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Resisting Rape Myths and Doing Feminism in Legal Processes of Rape Cases

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In this article, we draw on insights on contemporary feminist activism and explore practices of challenging previously dominating notions of rape in legal processes. We have analyzed interviews and recorded interrogations from ten rape cases, using thematic qualitative analysis. The results are presented in four sections representing the main themes identified through the analysis: lacking faith in the legal system, coproducing feminism through support, reporting the rape as a feminist act, and doing resistance in court. The analysis shows that both in the interviews with the complainants and in the court hearings, a feminist discourse centering around a critique of previously hegemonic notions about rape, as well as expressions of a feminist solidarity, was evident. We suggest that acts of everyday feminism are crucial for this kind of feminist discourse to come about in legal processes related to rape.

Key words: rape; plaintiff; court; feminism; legal process; victim.

Introduction

The present age is characterized by an increasingly visible feminism challenging the very entrenched sexism, misogyny, and sexual regulation of women and their bodies (cf. Dean and Aune 2015; Keller, Mendes, and Ringrose 2018). Research has described how feminism(s) are finding new forms and expressions and are growing vibrantly, particularly among girls and young women (cf. Baer 2016; Keller and Ringrose 2015; Lewis, Marine, and Kenney 2018). A large body of research has explored how sexism, violence against women, and previously hegemonic notions of rape are being

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challenged in social media and everyday life through acts of everyday feminism (Blais and Dupuis-Déri 2022; Rentschler 2014; Schuster 2017; Sills et al. 2016).

In this article, we draw on these insights about contemporary feminist activism to explore women's practices of challenging, or rupturing, dominant notions of rape and the sexual regulation of women's bodies in a different setting: legal processes pertaining to rape. Previous research shows that despite policy ambitions to strengthen the positions of the (women) victims, such processes tend to be organized by patriarchal structures and are characterized by rape myths and stereotypical notions about the ideal victim (cf. Larcombe 2002; Smith and Skinner 2017; Temkin, Gray, and Barrett 2018).

Earlier studies have indicated that both the complainant and other actors can, at least to some extent, challenge stereotypical notions (cf. Ehrlich 2020; Jacobsson 2024; Smith and Skinner 2017; Temkin, Gray, and Barrett 2018). Drawing on interviews with victims of rape and on recordings from court hearings, we ask if and how feminism is performed in legal proceedings related to rape. We show examples of how women, together with different actors around them, actively challenge and resist sexist structures and victim blaming in these legal processes, and, in this way, demonstrate how a feminist discourse is created. We argue that these are examples of how feminist activism has moved into the institutionalized legal sphere, and that mechanisms of everyday feminism are crucial for this move.

Challenging rape culture: online activism and everyday feminism(s)

Various studies have shown that digital platforms provide a space for intersectional conversation and serve as fora to communicate ideas, educate, and organize, especially among young people. In particular, digital platforms make it possible to find, and connect to, feminist movement(s) (cf. Mendes, Ringrose, and Keller 2018; Sills et al. 2016). Digital spaces are described as holding the potential to be sites for new and creative ways of making sexist structures visible and challenging them, spreading the discussion of feminism to people's everyday lives. This has been described by researchers as a new form of everyday feminism that challenges a culture of sexism and traditional gender norms (Carter Olson 2016; Keller, Mendes, and Ringrose 2018; Schuster 2017; Sills et al. 2016). Importantly, digital platforms function as spaces where victims of sexual crimes can share experiences and cultures of (intimate) support can be created (cf. Rentschler 2014). In Loney-Howes's (2018) study, many of the experiences shared challenged assumptions of rape, for example notions about the "non-authentic" victim, such as victims who did not express non-consent to sex with explicit resistance, victims who initiated contact with the perpetrator, and victims of rape within love relations. Through sharing their story, rape victims can be supported and gain recognition as victims, even though their stories may challenge hegemonic discourses.

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Digital media and hashtag-based movements such as #MeToo and #BeenRapedNeverReported have the potential to make individuals aware that the sexual violence they have experienced is not only a personal suffering but part of a broader structural problem (Baer 2016; Carter Olson 2016; Mendes, Ringrose, and Keller 2018; Ringrose and Renold 2012). Among others, Keller, Mendes, and Ringrose (2018, 239) argue that hashtags like #MeToo "provide important opportunities for the development of feminist solidarity and consciousness." Mendes and Ringrose (2019) describe that many of their respondents felt an obligation to join #MeToo and speak up about their experiences to express solidarity with other victims, make sexual violence a political issue, and educate boys and men about rape culture (cf. Loney-Howes 2018). They show that there are no clear-cut boundaries between digital and non-digital activism, and that digital support can contribute to women taking the step to report a rape.

Research also reveals more private and individual forms of protest that occur in everyday lives. Described as everyday feminism, these forms of protest are characterized by individual actions taken to challenge the injustices in one's own life (cf. Blais and Dupuis-Déri 2022; Kelly 2015). Everyday feminism entails opposing, for example, sexism, male dominance, and rape culture in any sphere of our lives where these structures are experienced at the interpersonal level, by resisting, confronting, and rebelling against patriarchal structures. These acts of individual resistance are not coordinated, yet they interact through an interdependent process of spreading knowledge and influencing people, and can thus be seen as part of a larger social movement (Blais and Dupuis-Déri 2022; Kelly 2015; Schuster 2017).

To report the rape or not

Many women report mistrust in the legal system, and the notion that reporting a sexual assault is meaningless seems to be common. There is a fear of not being believed by the police and of being mistreated when making the report (Brooks-Hay 2020; Greeson, Campbell, and Fehler-Cabral 2016; Haskell and Randall 2019; Taylor and Norma 2012) and there is a prevalent risk of experiencing secondary victimization during the legal process (cf Orth 2002). Despite this, some victims still choose to report the rape. Studies have shown that this is more likely if the victim is encouraged by others (cf. Brooks-Hay 2020; Paul et al. 2014; Taylor and Norma 2012). Even though victims can be mocked, shamed, and disbelieved by the police when reporting (cf. McMillan 2018; Patterson 2011), studies also show that some feel encouraged and supported by the officers they interact with (Brooks-Hay 2020; Greeson, Campbell, and Fehler-Cabral 2016; Jacobsson 2024; Taylor and Norma 2012).

Studies have shown that the most prevalent reasons why victims choose to report sexual assaults in some way relate to protecting others, for example to prevent the perpetrator from committing further assaults and to warn others of his behavior. Victims sometimes see reporting the crime as a duty and as a

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responsibility toward society in general and women in particular. Along similar lines, some have indicated that even without a conviction, the report is worthwhile as it becomes part of the statistics, which might lead to a greater understanding of men's violence against women and perhaps make it easier for others to report in the future (Brännvall 2016; Brooks-Hay 2020; Taylor and Norma 2012).

Research has also shown that responses by police officers to victims of sexual offence have improved over the last couple of decades (cf. Haskell and Randall 2019; Hester 2013). Many are now using a "trauma-informed" and "victim-focused" approach, understanding the cognitive and social conditions the trauma and stigma of the assault might result in, and treating the victim with care and respect (cf. Hester 2013; MacLeod 2016). After the #MeToo movement, the Swedish police force adopted this approach to avoid secondary victimization (Carroll 2021). Despite the overall improvement, studies have shown that police officers in Europe and United States are still influenced by stereotypical notions of rape when assessing the credibility of a victim's story (cf. Gekoski et al. 2023; McMillan 2018). An interview study with Swedish police officers showed that they felt that they lacked the tools needed to empathically and respectfully meet women who had been raped (Rudolfsson 2022).

Rape myths, victim blaming, and resistance in legal processes

Rape myths are key to hegemonic articulations of rape. Rape myths rest on the belief that there is such a thing as an ideal victim of rape (Burt 1980). Some common themes in rape myths concern how a victim is supposed to act, such as resisting physically and leaving the situation as soon as possible, being properly upset afterwards and reporting the incident to the police immediately. They contain the belief that only certain people can get raped, and that appearance, behavior, and earlier sexual experiences can indicate that the victim was "asking for it." The myths claim that false accusations are common, motivated by revenge or regret (cf. Ellison and Munro 2010; Leverick 2020; Randall 2010).

Research on legal proceedings of rape cases shows how these tend to be organized by patriarchal structures and are characterized by rape myths, which supply defense attorneys in court with various options to disqualify and discredit the complainant's testimony (cf. Bladini, Uhnoo, and Wettergren 2023; Smith and Skinner 2017; Temkin, Gray, and Barrett 2018). Studies also show that judges and juries are influenced by rape myths in their decision-making (cf. Dinos et al. 2015; Ehrlich 2020; Leverick 2020). However, some studies have also shown that professionals in court are able to some degree to resist the influence of stereotypes such as rape myths in their decision-making (cf. Temkin, Gray, and Barrett 2018).

The structure of oral court hearings, with pre-allocated turns of questions and answers, allows the use of questions to discredit and put blame on the victim in an overt manner. However, this also restricts the questioner and the

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witness has the opportunity to produce an alternative story through their answers (Atkinson and Drew 1979; Matoesian 1993). Various researchers have shown how complainants can resist and control the narrative by choosing not to answer, evading questions, omitting facts, and providing additional or alternative information (cf. Drew 1992; Eades 2000; Ehrlich 2007, 2020; Gibbons 2003). Atkinson and Drew (1979) argue that a witness might recognize that a line of questioning will lead to accusations and therefore produce denials or justifications in advance. In line with this, MacLeod (2016) shows how women reporting a sexual assault to the police present information not yet asked for as defenses or explanations for behavior corresponding to different rape myths. Ehrlich (2007) argues that prosecutors and lawyers in rape cases can prompt the witness to give these kinds of pre-emptive explanations by using strategic questions.

However, Larcombe (2002) points out that for most complainants this display of resistance is not possible. To be able to succeed the complainant needs to possess some linguistic skill, be reasonably polite, and able to speak frankly and straight. They also need to have a strong sense of self and not appear too compliant. This will obviously be impacted by, for example, class, age, functionality, and cultural/ethnic background. Gibbons (2003) argues that no matter how well-spoken and confident the witness is, the cross-examination will always be difficult and occasionally humiliating.

Swedish court proceedings and rape legislation

In Sweden, court proceedings are relatively informal compared to those in Anglo-Saxon countries. There is no jury system and the district courts are ruled by a legal judge and three lay assessors/jurors (Dahlberg 2009). The legal process is adversarial, meaning that the prosecution and defense are responsible for gathering and presenting evidence. According to the principles of orality (SFS 1942:740, 46:5) and immediacy (SFS 1942:740, 30:2), all evidence must be presented verbally during district court hearings.

Swedish law mandates the appointment of a legal representative for the complainant in cases of sexual offenses as soon as a preliminary investigation begins (SFS 1988:609). This representative's role is to advocate for the complainant during the investigation and court proceedings and can also provide emotional support (Carroll 2022).

In the 2000s, three significant legal changes took place in Sweden. In 2005, the concept of a "helpless state of mind" was introduced into law, allowing for a rape conviction if the complainant was unable to express their will due to factors such as sleep, a mental disorder, or intoxication (SFS 2005:90). In 2013, the Rape Act was revised again, replacing "helpless state of mind" with the term "particularly vulnerable situation." This allowed for rape convictions in cases where the complainant reacted passively to the abuse, experiencing what is known as "frozen fright" (SFS 2013:365). The current legislation came into force in July 2018 (SFS 2018:618) and aimed to promote a shift in societal

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attitudes, reframing rape not as a gender issue but as one centered on individual sexual integrity and autonomy. The law states that consent is central to proving criminal culpability. Lack of expressed consent is enough for the act to be considered a crime and both (all) parties involved are responsible to ensure that consent is explicitly expressed, verbally or by action, by the other party. Passivity is not considered an expression of voluntary participation. The Swedish Government stressed that it is the expression of consent that matters, not the inner will of the complainant (Government Bill 2017/18:177). In many rape cases there is no technical evidence and no witnesses to corroborate the stories, and the verdict must rely solely on the parties' verbal testimonies. The burden of proof is on the prosecutor, and it has to be proven without doubt that a crime has been committed, which can be hard for the court to determine (Bladini, Uhnoo, and Wettergren 2023; Ehrlich 2016; Wegerstad 2021).

The new Swedish legislation is part of a wave of consent-based laws that swept over Europe between 2017 and 2023, coinciding with the #MeToo movement (Uhnoo, Erixon, and Bladini 2024). One issue raised concerning rape laws based on consent is that they might put a disproportionate focus on the behavior of the complainant (cf. Halley 2016; Munro 2010). To counteract this, efforts have been made to shift the attention as to whether the defendant took reasonable steps to ascertain consent was present. This, on the other hand, could risk reversing the burden of proof (Burgin and Flynn 2021; Dowds 2022; Halley 2016; Uhnoo, Erixon, and Bladini 2024). An additional discussion addresses the concern that interpreting if consent was expressed will inevitably rely on cultural norms about women's behavior in sexual situations, which risks invoking rape myths and other stereotypical assumptions. Feminist legal scholars have criticized this, arguing that it reflects a male-dominated perspective and does not fully safeguard women's sexual integrity due to existing gender inequalities (Bladini and Andersson 2020; Burgin and Flynn 2021; Dowds 2022; Ehrlich 2007; Halley 2016).

Studies have shown that legal proceedings in rape cases in Sweden, as in several other countries, still tend to be characterized by rape myths (Ehrlich 2020; Leverick 2020; Smith and Skinner 2017; Temkin, Gray, and Barrett 2018; Wallin et al. 2021; Wegerstad 2021). Wallin et al. (2021), however, found that the reasoning in the verdicts after the implementation of the new legislation showed some resistance to rape myths that did not correspond with earlier research in the field, and the Swedish National Council for Crime Prevention found that numerous cases prosecuted after the law reform would not have been considered criminal actions under the old legislation (Brottsförebyggande rådet 2020:6).

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Material and method

This study is part of a larger project collecting interviews, interrogations, and written verdicts regarding three types of crime—rape, assault, and fraud. In this article, we look at data from the ten collected rape cases (four acquittals, cases 1–4 and six convictions, cases 5–10) and analyze interviews and recorded interrogations with the complainants. The verdicts have been consulted, but not thoroughly analyzed. Cases were chosen from the Karnov database, which publishes court verdicts in Sweden. The selection was based on the recentness of the proceedings and suitability to the project concerning length of interrogations, complexity of the case, age of complainants (over eighteen), and availability of the complainants. Due to regulations on confidentiality, complainants were contacted through their legal representatives. The interviews were held some days after the verdicts had been announced.

The data were collected between 2019 and 2021, after the consent legislation regarding sexual offenses had come into force. The study followed ethical guidelines and national laws (SFS 2003: 460) and was approved by the Regional Ethics Review Board (Dnr 2018/218). To protect privacy, individuals and locations are anonymized in the presentation of empirical data. During the interviews, participants were asked to talk about their overall experience of the legal process, starting from the crime event up until the time of the interview. The questions were semi-structured and the focus was on their experiences regarding associated feelings of guilt. Court interrogations of complainants in district court hearings are always recorded and are in most cases made public. However, rape cases are considered particularly sensitive and written approval from the complainants was therefore obtained to obtain the recordings. All interviews and recorded interrogations were transcribed to allow directed content analysis. The data were imported to NVivo, a software for managing and analyzing qualitative data.

In the analysis, we use three closely related and overlapping concepts—feminist discourse, doing feminism, and feminist resistance. In line with Butler (1990), feminism and gender are in this article considered to be more about "doing" than "being." "Doing feminism" is understood as reproducing a societal feminist discourse. We do not, however, assume that feminist actions are based on a specific idea or knowledge about gender and equality, but argue that they can be formed in many different ways and in some cases even be contradictory. Feminist resistance is part of doing feminism, and it is subsequently conceptualized as acts that challenge the structural system of sexism, rape myths, rape culture, etc. There are many different ways in which feminist activism and resistance can be carried out, both collectively and individually, explicit and subtle (Thomas and Davies 2005). In this study we conceive acts of treating rape victims as reliable, trustworthy, and blameless as doing feminist resistance to patriarchal and sexist structures. In addition, we conceptualize acts of care, reassurance, encouragement, and other forms of support to the victims as embodiments of feminist resistance.

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We conducted a thematic qualitative analysis drawing on these concepts to identify patterns or themes, following the approach outlined by Braun and Clarke (2006). The process involved several steps. Initially, all three researchers read the transcribed material to gain an overall understanding and generate initial themes. Following this, we refined these themes to ensure meaningful representation of the data, and named the themes to provide an understanding of their content. Once the themes were established, all three researchers discussed the context, the relationships between the themes, and the significance of the findings.

Results

We present the results in four sections representing the main themes identified through the analysis: (1) lacking faith in the legal system, (2) coproducing feminism through support, (3) reporting the rape as a feminist act, and (4) doing resistance in court. The first three sections draw on the interviews and the last on the recorded legal hearings.

Lacking faith in the legal system

Throughout the interviews one can see the presence of a feminist discourse, constructing a feminist consciousness and a solidarity related to an awareness and a critique of rape myths and how the court assesses female complainants in rape cases. This was expressed both explicitly (by eight of the interviewed) and implicitly (by two of the interviewed) in the way they talked about their experiences.

> I'm quite skeptical about [the legal process related to rape]. I know how the situation is with hidden statistics [regarding rape]. … This is also quite close in time to MeToo, when you got a lot of testimonies about crimes and also many, many, many testimonies about cases that have been dropped, police work that has been sloppy. (Case 5)

The quote illustrates how digital activism, and #MeToo in particular, has allowed individual subjective experiences about rape and the deficits of the legal system to spread and to be reformulated from personal stories of suffering to a broader structural problem (cf. Carter Olson 2016; Keller, Mendes, and Ringrose 2018). Importantly, interviewees described how mistrust in the legal system had made them hesitant to report the assault at all and that they had periods of doubt during the investigation process, before they were informed that the case would go to prosecution. For some complainants, the experiences from the legal process confirmed their mistrust:

> Well, I wasn't surprised [by the acquittal], because it's like, commonly known, right, that it's quite difficult to get convicted of rape. (Case 3)

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> I'm so damn angry at our legal system. That's kind of the reason I'm here today [participating in the study]. Um, I don't know if I would report again. Because I wouldn't feel like it was worth it. (Case 2)

Both of these complainants saw their attackers acquitted, and even though they shared disappointment over this, it impacted them quite differently. The first one expressed that this was the expected outcome, while the second one indicated that she felt mistreated and that the experience was, overall, negative. However, several interviewees stated that they were positively surprised by the legal process and described a discrepancy between the public discourse and their own experiences, independent of the outcome of the trial.

> I have never, no, I believed that they will never take it seriously, but they did. (Case 8)

Moreover, the complainants talked about a recent shift in the societal discourse about rape, and some of them expressed a feeling of being lucky in relation to this:

> And she [the complainant's counsel] said that ten years ago, it might have been different. And my sister said as well that, because she is six years older than me, and she said that when she was a teenager it was totally unthinkable to talk about a thing like this. And I still think that it has something to do with this consent legislation. And that also in school, we had like lectures about, like, MeToo and consent and well like, gender roles, um. So, like, I believe that the more it gets noticed, the less, well it doesn't get as stigmatized, probably. And I believe that is really important. (Case 3)

Summing up this section, the interviewees described how a feminist discourse and movements such as #MeToo had made them aware of the deficits of the legal system in relation to sexual assaults (cf. Holmberg and Lewenhagen 2020; Keller, Mendes, and Ringrose 2018). Paradoxically, but not surprisingly, some interviewees described how this consciousness had made them hesitant to report the assault at all (cf. Wallin et al. 2021; Wegerstad 2021). In other words, a feminist discourse did not work only in an empowering manner but could in fact discourage victims from reporting a rape.

Coproducing feminism through support

A feminist discourse was reproduced not only in the public sphere, for example in news and social media, but also by people close to the complainants. We understand this support, which for example involves acknowledging the complainant's stories, as acts of everyday feminism (cf. Blais and Dupuis-Déri 2022) in its creation of resistance against victim blaming, rape culture, and rape myths in general.

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Several of the interviewees spoke about experiences of receiving reassurance from the persons closest to them immediately after the incident. These persons confirmed that what had happened was unjust and that they were not responsible or to blame for the situation.

> And she [mom] was really worried and was like: "It doesn't matter how drunk you were. No one should do anything to you." Like. So that went fine. (Case 3)

> [My friend] talked to me and said all the time that that I'm not the one who should be ashamed, but the one who did this should be ashamed and that I haven't done anything that was stupid and that I'm the same person as before and that it would never change. It made me feel relieved. (Case 7)

Challenging victim blaming is an important way to support sexual assault survivors. None of the interviewees talked about friends and family giving them negative comments. In two of the cases, however, the interviewees chose not to tell their parents because they were afraid of how they would react (cf. Ahrens et al. 2007).

In addition to friends and family, complainants described how they were supported by actors outside the private sphere, for example by people at work, school, and the hospital. A young woman still in school described how her teacher encouraged her to go to the hospital's rape unit with her friends during school hours. One complainant, whose perpetrator worked at the same large company as her, described how people at her workplace had expressed both their trust in her story and a societal responsibility to stand up for her as a victim.

> They couldn't have acted in a way that made me feel more trusted. … [The CEO] called in all the company directors and told them what had happened, but not to whom … at the end he said that: "we should be aware that we reflect society in here as well and what happens in society at large." … And that was very nice to hear in this situation. (Case 10)

In this case, the company took a stance and supported the complainant. The company explicitly described this support as being of social relevance. This shows how individual everyday activism, expressed here by the boss and coworkers, can have an impact on a structural level.

Various instances of the healthcare system were also mentioned in the interviews as having been supportive. Some complainants talked about their conversations with therapists and counselors, which helped them work through feelings of guilt and shame. Several of the complainants also described how well they had been treated in conjunction with the gynecological examinations.

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> And they [the nurses] came with sandwiches and things like that. And, well, they were like, cared about that it went well. And then, because they also made the suggestion to file a report, it felt like, and it was also like, then it's them that are reporting it, not me. Because I didn't feel like, it was with my consent they made the report, but it was still like, they feel like a report should be made. It's not me that is doing something stupid now and reporting, or exaggerating, kind of. (Case 6)

Acts of care, such as bringing sandwiches, had a function of everyday feminism in this context, as it strengthened the women's feelings of self-worth. That the healthcare staff also filed a report confirmed that a crime had taken place. The treatment the victims received from the healthcare units is in accordance with national recommendations (NCK 2008).

Moreover, all of the complainants (except one) described the police as playing an important part in strengthening their belief in the validity of their stories. Even though several of the complainants explained that they initially had distrusted the police, they found they received support and encouragement. One interviewee described that she had been "lucky" since the police actually believed in her and took her account seriously, implying that she thought that this is not usually the case (cf. Carroll 2021). Another interviewee said:

> This woman who was interviewing me, she was, well, very "woke" if I could use that word. Like, that she began the interrogation with, like, "Well, what has happened is of course wrong and when I ask questions it's not about me not believing you, it's only to get as much information as possible." (Case 3)

The police officer thus explicitly positioned herself as believing the interviewee and stated that the assault was wrong (cf. Hester 2013; MacLeod 2016; Rudolfsson 2022). Experiences like this were expressed by most of the interviewees, although some were more distinct than others.

Several of the complainants also described their legal counsel as crucial for giving them support before the actual hearing (Carroll 2022). The counsel could prepare the complainant for the kinds of questions that were likely to be asked and explain that the defense attorney could be "a bit of a jerk" and not let this discourage them. The interviewees also described how the counsel validated their stories and acknowledged their claims.

> It has been clear all the way, from that they, that first day, like: "We believe you." And, my complainant's counsel said: "Do you understand that everyone in this room understands that this happened? This is just about trying to prove it legally. Everyone here knows that this happened. The defense also understands that this happened." (Case 5)

Preparation for the court hearing can, together with the support from others around them, help the complainant feel comfortable in the courtroom and

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strengthen their belief in their story, enabling the acts of resistance we can see during the actual hearing. However, it should be noted that in three cases (two acquittals and one conviction) the complainants were more doubtful about the legal counsels' role. In one of the acquittals cases the complainant was very disappointed with all the professionals involved in the case.

In this section we have shown that the interviewees described how various actors around them—friends, family, teachers, hospital staff, police officers, and their counsel—actively supported them during the process. The interviewees (all but one) described how they felt that their experiences were taken seriously, that they were believed, and that they were supported in that they did not have any blame in the rape having taken place. Thus, these actors around the women actively took part in the resistance against rape myths and the production of a feminism in line with the discourse in the public sphere that we described earlier. The support can be understood as acts of informal everyday feminism, and as mechanisms of institutionalized feminism, built into institutions such as healthcare units and the police. Importantly, boundaries between these types of feminisms are not clear cut and they appear to interact and strengthen each other.

Reporting the rape as a feminist act

In making the decision to report the rape, the complainants consulted friends and family as well as their own conscience. As shown earlier, the discourse in traditional and social media influenced their reasoning: in one way they were strengthened, and in another way the mediated discourse made them feel that it is not worthwhile to report a rape (cf. Brännvall 2016; Taylor and Norma 2012). The same feminist discourse, however, also provided the complainants with strength and a belief that something had to be done.

Many of the interviewees described how they were encouraged to report the crime by the people they first talked to about it. Some said that these prompts from friends and family convinced them to actually file a report. Here there are also parallels to previous research, which has shown that victims who are encouraged by people around them are more likely to report the crime (cf. Brooks-Hay 2020; Paul et al. 2014).

> And then I told Sara what had happened and when I told her she said that I should report it, but I didn't feel like I wanted to or that it was something I wanted to get into. Um, and then during those days I told a friend of mine in Paris, and she also thought that I should report it and then on the Saturday when I told Tina she said that "you have to report it." And that was when I made the report. (Case 1)

Connected to this, several of the complainants described that they felt a responsibility to report the rape, not solely for their own sake but for the sake of other women. The decision to report is thus constructed as a feminist act,

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performed in solidarity with and in connection to other women, and as a way to reconstruct one's own experience and suffering as part of a broader structural problem. One complainant described that she had a responsibility to report for the sake of her daughters.

> She [a therapist] asked me at some point, like, "Is that what would you, how would you advise one of your daughters?" … And when she said that, I felt like, I felt a bit of guilt there and felt like if I don't do anything about this and it happens to them, and they come to me, will I lie to them and say that I, or should I, like, advise them to do something that I myself hadn't done? (Case 10)

Several complainants described how the report stemmed from an even more concrete responsibility toward other women: for example, they decided to report the rape in order to make sure the perpetrator could not do the same thing again to someone else.

> And a big part of it is that I filed the report because of the fact that it is saved in the registers, right? Um. In that way it feels good, because, like, if there was anything, there is, like, if it happened again it says, it shows, right, that he has been reported before. Um. So, and then I don't know if he has had these behaviors before. It might be like a wake-up call for him as well. So that feels, like, I'm still pretty torn, kind of. I am. (Case 5)

The complainants also talked about reporting out of a responsibility to other women in general, to society at large, and for the greater good (cf. Brooks-Hay 2020; Taylor and Norma 2012). Our respondents expressed a solidarity in relation to the decision to report similar to Mendes and Ringrose's (2019) finding that respondents felt an obligation to join #MeToo in solidarity with other victims and to make sexual violence a political issue.

> Like, that it doesn't matter if it isn't processed or if it's like, really, whatever happens it's like, well, good for the statistics, as they say. And in that they are actually, like, it's actually very true, really. That every report gets, like, that there might be a problem that no one talks about. (Case 3)

> And I still feel like, if you have done something, that's why I reported it, because I really think that if someone has done something that is not allowed or, like, hurt someone else, you should report that. (Case 1)

In this section, we have shown how the complainants make use of and reproduce a feminist discourse when they talk about the reason for reporting the rape. In other words, reporting the rape is constructed as a feminist act relevant beyond the specific case, connecting them to the wider society and to other women today and in the future. As such, their own experiences are

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constructed as part of a structural problem, and their understanding of these experiences is formed by the experiences of others.

Doing resistance in court

The court hearings contain many examples where complainants display active resistance against the notion of guilt. It was evident in the interviews that the complainants in advance had an understanding of the court proceedings in rape cases. This awareness can be seen in the way they acted during the hearings.

One form of resistance identified in his study is proactive, where the complainants pre-empt a potential attribution of guilt by mounting a defense before it happens (cf. MacLeod 2016). The example below is from the beginning of a hearing, where the complainant had been asked by the prosecutor to describe the incident.

> I was the one who opened the door and let him in, but I could not imagine that a person would come to my house with such intentions. … I had no idea what he was thinking and feeling, I have no way of reading his mind. … I thought I made it clear to him that I wasn't interested. A normal person you tell this understands, he should have understood this. (Case 7)

By pointing to the defendant's behavior and character, the complainant redirected the guilt and blame that otherwise might be put on her and thus proactively defended herself from the expected accusations. She also challenged the myth that rape only takes place if the victim actively has resisted all kinds of contact with the perpetrator (Smith and Skinner 2017; Temkin, Gray, and Barrett 2018).

The most commonly found resistance during the trials was, however, performed in response to questions that explicitly or implicitly positioned the complainant as acting in an inappropriate way, and thus (at least partly) blamed her for the rape. This corresponds with research by, among others, Eades (2000) and Ehrlich (2007, 2020), showing how complainants can resist and control the narrative in the way they answer the questions. Most of the complainants did, in one way or another, display this kind of resistance at some point during their interrogations. In the same hearing as the excerpt above, the defense attorney had questions about whether the complainant had been active during the event. As no physical violence had been used, it was implied in the line of questioning that the complainant had acted in a way that suggested voluntariness and consent. She resisted this by contradicting the proposition and asking questions of her own, showing that she recognized the overt accusation (Atkinson and Drew 1979; MacLeod 2016; Matoesian 1993).

> Defense attorney: My question is, for example, when you are on your knees, are you getting into that position yourself?

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> Complainant: Nothing that I did, I did voluntarily. It was under duress.
>
> Defense attorney: And when the police report reads "I did it," what did you mean when you said that to the police?
>
> Complainant: What more could I do? What else should I do? What is it that is expected of me to do? (Case 7)

Using rhetorical questions do not elicit answers; the answers instead lie implicit in the questions (Drew 1992). Here the complainant makes the statement that she has done everything she could in this situation and should not be blamed for the way she acted. The defendant in this case was convicted, but it is impossible to say whether the complainant's statements had any significance.

In several cases the complainants actively protested and questioned the defense attorney when they felt the inquiries were irrelevant or provocative. In one case (case 10), the defense attorney asked about the complainant's relationship with her husband and why she had not called him after the event, implying that the sex had been voluntary and the complainant made the report to cover up her infidelity (a common rape myth, cf. Ellison and Munro 2010). The complainant stated that the questions were not relevant to the case and got support in this from the judge who said that she did not have to answer. There were a few other instances in the different hearings where the judge, prosecutor, or complainant's counsel intervened in the defense's cross-examination in support of the complainant (cf. Bergman Blix and Wettergren 2016).

One complainant (case 5) opposed any attempts by the defense to use rape myths as a line of questioning. One example is when the defense attorney commented on her not having protested to sleeping in the same bed as someone she did not want to have sex with, implying that she was either lying about something or that she was both careless and immodest. She answered plainly that you can sleep next to someone without having sex with them. The defense attorney also questioned her actions after having been assaulted, as she first went to the bathroom and then returned to the bed where the defendant was still lying.

> Defense attorney: … this isn't really, it is not entirely logical from my perspective. That is, that if one has been subjected to abuse, that one has sat in the bathroom and one has cried for a period of at least five minutes, as you say. That one reacts, that one walks out and then lie down in the same bed as the perpetrator again.
>
> Complainant: Mm. And here I think that it is important to know that there is no correct way to deal with having been subjected to a crime, like this one. (Case 5)

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By stating that "there is no correct way to deal with having been subjected to a crime," the complainant explicitly problematized notions about an ideal victim of a rape and the expectancy to act rationally, thereby counteracting the allocation of guilt. When the defense attorney pointed out that the texts she had written to her friends the following morning did not "seem to be written by someone who had been raped," she repeated that there is no one way you are supposed to act after a sexual assault. This complainant was exceptionally eloquent and well versed in the rape discourse. This kind of resistance would not have been possible for all of the complainants (cf. Larcombe 2002). Although this example is unique in the material, it illustrates how resistance can be performed in court given the right prerequisites. In this case there was a conviction but it is impossible to know if her statement had any significance for the verdict.

In this section, we have shown that the court hearing, and in particular the cross-examination, contains instances where the complainants are subjected to questions that could be interpreted as attributions of guilt, which in part are based on rape myths. This corresponds with other research on trials in rape cases (cf. Bladini, Uhnoo, and Wettergren 2023; Smith and Skinner 2017; Temkin, Gray, and Barrett 2018). We have also shown how the complainants recognize and actively oppose the implications stemming from rape myths in the cross-examination (cf. Atkinson and Drew 1979; Ehrlich 2020; MacLeod 2016; Matoesian 1993). In addition, we have shown that other actors in the court, for example the judge, can act in a way that challenges rape myths and thus take part in the feminist resistance.

Discussion

In this article we have shown that both in the interviews with the complainants and in the court hearings, a feminist discourse emerged which both critiqued traditional victim-blaming notions of rape and expressed feminist solidarity by formulating stories of personal suffering as part of a larger structural problem (cf. Carter Olson 2016; Keller, Mendes, and Ringrose 2018).

Discussions in the public sphere and social media appear crucial to these processes. The complainants described that the #MeToo movement created a feminist consciousness and connectivity related to sexual assault. Our study shows how online feminism may resonate and contribute to change beyond the digital sphere and influence how victims of rape relate to and manage a legal process (cf. Mendes, Ringrose, and Keller 2018). The stories shared by other victims of rape had given several of the complainants an awareness of the fact that they may be subjected to harsh interrogations during the court hearing and that they therefore had to be active and be prepared to defend themselves against accusations and insinuations. Thus, digital activism in fact seems to have influenced how the women acted in court, giving them strength

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and strategies to resist rape myths in line with previous studies (cf. Bladini, Uhnoo, and Wettergren 2023; Smith and Skinner 2017; Temkin, Gray, and Barrett 2018).

In some court hearings the complainants' resistance to rape myths is particularly evident, and these examples show that the victims, at least under certain circumstances, actively take part in shaping the interactions in these kinds of legal proceedings (cf. Drew 1992; Ehrlich 2007, 2020; Larcombe 2002; MacLeod 2016; Matoesian 1993). While complainants should be treated as credible witnesses and have the opportunity to display acts of resistance in court, it is important to note that questioning is a built-in part of the legal structure and necessary to ensure that convictions are based on evidence proven beyond a reasonable doubt. The particular kind of scrutiny performed in rape cases tends to reflect rape myths. There is, however, potentially a space for women's resistance and feminist ideas to be expressed in this legal structure. We have shown how resistance can be produced both as a response to implicit or explicit accusations, and pre-emptively, without explicit accusations having been made by the defense (cf. MacLeod 2016; Matoesian 1993). From the data in this study, it is not possible to determine if and how this resistance actually influences the verdicts. There is no obvious connection between the resistance performed during the court hearings and the outcome of the proceedings.

For the decision to report the rape to the police, a feminist discourse was crucial because it created a feeling of strength and solidarity with other women. Our interviewees described reporting the rape as a feminist act that is relevant beyond the specific case and connects the women to the wider society and to other women today and in the future. This corresponds with earlier studies (Brooks-Hay 2020; Mendes and Ringrose 2019; Mendes, Ringrose, and Keller 2018; Taylor and Norma 2012). Paradoxically, the same feminist discourse that encouraged the complainants to perform resistance in court also appears to have contributed to some women initially being hesitant to report the assault, as they were convinced that a report would not lead to anything apart from mistreatment and discrediting. It has been shown in previous studies that this kind of mistrust in the legal system is common, as are notions that reporting a sexual assault is meaningless (Brooks-Hay 2020; Greeson, Campbell, and Fehler-Cabral 2016; Haskell and Randall 2019; Taylor and Norma 2012). Some of our interviewees described how they were positively surprised by the legal proceedings due to a discrepancy between the discourse in the public sphere and their own experiences. A feminist discourse might thus in some cases produce an exaggerated negative notion about legal proceedings related to rape. It is possible that this is due to mostly negative stories being shared and spread on digital platforms while positive experiences do not create the same interest. It is also possible that legal proceedings related to rape are slowly changing for the better and that this accounts for the discrepancy between our informants' expectations and experiences. The negative

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notions about rape trials could also have prepared the victims for the court hearing, and for the cross-examination in particular, enabling them to actively resist rape myths in this forum. Our study thus shows how the mechanisms of feminist discourse are not straightforward in relation to reporting rape, but complex and to some extent even contradictory.

A feminist understanding of rape was produced not only in the public sphere and social media but also in interactions between the complainants and actors around them. We have shown how a multitude of actors take part in the production of a feminist discourse: the victims of rape, their friends and family, healthcare staff and teachers, colleagues, police officers, and actors in court. We understand this as everyday feminism, meaning that they are individual acts that are not coordinated, yet correspond to a broader feminist movement and create change through interactions in everyday life (cf. Blais and Dupuis-Déri 2022; Kelly 2015). Our study indicates how mundane and seemingly "small" actions, such as bringing a sandwich, can support a victim of rape and contribute to the production of feminist discourse. However, the support described by the women in this study cannot be understood solely in terms of informal everyday feminism, but is probably also a consequence of new policies in the police force (Carroll 2021; Hester 2013; MacLeod 2016) and the new Swedish rape legislation (Holmberg and Lewenhagen 2020; Keller, Mendes, and Ringrose 2018; Wallin et al. 2021). We suggest that it is through the combination of this kind of formal feminism and the acts of everyday feminism that change can come about. Previous research has shown, however, that the Swedish criminal justice system can be perceived as a lottery (Carroll 2021). Our study to some extent confirms this; for example, the instances of a feminist discourse in the court hearings, described in the result, were more or less nonexistent in some of the examined cases, and some of the women described that they regretted having reported the rape, due to the way they had been treated in court. Moreover, while we examined legal proceedings, most of the reported rapes do not actually lead to such processes. Future studies exploring the experiences of rape victims are needed.

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Data availability

The data underlying this article cannot be shared publicly due to the privacy of the individuals who participated in the study. The data may be shared on reasonable request to the corresponding author. If data are to be shared, adjustments will need to be made based on an ethical assessment to ensure the anonymity of the participants in the study.

Ethics statement

This study was approved by the Regional Ethics Review Board (Dnr 2018/218).

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