne Stanko illustrate Walker's discussion of trustworthiness, but in the current time. Stanko discusses issues making a rape victim less trustworthy. She claims that feminist scholars have put emphasis on whether it is the woman's responsibility to make the perpetrator understand her non-consent, rather than the responsibility of the perpetrator to gain consent in the first place (Stanko, 1985: 90). Judges attempt to assess the plaintiff's trustworthiness as a control of sexual consent, often connected to a presumption about her respectability, and influence perpetration of her sexual history and reputation (Ibid). Victims of sexual violence are treated as if what happened to them is descriptive of their sexual behaviour. A rape complainant has to prove herself to be 'good' and 'nice' in order to be trustworthy as a sexual non-consenter (Ibid: 91). If she cannot prove this, it is assumed that she is partly to blame for her situation (Ibid). Proving herself to be 'good' and 'nice' includes displaying attributes, such as cleanliness, passivity, and openness (Ibid). These attributes are seen as key characteristics of sexual purity, which the judges consider as their verdict emanates from two opposite standpoints; the plaintiff being either provocative or innocent depending on previous sexual behaviour and history, frequently with emphasis on how the victim was dressed or talked when the rape took place (Ibid). Stanko argues that there are special characteristics supporting attributes like being 'good' and nice'. Being 'nice' is a key attribute, providing both a standard to withhold and a goal towards which women adjust their behaviour. Being nice is not limited to being pure, gentle, gracious, innocent, good, clean, kind, worthy, noncontroversial, above suspicion and criticism (Stanko, 1985: 91). Those who fail to convince the judges of their respectability and 'niceness' are seen to have permanent consent to sexual violation scripted into their behaviour (Ibid).

In the context of rape trials, women's words are filtered through distinctions based on race and class. For example, the more credible social characteristics, the greater the likelihood to be taken seriously, and as aforementioned, being white and middle-class considerably contributes to a woman's trustworthiness (Stanko, 1985: 91). Defendants of ethnic minorities or lower-class have greater chance of being arrested, charged, convicted and severely sentenced than their white, middle- or upper-class counterparts (Ibid). As a Stanko puts it: "as the system is not blind to gender, so it is not blind for race and class" (Stanko, 1985: 92).

6.4 The ideal victim

The analysis of the ideal victim is presented by the criminology scholar Nils Christie in *The contradictory victim* (2001). The ideal victim is a victimological term, problematizing the victim's possibilities to achieve legitimacy and victimisation. According to Christie, a victim can be graded from a list with six vital attributes. The more of the following attributes the victim complies to, the more likely she is to get legitimacy as a victim (2001: 48ff):

1. The victim is weak.
2. The victim has a respectable occupation.
3. The victims find themselves in a place they cannot be blamed for being at.
4. The perpetrator is superior in relation to the victim and can be described in negative terms.
5. The perpetrator is unknown to the victim without any personal relation to the victim.
6. The victim should have enough influence to claim their "victim status".

The victims are classified as a more or less ideal victim depending on how closely they fit with the attributes mentioned above. Christie (2001: 48) exemplifies the ideal victim in the context of rape as a young, innocent woman having visited her ill relatives and been raped on her way home by a strong unknown man. She is seriously beaten and/or threatened before she gives up (Ibid). A non-ideal victim would on the other hand have more sexual experience and be intoxicated and would be raped at a party by someone she has a relationship with, or by someone she followed home from the pub (Ibid). To achieve this status of ideal and legitimate victim, the plaintiff must be perceived as such by herself and others. The ideal victim exists in unity with the ideal perpetrator, whom is a strong, large, unknown, aggressive, intoxicated, dangerous man (Ibid). Christie explains that even if mutually independent, the more ideal the victim the more ideal the perpetrator. The same relationship is true in the opposite case: the victim is perceived as less ideal if the perpetrator is less ideal (Christie, 2001: 54). However, it is rare that the victim and perpetrator both match this description (Ibid).

What Christie also discusses is how married women, or women living with men, are not considered as ideal victims. For example, when a man hits his wife, this is usually referred to as fight in the domicile. This implies unwanted noise, and noise does not create the ideal victim; noise is something that needs to be muted (Christie, 2001: 49). Married women are not ideal victims, since it is considered that as women nowadays are able to make their own money and

supply for themselves, they could thus leave the man beating her. Married women do not need to tolerate that (Ibid: 49-50). Through the change in women's status, it is required to be empowered and successful to claim status as an ideal victim. The more independent woman, the more she can claim her victim status, while contradictorily, the stronger their material status, the less trustworthy her victimhood due to weakness or lack of possibilities to protect themselves (Ibid: 50). To conclude, as ideal victim, the woman must be empowered enough to be heard or dare to speak, and at the same time weak enough to not threat other important interests (Ibid). A minimum of strength is a presumption to be heard, but too much strength could be a threat and weaken the general sympathy associated with the status of victim (Ibid: 51).

However, discussions have stated that Christie's list needs to be developed further theoretically. Crime victim researcher Magnus Lindgren and police officers Karl-Åke Pettersson and Bo Hägglunds also address the ideal victim in *Crime Victims: From theory to practice* (2001), adding descriptions to Christies list. To consider the victim as weak and innocent is a perception hard to apply in reality, since it is an undifferentiated description (Lindgren et al. 2001: 32). The view of a victim is also affected by to what extent the victim has provoked the perpetrator, whether he was intoxicated at the time of the crime (Ibid). This is called "the accomplice victim". This is expressed as the woman being too provocative, too intoxicated, or simply at the wrong place at the wrong time. In these cases, the victim is sometimes blamed for the crime occuring. Her passivity might also be questioned, why she did not try to escape from the perpetrator, if she said no in 'the right way', or what kind of relationship she had with the perpetrator (Ibid: 33).

6.5 Concluding reflections

Stanko's description of the trustworthy woman, of being 'good' and 'nice' highlights the typical female attributes giving rape victims advantage in court, being more truthful if they fit in the category of 'good' women. These attributes are mirrored in Skeggs' (and Bourdieu's) theoretical conceptualisation of class and respectability, as well as in Christie's theory of the ideal victim, and become particularly noteworthy in rape cases. The six criteria, according to Christie, that should be fulfilled if a woman aspires to achieve highest legitimacy as victim, relate to Stanko's and Skeggs' analytical frames. The aspects in Skeggs' and Stanko's analyses are baselines of the constructed requirements of the ideal victim. Becoming an ideal victim

determines the possibility of claiming legitimacy, and shapes characteristics necessary to achieve victim status and legitimacy.

Further, perspectives of intersectionality are also connected to Skeggs' respectability. Respectability has emerged through an understanding of the importance of intersectionality, and a theoretical ideal, similar to Stanko's description of 'good' female attributes. These frames appear in Crenshaw's concept of intersectionality, where women of colour usually are pre-conceived as 'bad' women due to cultural narratives. The application of these theories in this study is inspired by the relation between femininity, respectability, and intersectionality, and of how court constructs a trustworthy victim in rape cases. All theories will be applied and operationalized through Christie's theory of the ideal victim, which in the analysis include Nilsson and Lövkrona's conceptualisation of violence.

7. Analysis

In this study, the analysis is divided into two chapters, in turn segmented into a number of sections. Chapter seven will be looking at how the court's construction of the victim is intimately tied to respectability and class. Specifically, this part will highlight the class factors contributing to the construction of the victim in rape cases. For this, my analysis mainly emanates from the court cases, but also the interviews.

Chapter eight will rather focus on race and rape, and what social factors tied to race affect the construction of the victim. This section is principally based on interviews with workers from the women's shelters. While writing this part of my study, race emerged in the discussion of how the women's shelters construct their ideal victim, and how they also reinforce the existing inequalities related to race and class.

7.1 The art of being trustworthy

The plaintiff's account of the event is not enough to make it true; this is the assessment of the district court regarding trustworthiness in the majority of rape cases. This statement spurred some questions in me: firstly, why is it not enough? And secondly, what else is required, and how is it achieved? Reading the court cases, I noticed the considerable advantage of the victim in cases where information from witnesses corresponded to information provided by the

plaintiff. An overarching theme in the cases where the perpetrator was convicted is the number of witnesses and their ability to tell a detailed, coherent, and trustworthy story to match the plaintiff's. Indeed, court requires a detailed and coherent account of the assault in order to consider it trustworthy. After an experience as traumatic as rape, this narrative demands a strong cultural and social capital. The capacity to tell a detailed story coherently might therefore become a question of class. Below is court's description and judgement a plaintiff's trustworthiness in case number 7:

"At the hearing, the plaintiff made a gathered impression, and what she recounts gives the impression of a self-lived experience. She also stuck to the same information [....] first to her friends Alexandra and Fredrik, then during the police interrogation and finally at the main hearing. By her close friend Alexandra, the plaintiff was described as a person whose information can be trusted."

(Case 7 My translation)

This case covers several factors of strong cultural capital. Indeed, in this case both the witnesses and the plaintiff have the privilege of speaking Swedish, enabling them to describe the incident in a detailed way, both in the preliminary police investigation and during the main hearing. In addition, the plaintiff was able to speak to people in her proximity right after the incident - which eventually strengthened her story -, the witnesses could confirm her acts and feelings right after the incident, making her story even more reliable. Erika also pointed this out during her interview.

"Yes, I believe it is a class privilege to be able to tell a story very clearly, and I think when you have been subjected to sexual violence, your self-esteem takes an incredible turn. If you are self-assured from the start, both in society and in relation to the judicial system, it would be easier to fit in this situation and tell your story than if you are racialized, trans or an addict, having very low self-esteem. Then it is harder to tell this story trustworthily, which in turn will affect the outcome."

(Erika, My translation)

It is never easy to recount rape; it is traumatic to repeat over and over what happened, and it may affect your self-esteem. Telling a story in a coherent and detailed way indicates respectability since it is considered trustworthy. In the case described above, the plaintiff also

seems to have a social network, her friends, whom she was able to talk to about the incident, indicating another strength of her cultural capital. These factors establish a foundation of capital enabling the plaintiff's categorisation as respectable (Skeggs, 2000: 258). On the other hand, what is not considered respectable is clearly displayed in trial number two (2), where the plaintiff has an addiction and was subjected to a group rape, and the perpetrators were not convicted. The victim's trustworthiness was challenged due to the substances present in her body after the incident; there was doubt whether she could be seen as remembering things clearly:

"It is also fair to believe that the substances present in her body have affected her to some extent. With this background, it would have been strange if all the details stuck in her memory and if she could describe a clear and precise sequence of all events."

(Case nr 2, my translation)

Thereafter followed a list of every substance found in her body, the drugs mentioned were alprazolam, diazepam, lorazepam, oxazepam, zopiclone, pregabalin, cocaine, benzoylecgonine, tetrahydrocannabinolic acid, buprenorphine, norbuprenorphine, and morphine. Every listing of the drugs included a short description of how they may affect her memory and apprehension, thus her ability to remember things. Other possible effects on her body were also mentioned, and whether the substance was classified as a narcotic. However, the court recognized that the amount of substances found in her body gave no complete ensuring evidence of affecting her ability to remember things clearly. However, the court gave a detailed interpretation of every drug and its side effect, and subsequently questioned her information's trustworthiness.

Also, low self-esteem was apparent in her relation to both the police and the juridical system, and affected her ability to tell a coherent and detailed story in the court case:

"Initially, she deliberately provided false information to the police. This was because she did not want the incident to be a thing, she was scared not to be believed and did not want to involve someone else [....] with her background, she had bad experiences from the police."

(Case nr 1, my translation)

As Erika mentioned earlier, it is common that victims of sexual violence show low self-esteem, and mistrusting the juridical system makes it difficult to tell a coherent story. Besides, there was a lack of witnesses, the only three she had been one police officer, the doctor who executed

the medical examination, and a friend described as "a peculiar person with many diagnoses". This is not necessarily associated with class, but the court somehow needs to address his many diagnoses, and even though they may not affect his ability to remember things correctly, there is still questioning and addressing.

Since the court questions the drugs found in her body as well as her ability to remember and recount the story trustworthily, (i.e. coherently, with detail, logically, with strong witnesses), she is deemed less trustworthy. As criteria for respectable femininity are either a cultural capital or a type of conduct (Skeggs, 1997: 100), this plaintiff was not able to achieve it due to her addiction and lack of witnesses. These categorisations become clear in the juridical system, as the plaintiffs described above (from case 2 and 7) get different verdicts since the one telling the more detailed and coherent story is the one more believed in court. The plaintiff in case number seven (7) did have a strong cultural and social capital, in terms of telling the story coherently and strong witnesses, which worked and help her to claim her victim status. This factor defines her chance of achieving respectability and trustworthiness, complicates justification of herself and her surroundings, and even reduces her chances of being successful in trail. Contrarily, a victim could gain more respectability by proving herself to be more trustworthy through witnesses and a coherent story.

The juridical system tends to define itself as the keeper of the truth and may therefore disqualify and neglect other knowledge and experiences (Smart, 1995: 4). Additionally, it holds power by experience from trying cases in court (Ibid). The justice system therefore has an unspoken bias, as they, after their own template, select which plaintiff is the most trustworthy. This definition of trustworthiness works in favour of middle-class women maintaining and further solidifying the structures and categories of 'good' and 'bad' women, and plaintiffs must adjust their behaviour to prove standards of respectability to the judge (Stanko, 1985: 91). Women stepping outside traditionally defined boundaries of niceness reduce their chances of receiving sympathy from the judicial system (Ibid: 91-92).

Besides, the class question does not solely differentiate between working or middle class, as highlighted by Petra:

"It can happen to everyone, to anybody. It is very difficult to understand; If you come from a good family, where the parents are working, and school is going well, why did

you end up in this? It then becomes a setback, or that you have been groomed on the Internet or something like that, which can happen to any child, youth or adult."

<div align="right">(Petra, my translation)</div>

This links to Skeggs' respectability theory and Stanko's definition of being 'good' but reversed. A privileged background may be problematic as victimization then backlashes. As mentioned earlier, the plaintiff's behaviour provides the standards of respectability (Stanko, 1985: 91). It becomes 'wrong' when the plaintiff has a respectable background, a cultural capital with favourable circumstances. As Petra points out, with a privileged background, you are considered not to put yourself in such a situation. If you do, you will not fulfil the requirements for respectability either. Since Skeggs' theory focus on the working-class striving towards the ideal of the middle class, in this context, it becomes questionable who actually can become respectable. Skeggs argues that middle-class women would not strive further, since they find themselves in favourable circumstances with social status within society (1997: 70). The ideals of the respectable woman would be disrupted by society and the justice system. The justice system will find loopholes to blame the victim, unaware that this could also happen to a middle-class woman. So, the cultural capital of a middle-class woman would not always be enough to classify her as a respectable victim.

7.2 Penetration as the definition of violence within rape

While studying the court cases, I took notice of the amount of details from the rape which seemed important for the court to consider during the assessment. A distinct feature of my empirical material was the emphasis on details regarding the physical aspects of the interaction between victim and perpetrator. In every court case there are extensive and meticulous descriptions, from both plaintiff and prosecuted, of how the (even contested) event occurred in relation to bodies: positions, angles, acts, how many times, etc. In addition, the court seems very interested in the form of sexual intercourse; vaginal, anal and/or oral. There is also extensive focus on penetration and how it was performed, with tools, fingers or genitals, how many times and again in which position, etc.

Besides, the court makes remarkably clear that this is black or white. In the same way that the court has unwritten rules delineating respectability, every victim (and perpetrator) must also

describe the sexual assault in detail. In this respect, the court shows little or no understanding and respect for the victim subjected to this violence. However, these details and whether they match with the medical examination after the incident, seem of high importance Numerous excerpts from the cases show the described details, focusing on the penetration:

"It was when [the perpetrator's name] for the first time penetrated her vaginally that she really felt anxiety."

(Case number 4)

"At one point, she was lying on her back and he held up one leg and he told her to hold both of her legs up. She obeyed and he inserted two fingers in her vagina and brought them back and forth."

(Case number 1)

"He had then taken off the condom and sat on her chest at the same time as he pushed his penis against her lips."

(Case number 4)

"They returned to what they had done before, and after a while she parted her legs. He perceived that she was ready for him to penetrate her. [....] He started to penetrate his penis into her vaginal opening."

(Case number 3)

"They went back to making out and he had a finger in her vagina for a while. [...] When he came into her again, she moaned very loudly, tightened her muscles, grabbed the sheets and had her arms around him."

(Case number 5)

"He then pushed his penis into her vagina. Thereafter, he wanted to see if she wanted to have anal sex [...] He then pushed his penis into her vaginal opening again."

(Case number 9)

"He argued against her and said that it doesn't matter and that he would not come. Thereafter he penetrated her vaginally with his penis, he was then on top of her as she laid on her back. Before he penetrated her, he also licked her."

(Case number 1)

"He was swearing and tried to penetrate her again and then bumped into her anus."

(Case number 10)

"Thereafter, [the perpetrator] returned and penetrated her demonstratively with fingers both vaginaly and anally."

(Case number 1)

"They then started to have sex in a position with him sitting on the bedside and her straddled-on top of him. [...] continued with him standing and her clinging around him. [...] they laid down in missionary position on the bed. [...] Secrecy A turned and laid on her side. After that she stood on all fours and they had sex from behind."

(Case number 5)

"A moment later [the perpetrator's name]'s penis started to soften and therefore they took a break and laid down on their backs. Secrecy A went up and drank and she did also bring water to him. The pause was not very long, so they started again with oral sex with "the sixty-nine". Secrecy A used both hands and mouth. Thereafter they continued in the missionary position again [...]."

(Case number 1)

"After that they continued with her riding him, he remembered clearly that she was sitting straight up. [...]he licked Secrecy A when she was lying on her back [...] They then had sex from behind again and he started to be completely softened. He pulled out and signalled then to Secrecy A that [...] he could satisfy her with the hand, which he did. She was wet and moaned."

(Case number 4)

It seems like penetration is understood as confirmation of the occurred violence. According to the definition of rape described earlier in this study, it appears that violence and coercion is rape according to Swedish law. Still, it is important to mention that this was before the law of consent came into action on July 1st, 2018. Before that, rape law was not based on consent, but on the actual violence, coercion, and intent. This means that rape necessitated criminal intent, i.e. that the perpetrator must have been aware of the victim not wanting intercourse, but chose to continue anyway (Nilsson and Lövkrona, 2015: 113). The main issue for the court to investigate is whether or not the rape was effectuated with violence and coercion. Why is it then so important for the court to know in what position the penetration occurred, how, and when? Same goes for the details regarding positions and where the legs, arms, hands and head were, or actions such as moaning, screaming, pushing, etc.

Reading these court cases and their descriptive details raises questions. It strikes as a problematic and limited way of speaking about sex and sexuality, especially since rape is more about assault and violent traumatic experiences than about sex. Speaking of traumatic experiences can be hard in itself and adding detailed information about the body and sexual content can be both intimidating for and offensive to victims. This extremely detailed information comparable to pornographic content can be applied to Skeggs' theory of respectability. Reading the cases was embarrassing and offensive with a feeling of violation of both the victim and the prosecuted. It also gave the impression of a correlation between the details of the physical violence, particularly of the penetration and visible wounds/bruises, and the trustworthiness of the account. For example, in court cases one (1), three (3), and four (4), the description of the victims' trustworthiness is similar, with words such as "detailed, nuanced, coherent, without exaggeration, in chronological order, able to clearly explain the course of events". These women also had supportive information from both the medical examination and witnesses. The consciousness and reflection around the respectable femininity is the normative (Skeggs, 2000: 52). Thus, speaking of intimacy with describing details the way it is done in these court cases, would depict the victims as more vulnerable and therefore more respectable - the account becomes more trustworthy. There are limitations to what women can and cannot do to become respectable (Ibid: 257), and by these the plaintiff creates a perception about herself and her value through the details. This is how detailed accounts of the penetration process and violence become a way to enter into the category of respectable, hence trustworthy victims. They (the plaintiffs) transfer themselves into a category they do not belong to thanks to a detailed account, as penetration and physical violence is an indication that fits the

categorisation of a vulnerable woman. Hence, talking about sex and such details, and not usually how respectable women act (Skeggs, 1997: 118)

It is not the respectable femininity described by Skeggs that gives power in the court cases, as the exertion of the body shows another form of femininity. In the actual rape scenario, the victims get a physical asset using their bodies in an abnormal way, facing resistance in the courtroom, and violence allows space for a refusal to signify powerlessness (Skeggs, 2000: 25). The respectable femininity represents independent femininity, simultaneously counteracted by the victims. Physical violence and penetration are tools for the court to consolidate the rape, making the victim respectable and therefore more trustworthy. The court reproduces the old patriarchal views of the subordinated woman as more respectable, showing her 'true' vulnerability. The court manipulates the normative approach of respectable femininity by exposing the victim to every detail in the rape, also within the most intimate and vulnerable context, the victim still must prove her respectability in order to claim her trustworthiness.

7.3 Sexual behaviour and respectability

Another factor connected to respectability in court, given much importance in my empirical material, is the woman's earlier sexual experience. While understandable that the court need an exhaustive mapping of the events, there is one overfocus on bodily practices yet an absence of emotions, feelings, even verbal interactions between the perpetrator and the victim. Indeed, there is significant focus in the trials on how the plaintiff acted before the incident, as well as on her sexual preferences. In trial number one (1), the plaintiff's ex-boyfriend is testifying:

"He has never been aware of that Secrecy A has wanted to be injured or have her hair pulled in a sexual context".

(Case 1, my translation)

Similarly, in trial number four (4), the accused and the plaintiff discussed domination sex before the incident.

"He covered her mouth in short periods, but not more than 5-10 seconds. [...] She laid down in his lap on her stomach. He started to spank her and asked her to count. He also

kept what A told him in mind [during the abuse], that she had participated in threeways and orgies and liked domination sex."

(Case 4, my translation)

In trial number one, the plaintiff's ex-boyfriend confirms that she does not prefer to have her hair pulled in a sexual context, and in trial number four, the perpetrator uses her earlier sexual experience to legitimate his behaviour. Clearly, a woman's sex life is connected to her social respectability (Stanko, 1985: 43). Together with myths surrounding rape, that only women who ask or wish for sexual relations are raped, women's untenable position reproduces itself in raped women's emotional responses. Raped women are told distinctively that whatever happened to them is a commentary on their own behaviour (Ibid).

In court case number nine (9), consent comes to light as the plaintiff initially had sexual relations with the two men, so when they had the idea of putting a bottle between her legs and she first pulled her legs together only to have the perpetrators divide them, according to court, this was only a sign of shyness.

"After initial sexual intercourse, they admittedly held her legs before the bottle entered her abdomen, [it] must have been perceived as an expression of lack of consent on her part, but possibly as a sign of shyness or initial doubt. "

(Case 9, my translation)

Here the court makes assumptions about her sexual experiences and preferences based on grossly generalized conclusions about consent. I am aware the outcome might have been different if this case was brought up today due to the consent law, but I want to highlight the issues of court assuming her sexual behaviour and consent. This is also seen in case number one (1) and four (4), with different approaches. In both cases nine (9) and four (4), the perpetrator was not convicted, partly based on the plaintiff's consent to earlier sexual encounters and current sexual activities. According to Skeggs (1997: 118) a sexually active woman is less likely to be respectable and therefore less trustworthy. Women with multiple sexual relationships would be labelled as 'loose' and put themselves in situations with risk of being sexually abused (Stanko, 1985:91), as described above (cases 4 and 9), with preferences such as domination sex, or involved

with two other men at the same time. The court's perspective is that it makes sense that both plaintiffs put themselves in these situations of their own free will, due to earlier sexual activities with and without the perpetrator.

The victim's actual feelings during the abuse are seldom addressed, i.e. if she was scared, threatened, helpless. Relationships both with the perpetrator and others are brought up in the investigation, hearing and assessment. It shows in a number of excerpts from the court cases.

"Thereafter, she took off her sweater and jeans, crawled over his legs and lay next to him in panties and bra."

(Case 8, my translation)

"After she said no to [the perpetrator's name] advances, getting undressed and lying in bed, she acted in such a way that [the perpetrator's name] had no reason to believe that she had changed her mind and that her 'no' was no longer applied. Neither did her continued behaviour give him reason to think that she did not want to have intercourse with him. The district court cannot find any reason to question [the perpetrator's name] statement that he would stop if the plaintiff asked him to do so."

(Case 8, my translation)

"They had been sleeping together and had sex periodically"

(Case 10, my translation)

"Thereafter, she talked mostly with her boyfriend Anton, and went to bed with him around two, half past two. They had sex and feel asleep after that".

(Case 7, my translation)

"This seems especially true in the light of what Secrecy A and Gustav have explained, that A does not appreciate it [having her hair pulled in a sexual context]."

(Case 1, my translation)

"Seeing as Secrecy A had had sex with Jonathan's other prosecuted friends at the time, the district court therefore considers that the circumstances are so that Jonathan shall

not be convicted for sexual assault just because he asked if A wanted to give him oral sex."

<div align="right">(Case 9, my translation)</div>

"Her and Rikard's relationship was developing. However, she did not have strong enough feelings for him, but he was in love with her. They had had sex a couple of times, latest a week before the actual incident. She has not had sex with someone else after the incident."

<div align="right">(Case 2, my translation)</div>

Exactly why the court is almost obsessed with information regarding the plaintiff's sexual experience and relationships, is difficult to answer since I am not familiar with the justice system in general, nor the laws. However, it seems that the courtroom prescription of being a respectable victim is related to sexual boundaries, acts and experiences that are fundamental to follow. Judges attempt to assess the complainants' trustworthiness as a control of sexual consent, (Stanko, 1985: 90). Being respectable is central to women who use their femininity, class and sexuality to admit social worth and legitimacy (Skeggs, 1997: 98). I argue that it is possible to use this notion to understand how the victim is constructed. To become a respectable victim, it is important to show the 'right' sort of victimhood for the 'right' reasons. In this context, Skeggs' middle-class femininity is more fragile and therefore more suitable for the justice system. The respectable fragile femininity can be applied to Christie's (2001: 48) theory of the ideal victim - weak, virgin, subordinated, being in a place that she cannot be blamed for being in. In the court cases described above, previous sexual activities and behaviour like for example having sex with more than one man at a time, is from the court's perspective abnormal, unnatural, and not fitting the template of the judicial system's definition of being respectable or an ideal victim. Also, this ties in with Christie's theory, that the ideal victim should be a young virgin with no sexual experience (2001: 48), which none of these plaintiffs could applied to, in the cases described above. Although Christie's theory can be quite severe, it is still accurate how the court construct their ideal victim, making it more difficult for the plaintiff to claim her victim status.

On the other hand, court case nr eight (8) described above, where the perpetrator was an ex-boyfriend and the plaintiff laid down next to him wearing only underwear, constitutes a prime example of how the court reproduces what Christie (2001: 52) calls the non-ideal victim model. An individual having difficulty claiming a victim status tends to be suspected instead, which

happened in the cases described above since only two of the cases led to the perpetrator being convicted. Plaintiffs who intentionally devoted themselves to something perceived as doubtful and found themselves at a place and time not acceptable (Ibid), will be suspected. According to Stanko (1985: 91-92), a woman can be portrayed as provocateur or contributor to her 'misfortune' behaviour. Visiting a man's flat, accepting a ride home or having drinks with a man, are all situations seen as a woman's invitation to sexual relations. Women stepping outside traditionally defined boundaries of niceness reduce their chances of receiving sympathy from the judges or police (Ibid), thus they are the non-ideal victim (Christie, 2001: 52). In the cases described above the plaintiffs did drink, went home with a man from the pub, had sex with another person in addition to the perpetrator, had deviating sexual preferences - all categorised as 'misfortune behaviour' and an non-ideal victim. This in turn can lead to a no not being considered a no. These categorisations are considered an invitation to sexual relations, making it impossible for the plaintiff to claim her status as a victim. As the plaintiff choose to be involved in sexual activities first, she becomes the suspected one instead, and her trustworthiness is therefore questioned. This clarifies that the court has unwritten rules of how a victim should behave to become respectable and trustworthy. Women not subscribing to these misfortune behaviours have the advantage in court and could more easily claim their victim status, as shown in the court cases where the perpetrator was convicted.

"In this case, the plaintiff had been alone, and the perpetrator must have been frightening and offensive to her."

(Case 3, my translation)

"She is thinking about the incident all the time, cannot sleep and is having issues with school. She is very scared of [the perpetrator] today."

(Case 6, my translation)

"It can also be noted that the situation clearly put the plaintiff in a state of shock, which appears in her own story and other stories that have described her as uncontactable"

(Case 5, my translation)

Women who do not avoid questionable situations risk to be eliminated from the category of women the judge is supposed to believe (Stanko, 1985: 90). In case number one (1), three (3), five (5) and six (6), it becomes clear that the women have been in helpless positions with an unknown perpetrator that they did not have had an earlier relationship to, which is also a criteria

for the ideal victim (Christie, 2001: 48). Hence, they could claim her victim status and become more trustworthy.

8. Rape and racism

This chapter will draw from the interviews and will focus on rape and race. In the first part, I will problematise how violence is categorised differently depending on the victim's race. The second part will highlight the issue of women's shelters constructing their own trustworthy and ideal victim and refer to the court's construction of the victim.

8.1 Cultural violence or just violence

The subject of rape and race was difficult to discuss during the interviews. My aim with the interviews was to investigate whether race affected the construction of the victim in court. However, I found another surprising result: the women's shelters in my interviews had little experience of working with women of other ethnicities than white/Swedish. Further, when the race and/or ethnicity came up in conversation, it was immediately connected to religion and/or culture. As Crenshaw states (1991: 1271), previous research of coloured women exposed to violence is poor, compared to that treating violence against white women. Black women are already considered 'bad' women within cultural narratives (Ibid), a consequence of a complex intersection of gendered sexual and racial justice system, with rules beneficial to white people. These narratives constitute the representation of the Black female body in the justice system and influences the trustworthiness of the victim (Ibid). This applies to what Erika discussed in the interview, regarding different kinds of victimhood:

"It might be a different kind of victimhood, and it depends on class, addiction and race, how that kind of victimhood is constructed, or its function, which impact the victim is allowed to have[...]."

(My translation)

The impact the victim is allowed to have, depends among other things, on race. Racism is included in today's social construction as a contemporary expression of race narratives (Crenshaw, 1991: 1268). In addition, there is a contemporary social construction of victimhood and influence of women of colour. Women of colour are not allowed to be 'real' victims,

because their impression and cultural narrative would not allow it (Ibid). The consequence of structurally constructed victimhood of women of colour influences the justice system and rape narratives (Ibid). Crenshaw (1991: 1266) claims that stereotypical notions of a black perpetrator and a white offender was leading in rape narratives and the juridical system and contributed to unequal conditions reinforcing both prejudices and power relations. Women of colour face subordination based on both race and gender, and laws about rape and judicial procedures may not address the reduction of women of colour. Thus, underlying cultural narratives destruct the trustworthiness of women of colour (Crenshaw, 1991: 1270). Together with challenges of both sexism and racism, this is a contributing factor to why women of colour who are raped receive unequal attention (Ibid: 1266).

However, as mentioned earlier, the discussion in the interviews about race and rape led to a discussion about culture/religion and rape. When I asked why these organisations did not have any other ethnicities in their shelters, the answered differed:

"If I am just guessing, I think that there is another stigma to live with addiction and violence vulnerability within families from another culture. In Sweden, we talk rather openly about addiction, how it is a dependency disease, and we have more knowledge about how it affects the brain, as you may have addiction in your DNA and stuff like that, but there is [...] stigma in having an addiction in other cultures."

(Matilda, my translation)

Kajsa reflected on the same issue:

"But if you think about Islamic culture, there are more honour-related violence issues, since the community would decide what should happen to this woman, or the couple [...] may be threatened to death. Then, if one thinks about Swedes, it is only the man living with the woman that is considered a threat, not the whole family, it is just him."

(Kajsa, my translation)

The third respondent Petra, did also express her thoughts about this issue, but from another aspect:

"I think there is much ignorance around that, it is so very dangerous as you cannot call your parents, and since it can be very dangerous for a person living in a context of honour, it is going to be even worse. [...] There is a lot of ignorance. [...] You are in your

little Swedish bubble where it is so very easy to just report the crime. But this could mean that you have to leave your family, to some.

<div align="right">(Petra, my translation)</div>

Erika also reflected on why there were almost only white people coming to their organisation:

"A big problem we have in our organisation is that we are a very homogenous group [...] I think it is due to our location in the inner city, we are a very white work force, it is a problem that many organisations have.

<div align="right">(Erika, my translation)</div>

The perspectives and inputs about race differ, but the basic idea was similar. Three of them addressed how sexual violence and race are most likely to be associated with culture and/or religion, and not the racism of the court. In addition, the answers reflect uniform thinking about race and honour-related violence. Kajsa did also mention the differences in patriarchal structures of living in another culture:

"[....] in some cultures they are used to the man deciding everything, and that is the way it is, while we are more of the opposite: it is a long process to try to show the woman that she decides in her own life, not that there should be a man standing above her deciding over her."

<div align="right">(Kajsa, my translation)</div>

This is particularly important concerning honour-related violence, since honour crimes are described as 'cultural traditions' or 'cultural practices' inherent to certain communities and geographical areas (Reddy, 2008: 309). Although I did not refer to race and culture, the same issue was raised by three of four respondents. Explaining violence against women in non-Western cultures, a significant focus is on defining the culture as naturally more patriarchal. This fails adequately to address less patriarchal practices that exist in most of the Western cultures (Ibid: 310). In patriarchal societies, considered as non-Western culture, gender-based violence is assumed originating from cultural beliefs or traditions, thus only women with other ethnicities than white suffer death, sexual violence or other abuse 'by culture' (Ibid). The view that culture includes abuse and violence only in non-Western societies is problematic, since it results in a failure to include the idea that the majority of violence is neutral or lacking in culture

(Ibid). This view would also increase the prejudice that the only violence a non-western woman can be exposed to is culture-based violence, in turn reducing other forms of violence towards women. There is still prejudice about which women can be exposed to violence in society, even within the women's shelters.

Focusing on cultural responses as honour-related violence may yet prove to be disadvantageous, causing communities to turn further inwards and increase the practices in question, a mechanism of survival as a community (Reddy, 2008: 310-311). Reddy argues that honour-related violence is assumed to be cultural rather than patriarchal, still there is a change where gender-based violence and a 'mature multicultural' approach is taken. Kasja is in that line of reasoning:

"Probably some people think that this is a societal question, only a problem in low-class or exposed areas. But this issue is present regardless if you are rich or poor, or what religion, culture and belief you have, which context you are in, this crime is always present. It is not specific to one group; everyone can be exposed. And many suppose that only weak women are exposed, but it is not true. It is not about weakness, anybody can be tricked into this, because the man is very good at manipulating."

(Kajsa, my translation)

The idea that violence could happen to any woman, and is not only a cultural issue, challenges the preconception of women exposed to gender-based violence being 'weak', low-class, or of another race than Caucasian. This idea of immigrants exposed to violence connotes violence as primarily cultural, or only occurring in specific groups of the society (Reddy, 2008: 317). In addition, this separates honour-related violence from other forms of violence on the basis of suggested cultural differences, further discussed in the next part. Such ideas might prevent attempts to establish honour-related violence as solely cultural, and to enable approaches for the protection of women such as 'mature multiculturalism'. A mature multiculturalist approach would ensure that positive aspects of understanding cultural issues are utilized by the society to understand underlying structures of what is seen as violence (Ibid).

8.2 The women's shelters' selection of victims

The construction of victims does not only occur within the courtroom. I found interesting that all interviewees stressed the homogeneity of the women at the women's shelters, and I wanted to examine why. All women wanting to leave a violent relationship may come to the women's shelters, however, some encounter difficulties since the shelters will not receive women with active addictions.

"I do not remember exactly, but there are very few protected residences in Sweden where addicted women exposed to violence are accepted[...] They are not allowed alcohol or drugs in the protected residences, but these can be accepted when they are there [at the places where they are allowed to be.]. Many of these women coming to us attest being subjected to violence, and seek protection [at other shelters], not allowed help due to their active substance abuse. The requirement is that you have to be clean to get in and get protection. It is very divisive for them."

(Matilda, my translation)

Thus, the majority of the women's shelters in Sweden do not accept women with active addiction, making their selection process exceptionally narrow. Kajsa admitted to having not met any women with addiction (drugs or alcohol):

"I cannot say that I have met women who are alcoholics or addicts, but I know that there can be a higher consumption of alcohol, [...] but women try to stay off it."

(Kajsa, my translation)

Kajsa hereby acknowledges the selection of victims seeking protection at women's shelters. Women's shelters originate from a feminist point of view, to end violence against women; they are supposed to work to counterbalance the shame and guilt women could feel in contact with the police, social services, or the justice system. Feeling personally responsible is very common amongst raped women, another example of how the burden for men's behaviour is shifted towards women (Stanko, 1985: 43). However, women's shelters are to listen to women's stories without judging, interrupting, questioning, or doubting (Nilsson and Lövkrona, 2015: 63). This feminist standpoint is based on violence as expression of power in gender inequalities, sometimes criticized for consolidating a chime between the female victim and the male perpetrator (Ibid: 64). This in turn is due to the need for the view of the female as a victim to

be clearly dissociated from earlier scholars' views of the victim as partly responsible for the violence she has been subjected to (Ibid). Further, women's addiction is applied on a culturally characterised stereotyped image of women, womanhood, and victimhood. It becomes clear that there is a reluctance to place women within the active position of the perpetrator (Ibid: 21). Very few women's shelters receive women with substance addictions of any kind, proving their part in constructing a victim fitting their frame of the ideal victim, in turn creating a separatism of whom is allowed to seek or not, whom is considered worthy of help.

Moreover, it is not only women with substance addictions who do not fit the frame of the ideal victim at women's shelters. Several discussions, both theoretical in academia and among the general public, refer to immigrant women as being at a statistically greater risk of being subjected to violence, yet not due to their ethnic or religious backgrounds (Nilsson and Lövkrona, 2015: 43). Instead, the constituting factors are seen to be social isolation, language barriers or insufficient knowledge of the Swedish justice system (Ibid). However, this also means that these women fulfil the requirements of an ideal victim at the women's shelters. Violence in the name of honour always provokes discussion, whether it is cultural or structural. The interviews indicated that honour-related violence goes hand in hand with "a different culture" (Ibid):

"We cannot afford a translator, which constitutes the most difficult part, and also the differences between our culture and their cultures that they are used to and experience; where they are accustomed to the man deciding, and that this is how it is [...]. These are very difficult questions due to different cultures, and this is what it is all about."

(Kajsa, my translation).

Here, Kajsa illustrates the problem of cultural disparity, how it is a challenge for organisations helping women with another ethnicity than Swedish/Caucasian. This is described by Lövkrona and Nilsson (2015: 133) as the culturalist perspective, which was criticized due to the notion of "oppressed immigrant woman" and the "oppressing immigrant man" emerging in the Swedish self-image, possibly occurring in far-right political arguments (Ibid). According to the culturalist perspective, a culture is perceived as a solid and separable entity that people are born into and belong to. People eventually become homogenised and their thoughts and acts are understood as static and unchangeable (Ibid). The migrants in Sweden from other countries can be seen as carrying their culture in a backpack (Ibid: 135-136). In this case, the women's shelters

categorise the "oppressed immigrant woman" as not aware that she can decide over her own life since she is "used to" there being an "oppressing immigrant man" making all of her decisions. This illustrates a very simplified and un-nuanced view of violence in an immigrant context. An immigrant woman cannot claim to be subjected to "standard" violence in the same was as a Swedish woman, as the violence that the immigrant woman is subjected to is only seen to be connected to culture and/or religion, and not to the patriarchal violence occurring in the majority of cases. The perspectives of power within gender inequalities have contributed to a narrow image of the woman exposed to violence (Nilsson and Lövkrona, 2015: 43). This depiction of the "woman subjected to violence" is shaped after a white middle-class woman, an image of the victim preferred in the women's shelters (Ibid). This excludes the women subjected to violence not fitting into the model of the ideal victim i.e. the women of other ethnicities (Ibid). Hence, it becomes even more difficult for immigrant women to claim their victim status since it is not seen to be linked to patriarchal violence.

The cultural belonging ascribed to a human cause's consequences both on an individual and structural level. The actions performed by a person from a certain culture will be interpreted as an expression for that culture (Nilsson and Lövkrona, 2015: 136). The acts are seen as being included in the culture and controlling your wife will be considered "typical" for the controlling person's culture. With this notion of culture, individuals become representations and ambassadors of their culture, in turn seen as a description of their cultural identity (Ibid). Another example of that is visible in Petra's discussion on the taboo of talking about intimacy:

"Yes exactly, and then it is very difficult for them [people from other cultures] to talk about it, sometimes not even your period, and it requires a lot from that person to tell such intimate things when they are not comfortable talking about the body."

(Petra, my translation)

This emphasizes a culture as "typical", exemplified by the stigma of mentioning violence and the body. Immigrant women's experience of violence is ascribed a cultural stamp. The limits between violence being cultural and entirely patriarchal, to any woman exposed, blur when they collide. As discussed earlier, how victims gain respectability in the courtroom, with prerequisites made by the court, is relevant here. Violence taking place in explicit interactions is invisible, due to the women's shelters' unawareness of immigrant women's experience of violence. These are some of the consequences of a complex interaction of a gendered sexual

and racial system, a system that constructs rules only beneficial to white, middle-class people, and discrediting women of colour (Crenshaw, 1991: 1271), or women with other deviant behaviours such as substance addiction.

To conclude, there are explicit delineations within the women's shelters concerning their idea of the ideal victim, such as recognisable patriarchal violence not associated with culture, and additionally the recognisable victimhood associated with sobriety. This displays the women's shelters' challenges when meeting women with unexpected normative victimhood, clearly resulting in a narrow selection of women allowed to apply for help at their organisation. This indicates that women suffering from substance addictions and immigrant women run an increased risk of being denied treatment and help, increasing their risk of being exposed to violence even more.

9. Concluding reflections

The construction of a trustworthy victim depends on various gendered social processes. Firstly, there is a major focus on the details of the incident. The Swedish court puts a lot of emphasise on the construction of coherent narratives focus on details of what actually happened and how. The plaintiff needs to remember and to tell exactly what happened, when and how; thus, the ability to remember, but mostly the ability to create detailed narratives defines the truth. Court defines the truth through the ability of the victim to recreate the incident and tell an extremely detailed and coherent story. However, studies of trauma argue that the anxiety arising in these situation can affect how the plaintiff remembers and tells the story, and there is a considerable risk that the details the court are searching for are silenced or marginalized. Court also heavily focuses on the physical aspects of the interaction and its details. However, the feeling of exposure and the emotional trauma experienced by many rape victims during the abuse is by no means reflected in the court cases as much as the physical violence. Although the Swedish law of sexual offense states that violence and coercion must occur for an incident to be classified as rape (before the consent law), I have analysed that they seldom reflect on the feelings of exposure, fear, powerlessness etc. which could also occur in a situation when subjected to violence and affect how one speak of the incident afterwards. According to the court, the physical violence, strong witnesses and coherence is the ones that matters and is of importance if the verdict should lead to conviction, which is something that also is connected to class therefore these factors demands resources that persons of higher class does have access to more

easily than people of lower class. People of higher-class affiliation does have the resources i.e. stronger cultural capital that is needed to become respectable, claim their victim status and become more trustworthy.

The second factor of the construction of trustworthiness is that sexual behaviour of the plaintiff seems to matter. For example, whether the plaintiff follows the perpetrator to his apartment alone, whether she has had an earlier relationship with the perpetrator, where and when the meeting occurred, earlier sexual experiences, etc. In this way, the court constructs the ideal victim as if drugs, alcohol, sexual behaviour, or even clothes were essentials of the incident, and not the patriarchal structures in today's society. These views risk legitimising men´s sexual violence, or rather making it understandable through the intake of alcohol and/or drugs. There is no questioning about the men's violent behaviour in the context, or their sexual experience and/or preferences. In my material, there is no focus at all on the perpetrator's view of women or their earlier experiences with women. The focus is only on the plaintiff's experience and behaviour. From this perspective, the court also creates a problematic view of sexuality, risking drawing wrong and inadequate conclusions of the plaintiff's account and trustworthiness.

The third conclusion of this study is one that I did not expect; the women's shelters' construction of women subjected to violence. I found that race do matter in the construction of trustworthiness within the context of women's shelters. As mentioned earlier, a trustworthy victim needs to be able to tell the story in a coherent way. This requirement is also present in the women's shelters. To be coherent in their story, the one subjected to violence needs to be a woman from the ethnic majority population. If a woman with another race and/or culture has been subjected to violence, it is taken for granted that this was not "normal" violence, but rather the extreme patriarchal violence occurring within that "other" culture, and consequently the women's shelters' cannot support them. My empirical material identifies a serious lack of knowledge about an important part of the population. Moreover, the women's shelters' do not receive women with any addictions - another active and problematic selection from their side. This becomes a serious problem due to women with addiction often being more vulnerable and having an additional need of support.

It does also become clear that the judicial system is based on laws and social aspects that emerged 400 years ago. The view of the rape victim is also based on these historical aspects of how victims of rape should behave, dress, act etc. Although, things have changed, laws and

other aspects are still deeply rooted in the old-fashioned directions of how the ideal victim is constructed.

Class and racialisation are an important part of how a person subjected to violence is constructed both in court and within the women's shelters. As a coherent, detailed, and logical account is the fundamental part of what defines a trustworthy victim, this is currently extremely coded as a white middle-class story. Hence, I do think there is a need for a counsel for the injured part and/or a lawyer, specialised in the field, to inform the plaintiff of how to speak, act, and all other things considered important in order to get the highest odds of being seen as trustworthy. The plaintiffs need to understand the limitation and how they can get around them, as it is easier to overcome the justice system this way, since trying to change the system will take way more effort and time, if that is even possible.

9.1 Further research

On a local level, further research could include interviews with jurors, prosecutors, lawyers, and counsel of the injured party with experience of these cases, to bring more relevant information and how a trial is conducted. An opportunity to attend a rape trial would provide extended information not only from case protocols, which might be limited. It would also be of interest to systematically investigate every intermediate step of a rape case; from reporting the event to the police to trial, including the protocols from the preliminary investigation, and further, to the prosecutor. This would allow examination of which factors matter for the case to proceed from the police to the prosecutor, and whether the prosecutor chooses to bring it up on trial. To explore factors constructing the trustworthiness within this context, factors which move the case on step by step, and requirements for the case to advance to trial, would be of interest. Indeed, many cases never get a second hearing by the police, as police find it unnecessary to convey the case to prosecutor due to lack of evidence.

In the global scope, it should be relevant to study how trustworthiness is constructed in different countries. I suggest examining other countries' perspectives on trustworthiness, whether they share the same values as the Swedish justice system, if there are differences, and why. By investigating relevant laws and justice systems in different parts of the world, it would be possible to explore which social factors differ and which are similar. Also, investigating different countries' definitions of rape and other sexual assault crimes allows comparison of

rape cases, and, not least, a possibility to attend trials abroad would reveal the differences and similarities with such trials in Sweden.

Further research could also, in extended scope, examine the discourses that the women's shelters create. How and why they exclude immigrant women that are subjected to "normal" violence, if they are aware of the issue that in different contexts, violence connects to culture and/or religion. It is noticed that there is a matter of taboo still present. Likewise, both class and race are missing topics in research about women's shelters. The present study might not be immediately generalized as being based on too few cases and interviews. Therefore, it would be of interest to extend research on actual separatism occuring in the women's shelters, in the exclusion of immigrant women in the Swedish context. Firstly, how they are excluded, but also if they are aware of the issue and what they do to prevent it.

Finally, it would be interesting to study new cases after the passing of the present law of consent and establish whether there are differences before and after the law. What differences have appeared, and why? Also, investigating how rape cases are judged before and after, the influencing factors, and whether violence is valued differently. As a result of the law of consent, the notion of "careless rape" has arised. This means that consent to sex was not clear from both sides; no longer necessary to scream and shout "no" and to resist with your entire body, as this law indicates different and subtle ways of showing that a no is a no. This settles a shift of focus from rape only being an act of violence, by establishing that there are other ways of expressing your non-consent, which might be advantageous to many victims. Nevertheless, this new law has also been criticized for being too vague, with ambiguous direction and unclarified boundaries. Still, it would be of interest to examine whether there have been any differences in rape trials since the passing of the law since this study was conducted only two years after it was introduced.

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11. Appendix

Coding and categorisation scheme

Main category	Subcategory	Subcategory	Subcategory
Witnesses	Consistency of the story from the victim (chronological order, behaviour, impressions, details etc).	Matching information from witnesses	Doctors/Police
Victim's behaviour before the abuse	Sexual behaviour	Intoxication	Clothing
Victim's behaviour during the abuse	Verbal contradictions	Bodily expressions/Sexual behaviour	Feelings
Victim's behaviour after the abuse	Mental and physical feelings/acts	Contact with others	Report
Other evidence	Videos, pictures etc.	Medical examinations (injuries, wounds, bruises)	Technical evidence/ preliminary investigation
Ethnicity	Culture/taboo	Honour-related violence	Treatment (Police and court)
Social Class	Addiction/drugs	Trust/treatment (police and court)	One specific group is exposed
Guilt and shame	Blaming themselves	Court/police blames them	Taboo
Sexuality and relationships	Earlier sexual experiences	Relationship with the perpetrator	

Intervjuguide

Inledning

- Berätta gärna lite om organisationen
- Vad är din roll inom organisationen?
- Hur länge har du jobbat där?
- Har du alltid arbetat med denna typ av jobb?

Bemötandet

- Är det många som anmäler?
- De som inte gör det, handlar det om rädsla?
- Hur många fall från er organisation är det som går till domstol?
- Är det någon skillnad på vilka fall som går vidare beroende på etnicitet och/eller social klass?
- Har ni märkt någon skillnad på bemötandet om det är exempelvis en person som har ett icke-svenskt kodat namn?
- Har ni märkt andra avvikelser i beteendet hos de som behandlar dessa ärenden när det går vidare till domstol?
- Har ni märkt att om offret tillhör en annan social klass eller innehar en annan social status, att hen blir bemött på ett annat sätt?
- Finns det något mönster i bemötandet beroende på varifrån personen befinner sig i samhället socialt?

Fördomar och förutfattade meningar

- Varför tror du/ni att det finns en del fördomar om social klass och/eller etnicitet i sättet de bemöts på? Både i domstolsväsendet och i samhället.
- Märks det av att det fortfarande är tabu att tala om våldtäkt eller annat sexuellt våld? På vilket sätt? okunskap
- Om det exempelvis rör sig om en kvinna som har en annan etnicitet än svensk, finns det mycket fördomar om hur vidare det rör sig om hedersrelaterat våld?
- Enligt statistik från BRÅ utsätts alla kvinnor för våld, oavsett religion, klass, etnicitet, socioekonomisk bakgrund, utbildning m.m. varför tror du/ni att det eventuellt finns förutfattade meningar beroende på vad offret har för social status och etnicitet? Exempelvis ekonomiskt eller utbildningsvis?

- Finns det andra sociala faktorer som kan spela in, exempelvis kvinnans relationsstatus eller tidigare sexliv eller sexuella preferenser? Nära relation med förövaren?
- Vad tror du att dessa fördomar beror på?

Trovärdighet och respektabilitet
- Historisk sett har man sett att beroende på om exempelvis kvinnan var gift, var piga, hovdam eller liknande, var lagarna och straffen olika. En kvinna kunde exempelvis bli mer trovärdig om en våldtäkt hade skett om hon exempelvis var gift. Ser ni något spår av detta än idag, att en kvinna blir mer eller mindre trovärdig beroende på vart hon bor, eller vad hon har för yrke, eller civil status?
- Vad tror du det är för faktorer som gör att en kvinna är trovärdig i dessa typer av fall?
- Finns det nåt som mer eller mindre tydligt pekar på specifika faktorer i bristen på trovärdighet? Vad beror det på?
- Oftast i rättegångar handlar det om att ge en trovärdig och tillförlitlig bild, alltså att offret ska ge en sådan korrekt bild som möjligt av händelsen, vad tror du gör att man får en trovärdig och respektabel bild av den utsatta?
- Kan det vara så att vissa egenskaper väger tyngre än andra? Varför? Vilka?

Transcripts of interviews can be accessed from the author of the thesis, by request. Interviews were conducted March 9th (two of them), 23rd and 16th.