

A Genealogy of “Rape Culture”: Knowing and Governing  
Sexual Violence

by

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## **Abstract**

In 2015, the Ontario government cited “rape culture” as the driving force behind provincial legislation requiring universities to count incidences of sexual violence through bolstered reporting mechanisms. The term is often described as a relic of 1970s radical feminism, and the contemporary reemergence of the phrase rape culture in social, political, and legal discourses marks a need to examine how understandings of sexual violence continue to be framed as part of a wider cultural problem.

Using Michel Foucault’s genealogical method and Gilles Deleuze and Felix Guattari’s ideas of rhizomes and assemblages, I map the empirical, affective, and sociolegal dimensions of a rape culture paradigm. In doing so, I ask: What are the social and historic conditions that give rise to the rape culture paradigm? What are epistemological frameworks that galvanize the social ontology of rape culture? In what ways is the concept deployed and how does it shape efforts to regulate and criminalize sexual and gender-based violence?

Beginning with an examination of radical feminist activism in the US and Canada from the late 1960s onwards, I consider how the idea of rape culture expands traditional definitions of corporeal harm to include cultural forms of gendered violence. The making of the rape culture concept rests in mapping pathology beyond individual rapists and theorizing the attitudes towards rape—and acts of sexual assault—as cultural pathology. This relies upon challenging traditional psy knowledges related to rapists and deviancy in favour of highlighting the normality and ubiquity of rapists.

Contemporary calls to combat rape culture have centred on the regulation of sexual violence on university campuses. This project also considers the specific discursive technologies used to construct the “rape campus.” It argues that recent political and legal responses to rape culture on university campuses is folded into existing carceral and punitive assemblages that seek to criminalize sexual violence. Thus, this dissertation contributes to a historicization of the rape culture concept, its deployment, and how it shapes understandings of sexual violence theory and governance.

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## **Table of Abbreviations**

AAU	Association of American Universities
ATR	Attitudes Towards Rape
CFS	Canadian Federation of Students
CSA	Campus Sexual Assault
CUASA	Carleton University Academic Staff Association
FAAR	Feminist Alliance Against Rape
FBI	Federal Bureau of Investigation
IHE	Institutions of higher education
LRC	Law Reform Commission
MCSCS	Ministry of Community Safety and Correctional Services
NCVS	National Crime Victimization Surveys
NYRF	New York Radical Feminists
OCRCC	Ontario Coalition of Rape Crisis Centres
PAAR	Pittsburgh Action Against Rape
PAR	Prisoners Against Rape
PC	Progressive Conservative
SMO	Social movement organizations
SMU	Saint Mary's University
SSMU	Students' Society of McGill University
UBC	University of British Columbia

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## Chapter 1: On Rape Culture

At the start of the 2013 academic year, students at Saint Mary's University in Halifax marched around campus chanting, "SMU boys we like them young, Y is for your sister, O is for oh so tight, U is for underage, N is for no consent, G is for grab that ass." In the same week, students at the University of British Columbia also gained media attention for a similar rape chant. They sang: "Y-O-U-N-G at UBC, we like 'em young, Y is for your sister, O is for oh so tight, U is for underage, N is for no consent, G is for go to jail" (CBC News 2013). The media flooded with reports that these two incidents were examples of a growing problem of campus "rape culture."

In March 2014, the president of the University of Ottawa's student union, Marie Roy, published a private Facebook conversation between her fellow colleagues where she was the target of violent sexual banter. Roy released the transcript of the Facebook chat, which was seeded anonymously, to expose what she called an example of rape culture (Mehta 2014). Days later, the University of Ottawa was at the centre of yet another sexual violence scandal. Allegations that members of the varsity hockey team gang raped a woman while visiting Thunder Bay, Ontario made headlines (Bradshaw 2014). Where the first incident alleged a student had been victimized by violent comments and the imagery of sexual violence, the allegations of sexual assault launched against the University of Ottawa hockey team cemented the notion that there was a much deeper problem than a few isolated incidents.

News media outlets and their contributors quickly identified the problem as a sign of Canadian rape culture, and more specifically, as a problem of campus

rape culture (Gruden 2014; Hutchison 2014). The problem of rape culture, it seemed, had finally become a large-scale problem in Canada. Until then, rape culture had not been discussed as a politicized problem much in the same way high-profile instances of sexual violence had become sensationalized in popular media.

Between 2010 and 2014, the US media used the term rape culture to describe acts of sexual violence more often than previous years. According to Nickie Phillips (2017, 16), “The increase in frequency of the term in mainstream news articles reflected the broader, general interest in the term, which exploded in 2013.” These events, and others that started to look similar, were part of a broader narrative that linked sexual violence to a much deeper cultural problem (Phipps et al. 2018). The term “rape culture” exploded in popular discourse and incited public and intellectual discussion of the merits of the term, its usefulness in describing the problem, and how it could be folded into responses to governance. Those making the charge drew upon the systemized ways sexual violence is engrained, naturalized, and also invisibilized. These claims accompanied a call to reform campus policies and implement survivor-centred frameworks to better address the needs of students.

Many mainstream media critics cast the rape culture concept as an inaccurate neologism used by social justice warriors as an outlet for misinformed outrage rather than an invitation for serious reflection on the pervasiveness of sexual violence (e.g., Wentz 2013a; Kay 2015; Chambers 2016). The focus on the rape culture concept carries with it the baggage of sexual conservatism and contentious attitudes around sex, creating a dynamic whereby talk of a rape culture is dismissed by some critics as hyperbole (see, for example, Gittos 2015).

In response to the growing concerns that sexual violence was a problem requiring specific legal and political consideration, the Ontario government passed Bill 132, also known as the *Sexual Violence and Harassment Action Plan Act 2016 (Supporting Survivors and Challenging Sexual Violence and Harassment)*. Like the *Clery Act* in the US, which mandated postsecondary institutions report crime statistics to the federal government (with particular emphasis on reporting sexual assaults), Bill 132 sets out specific provisions requiring universities to report sexual assaults to the provincial government and to publish reports annually. The law also aims at preventing workplace sexual harassment and equips tenants the power to move from their rental units, at no financial penalty, if they require relocating due to sexual violence.

The bill is described by its architects as an approach to ending rape culture on university campuses (Government of Ontario 2015). Bill 132 directs each Ontario university and college to create a stand-alone sexual violence policy to be reviewed by each institution every three years. Accordingly, each postsecondary institution is required to review the policy and seek input from the university community every three years. It is perhaps the first comprehensive step by a Canadian governmental body to address concerns around the climate of sexual violence rather than substantive issues of law relating to consent or the categorical definitions of sexual assault. More importantly, it was the first-ever governmental response that directly cites “rape culture” as the motivation behind its legislative directive. It marks a moment in Canadian history at which rape culture emerges as an immanent force requiring an immediate governmental response.

In critically interrogating the use of the rape culture paradigm and

concept, I first consider the powerful and unique history of rape—and specifically the use of the term rape—in Canadian law. In the mid-to-late 1970s, lawyers and anti-rape feminist organizations pressured the Canadian government to remove the term from the *Criminal Code*. Legal professionals at the time argued the definition was far too restrictive, stigmatized both victims and accused persons, and offered very little in terms of a legal definition that encompasses the varied experiences and harms of sexual violence (Law Reform Commission of Canada 1978a). The term rape referred to the non-consensual penetration of a penis into the vagina of a woman that was not the accused's wife. At the time, spousal rape was not a criminal offence. In response, there was a seismic push in Canada and in many parts of the US, namely Michigan, to reclassify rape as a form of assault that contained a sexual component (Backhouse and Schoenroth, 1984).

How is it then that rape—at least discursively—has made a comeback into law? In this project, I consider the sociohistorical and political conditions under which the emergence of the concept of rape culture is possible, the knowledge systems that sustain its use, and its various iterations and circulations. In part, I aim to map the affective relations between the subjects and objects of these articulations both through an epistemological pursuit (i.e., related to knowledge production) and through a phenomenological account of the violence that contributes to the ensemble of anti-rape discourse in the formation of the social ontology of rape culture. In other words, how has the discursive framing of rape culture contributed to our understandings of the realities of sexual violence, the appropriateness of criminal justice and other institutionalized responses, and how are these historically and socially contingent?

## **Rape Culture Hits Close to Home**

Before Bill 132 came into effect, Carleton University—the institution where I study and teach—held community consultations with faculty, students, and others from the campus community for input on the scope of their proposed sexual violence policy. Community members stressed the need to carefully craft the wording of the policy, expressed concerns around developing support systems for survivors, and called on administrators to implement meaningful disciplinary action against violators.

Many students and faculty members pushed to have the university include and name “rape culture” as a campus problem (Ashby 2016). While a seemingly benign proposal, the addition of “rape culture” into the campus sexual violence policy received immense scrutiny. Many pushed back against the inclusion of the phrase in official university documents and policies, citing that its use was inflammatory (Crawford and Sandstrom 2016). The other term that raised considerable criticism was that of “survivor-centrism.” Though the term tends to suggest putting the needs of survivors first, some who attended these consultations questioned how such an approach would be implemented and whether it would undermine due process for those accused of sexual assault on campus (see Moore 2016). In Ontario, Ryerson University was the first institution to acknowledge rape culture in its sexual violence policy and was touted as an example of the ways institutions should take responsibility for and recognize the impacts of rape culture. The use of the term revealed a major divide in the Carleton University community, including anger and distrust toward the institution. The chair of Carleton University’s women’s caucus for the labour

union representing teaching assistants and contract instructors, Lauren Montgomery, stated, “This constant denial of the pervasiveness of rape culture that is embedded in many survivors’ experiences broke my heart” (Crawford and Sandstrom 2016).

At the time of these tense conversations at Carleton University, I had been involved in organizing antiviolence events alongside other students and faculty to raise awareness around the problem of campus sexual violence. This first included a public screening of the popular documentary film *The Hunting Ground* along with an academic and community panel on the role of universities in sexual violence prevention and governance. Part of the goal was to critically explore and discuss how campus sexual violence could be reasonably addressed through mechanisms that did not necessarily reflect those already entrenched in and by our existing carceral institutions. The sharp divide between those who articulate the serious need to use the rape culture concept as a descriptor of the multifaceted ways sexual violence extends beyond individual forms of victimization and those who vehemently oppose its use as inflammatory is at the centre of this discussion. Though Carleton University was not the only institution in Canada, or North America, for that matter, to have serious conversations about the implications of governing sexual violence through the language and policies around combatting “rape culture,” the debates left significant scar tissue and gained national media attention (Laucius 2016). In the end, Carleton University added the definition of rape culture to the preamble of its policy but never actually mobilized it in any meaningful way and was noticeably absent from the rest of the document.

In 2018, I was invited to join the Carleton University Graduate Student

Association Consent Culture Committee to contribute to the review of the university's sexual violence policy. I was first attracted to the name of the committee. It offered a new way of framing the issue in distinction to the polarized views on the concept of rape culture. I wondered how this committee would treat consent and incorporate it into the review of the policy. I quickly learned that the committee was interested in consent only in name and instead focused on the development of provisions related to procedural aspects of sexual assault complaints and adjudication. The committee focused almost exclusively on strengthening victims' rights within the policy. Specifically, the committee held that the university should adopt specific immunity clauses for survivors coming forward who might be dissuaded from reporting because they themselves might be in violation of other campus policies, including those related to illicit drug use, underage drinking, sex work, and so forth. This was taken up despite no clear evidence to suggest that these were issues worth prioritizing at the time.<sup>1</sup> There was no mention that universities were taking action against complainants nor did we consider whether there was an existing body of research that pointed to these as worthwhile problems to address. I thought that attention might be better directed at the problem named in our committee's handle: consent.

It turned out that consent education was not a priority for the committee nor was it particularly important for university administrators. The committee

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<sup>1</sup> This is not to say that these issues were unimportant or that they did not require serious attention. Rather, it became obvious that the committee had adopted a stance to respond to the highly politicized nature of the rape culture debates, which tended to detract from prioritizing needs expressed from survivors of sexual violence on campus. This was also shaped by the fact that the committee was designed to review and offer suggestions to the existing (and largely inadequate) sexual violence policy. Room for developing innovative approaches was limited by this mandate and by the time constraints placed on the committee.

did not discuss how to better foster a consent culture on campus or what looks like in the context of growing concerns around the university's failure to protect survivors. Instead, weekly discussions focused on making specific amendments to provisions of the policy we felt negatively affected survivors. These were and are still important issues to address, but these changes were not driven by anything other than an innate distrust for university administrators and a fear that the policy would not reflect the true "numbers" of sexual assaults, since "official" reports from Carleton's safety department only accounted for 58 sexual assaults between 2007 and 2015 (Sibley 2016).

Part of the criticisms launched by faculty and students at Carleton was that "rape culture" was an inaccurate descriptor for the problem of campus sexual violence (Sibley 2016). Others took this as a denial of rape culture and a repudiation of the extent of the problem, casting these criticisms as trivializing campus sexual assaults (Zubi 2016). In 2015, and before the implementation of Bill 132, researchers from Carleton University and the University of Waterloo conducted a review of sexual violence policies at three Ontario universities to explore how postsecondary institutions responded to sexual violence. Funded by the Ontario Ministry of Community Safety and Correctional Services, the study set out to explore the various institutional policies and procedures for dealing with sexual assault disclosures and complaints, how they were implemented and executed by university staff, and how these might be better improved (see Buss et al. 2016). The study found that survivors were less interested in reporting sexual violence to university officials or seeking disciplinary action against their abusers, and instead, many focused on navigating the bureaucratic labyrinths of accessing mental health services, securing academic accommodations to avoid

penalty or falling behind on coursework, and being able to rearrange on-campus living arrangements to avoid future contact with assailants (see also Sibley and Moore 2020). The political and ideological debates as to whether rape culture existed on campus or whether it should be recognized as the driving force behind a new governance strategy did not rank high on the agenda of respondents of this study. Despite this, the debates around the phrase became the central focus of campus governance in Ontario and Canada (Adams 2014).

The popularity of the rape culture paradigm influenced both university and government policies. This was partly due to the impact student organizations such as the Canadian Federation of Students had in talks with members of the Ontario Legislature. The Students' Society of McGill University implemented a rating system for campus sexual violence policies that awarded points to sexual violence policies that explicitly named rape culture as part of the systemic roots of campus-based sexual violence. They also for a greater national student-led presence, encouraging student unions across the country to pressure universities to revise sexual violence policies to be more survivor-centred but also to include the term "rape culture" as a defining feature of those policies.

In 2016, the Ryerson University Centre for Free Expression hosted a panel discussion where presenters offered a critique of the term "rape culture" and the implications of thinking of rape as a cultural problem. Panellists included Carleton University professors Ummni Khan and Lara Karaian, along with University of Toronto professor Brenda Cossman, who pushed back against the framing of sexual violence in terms of a rape culture, arguing that a such a framework reignited some historical feminist debates around sexuality and censorship. In her discussion, Karaian carefully points out that critics the rape

culture paradigm often suggest that the term lacks nuance and specificity. In return, she argues that the critique of the critique tends to be framed as a wholesale disbelief of survivors. In effect, critics of the rape culture concept are sometimes cast as rape apologists. This polemic framing of the issue reinforces the arguments launched by the speakers of this conference: the idea of rape and those who wield the power to decide what counts as a rape culture should not be immune from critique or nuance.

I build on this call for a critical interrogation of the rape culture paradigm by considering how it is constituted through intellectual and public discourses around sexual violence. I consider how sexual violence is framed as a cultural problem, what knowledge systems are involved in producing the rape culture paradigm, and how it influences our understandings and practical governing strategies of sexual assault and rape. I give careful consideration to the way in which these critical debates around rape and rape culture emerge through history with varying degrees of intensity.

### **The Contours of a Rape Culture**

The term rape culture comes with a certain set of presuppositions regarding sexual violence and is often used as a reference to not only the pervasiveness of sexual assault but also, more generally, to the overall cultural attitudes of complacency and apathy toward rape and survivors. Rape culture can refer to and sometimes point to a number of things. It could and often denotes to a culture that promotes and normalizes sexual violence, primarily in the context of heterosexual relationships in which men are regarded as the violators of women's bodies. Joyce William's (2007) article "Rape Culture," in *The Blackwell*

*Encyclopedia of Sociology* marks the complex terrain and constitutive elements of rape culture. She writes:

Rape culture is characterized by female moral and social responsibility. Women are socialized to assume responsibility for controlling the “naturally aggressive” behavior of men in interpersonal relations and by restricting their own movements and behavior [...]. A rape culture is characterized by a high frequency of rape and other forms of violence against women, the full extent of which is unknown [...]. A rape culture is a culture of fear for women, one in which girls at a very early age internalize fear and a sense of restriction simply because they are female [...]. A rape culture is one in which the media defines and depicts women as secondary and subordinate to males [...]. A rape culture includes a spillover impact from other forms of violence—illegitimate and legitimate or institutional. (Williams 2007, 3793-4)

Williams also highlights the fluidity and scale of the term and argues that “rape culture is not an either-or phenomenon but exists in varying degrees, from the institutionalization of rape to its perfunctory punishment as crime” (2007, 3792). This view of rape culture is both useful and limiting. On the one hand, the notion that rape culture exists in varying degrees already presupposes the materiality of rape culture. It becomes less clear when the use of the term rape takes on a more colloquial meaning in the sense that certain behaviours, acts, or expressions (e.g., art, music, film) embody a “rapey” quality (see Khan 2017a). On the other hand, conceptualizing rape culture as the undergirding of a spectrum of unwanted behaviours allows us to distinguish and parse which behaviours, acts, or sentiments actively reproduce harmful behaviours linked to violence. It is this tension that requires further exploration.

This project does not start from the assumption that we live in a rape culture nor does it make any prescriptive or normative claims as to whether rape culture is an accurate representation of the problem of sexual violence. Instead, I

consider how the idea of rape culture is assembled through various epistemological and discursive practices. I argue that rape culture may not necessarily be helpful in describing any singular phenomenon or behaviour. Rather, the concept is better characterized as an assemblage of intersecting and complex structures, informing and shaping how rape is understood and how those assemblages are socially, geographically, and historically contingent. It tends to represent the normalization of sexual violence and harassment and orients the target of intervention on heteronormative depictions of male-on-female violence—obfuscating and sometimes erasing the intersectional complexities of violence involving same-sex relationships, trans, and gender non-binary people. Rape culture does not only refer to the physical violation of women’s bodily integrity; it also takes on a metaphoric quality expressed as both a constant threat of male violence and as a broader system of gendered power (Brigham 2016).

Since 2017, the #MeToo movement has established itself as a kind of online consciousness-raising (Serisier 2018b). It embraces the technologically mediated ability to share—instantaneously and sometimes anonymously—how experiences of sexual violence are understood through communal meaning-making processes. Rape culture is used to reference a variety of problematized behaviours and practices not necessarily linked to what we might consider a strict reading of sexual assault; instead, it is used as an indicator of misogynist and sexist dynamics. These include experiences of street harassment, the policing of women’s bodies in the workplace and schools, as well as through various channels of online digital harassment (Mendes et al. 2019). The non-consensual sharing of nude images, for example, has also become a topic of increasing

importance in discussions surrounding rape culture (Dodge 2016; Powell and Henry 2017).

In her book *Beyond Blurred Lines*, Nickie Phillips (2017) provides a historical overview of the articulations of rape culture leading up to its resurgence as a twenty-first-century feminist concept. Phillips grounds her work by unpacking popular representations of rape culture. While her historical analysis situates us firmly in the era of heightened sexual militarism between feminist camps, her work covers how representations of rape culture have surfaced in popular culture. She describes many phenomena, including the Bill Cosby arrest and trial, the Steubenville high school rape case, and the controversy over Robin Thicke's song "Blurred Lines." Her work traces the historical significance of these high-profile media spectacles and sketches how the media, and their viewers, react to and narrate stories of "rape culture."

Phillips suggests the origins of rape culture are unclear, though they can be traced to 1970s feminism. She points us to the works of Susan Brownmiller's *New York Times* bestseller *Against Our Will* and the far lesser-known 1975 documentary *Rape Culture* as artifacts of a feminist epoch whereby sexual violence gained attention in both the social and political spheres as a cultural problem. Brownmiller (1975), Russell (1974), Griffin (1971), and other prominent second-wave feminists brought glaring attention to the fact that rape is not always a crime of passion or overt physical violence. Part of anti-rape feminism in the 1970s centred on challenging rape myths, including tropes that women secretly want to be raped or that a woman cannot be raped by virtue of the fact that are expected to resist their assailant. Before the politicization of rape in the 1970s, the disciplines of psychology and criminology tended to focus on theories

of the “deviant rapist.” Clinicians and researchers examined the individual mind as the site of pathology (Barbaree et al. 1979; Baxter et al. 1986; Marshall and Barbaree 1978; Vogelman 1990; Pardue and Arrigo 2008). Through the auspices of psychiatric medicine, psychological observation and examination, as well as criminological intervention, the rapist is produced as a biopsychosocial specimen and, according to these behavioural sciences, carries with him certain predispositions and propensities to commit rape.

Second-wave feminism sought to challenge this by reframing the conversation around rape from individual pathology to cultural pathology. This cultural problem extends feverishly into discussions related to mass media and the production and consumption of female sexuality as the object of male desire. The sex wars of the 1980s and 1990s pitted radical feminists against sex-radical or sex-positive feminists. For radical feminists, the representation of female sexuality was reducible to nothing other than violence. It is, to its fullest extent, a manifestation of patriarchal domination that renders women objects of the male gaze. In contrast to this, sex radicals (also known as sex-positive feminists) pushed against this ideology and offered a more nuanced and reparative reading of sexual expression. Here, sex is liberating; it is an expression of personhood and subjectivity. It is the inverse of objectification; it had the potential to position women as the subjects of sexual desire who control and shape the discursive frame related to sex. It is important to note that sex-positive feminists were not opposed to the idea that rape was a growing problem. They were instead focused on the ideological concerns that the conflation between sex and the marginalization of women posed an inherent problem in seeking, wanting, and having sex as inextricably tied to women’s oppression (Khan 2017b).

Fifty years later, feminists are considering whether the sex wars have ever ended. Every decade since has seen a sex war resurgence. In the 1990s, critics of radical and governance feminisms such as Katie Roiphe (1994) and Camille Paglia (1995) and others questioned feminism's role in manufacturing a victim industry—one whereby anti-rape activism has been characterized as a movement that sought to produce “hidden victims.” More recently, Cossman (2019) argues that many “millennial feminists” have inherited the populist agenda of carceral intervention that characterized much of the legal reforms proposed and implemented by second-wave feminists. To better understand the historical emergence of rape culture, we must take seriously the feminists who became a tour de force in the 1970s. While feminists have furiously debated the cultural roots of sexual violence, very little research has examined how the notion of rape culture emerges from these epistemologies and how they become galvanized as truth.

### **Feminist Discourse and the Critiques of Rape Culture**

This project interrogates the concept of rape culture as a constellation of knowledges, epistemologies, practices, and discourses that both connect and disconnect rape from the body. I expand on Sharon Marcus's influential writing which holds rape as an embodied experience not intrinsically tied to corporality. For Marcus (1992), rape is a product not only of the materiality of violence but of the discursive and cultural scripts that preexist the rape event. She argues that much of the feminist literature dismisses all too quickly the possibility of unpacking the discursivity of rape, ignoring the conditions under which various iterations of sexual violence tend to become more visible or recognizable than

others.

Marcus argues that much of the attention to rape is myopically focused on legal definitions and has dismissed the utility of postmodern thinking. She writes, “This assertion contradicts one of feminism’s most powerful contentions about rape—that rape is a question of language, interpretation, and subjectivity” (Marcus 1992, 387).

The embodiment of rape is reified through the discursive production of the female body as both the object of male violence and as subjects of fear (Marcus 1992). Marcus’s work is an important interrogation of the cultural production of rape in that it cannot be wholly identified as a normative stance on how to best address rape. Instead, it offers at its core a fundamental shift in thinking—a way to conceptualize rape not just as a corporeal violation of the body, but of an assemblage of various discursive forces that create certain bodies as rapeable and others as potential rapists.

The term “rape” is intended not only to create attachments to physical forms of violence; it has also been historically used as a centerpiece in the struggle over the symbolic and ideological power of sex and gender. As opposed to sexual assault, which is primarily thought of as a physical kind of violence, the term “rape” is intended to produce affective attachments. Second-wave feminists have conceptualized rape not only as the physical violation of the body but as a continued struggle over power. Second-wave feminists saw the fear of rape as being as performative and powerful as the physical act itself (Griffin 1979; Russell 1974). The physical act of violence does not have a monopoly over rape. Rape seeps into consciousness and is often part of a “scripted interaction which takes place in language” (Marcus 1992, 390).

Rape culture is a linguistic concept and also a metaphoric one. It can sometimes be used as a stand-in for various forms of male power, to point to a spectrum of gendered violence, and to describe an overall climate of oppression. The use of concept brings with it a wide range of unwanted behaviours that construct how we think of a rape culture. The sexual harassment experienced by women on the streets, for example, has often been described as *little rapes*, which while not directly linked to sexual assault, are understood as part of the same spectrum of violence (see Stollak 1976). Disentangling rape from the physical act of non-consensual penetration has been a project for many critical feminists and allows us to see how rape myths are assembled in the first place. I want to draw from this disentanglement and use it as the main theoretical and methodological scaffolding of my analysis throughout this dissertation. Part of the project of postmodern feminism has been aimed at disassembling rape myths and tropes. Until more recently, the notion of rape culture has gone largely unexamined as its own rape script; it has yet to be considered as its own rape mythology. Rape culture has, for the most part, been an uninterrogated element of feminist theorizing for nearly half a century.

Much of what has been written in feminist discourse presupposes the social ontology of a rape culture. It is the untouched element of an otherwise robust and rich literature that examines, from sociohistorical vantage points, the changing definitions and articulations of sexual violence as expressed through law, technology, and even the sciences. More recently, rape culture has been attributed to feminist discourse of the 1970s without any specificity. Jon Brigham (2016, 66) writes, “The notion of rape culture was introduced by a faction of 1970s feminism that embraced Susan Brownmiller’s (1975) bestselling book,

*Against Our Will: Men, Women, and Rape*, which argues that the status of men derives from the power to rape.” Others like Phipps et al. (2018, 2) have suggested, “Subsequent discussions in political and media arenas linked it to broader terms such as ‘sex object culture’ (popularized by the campaign Object!) and ‘rape culture’ (developed by US feminists in the 1970s).” Further, the notion of rape culture is often used to describe the pervasiveness of rape myths, as an explanatory model for a younger generation of people who experience sexual violence in new and technologically mediated ways (i.e., via unsolicited nude images, revenge porn, etc.). A new wave of outrage and immediacy “include feelings of being victim-blamed, resentful, angry, sad, and mistrustful of the wider rape culture in which they live” (Mendes et al. 2018).

It is important to consider the affective dimensions of the concept of rape culture and its potential to inform how anti-rape advocacy and governance get articulated through law, policy, and practice. Part of the tension, however, is that what counts as rape—and by definition rape culture—has been subject to immense criticism. The radical politics of the 1970s have manifested into a regulatory politics aimed at mobilizing the criminal justice system in the pursuit of protecting women from men. The implication of this regulatory politics has been a wholesale condemnation of women’s sexual expression in the form of increased criminalization of sex work, the fight for mandatory arrest policies in the cases of domestic violence, and more recently, campus-based governance that aims to police, investigate, and punish offenders. The resistance to this form of governance highlights the use of traditional criminal justice institutions that perpetuate cycles of marginalization, particularly among racialized and socioeconomically disenfranchised groups, insofar as they rely upon existing

carceral practices that focus on punishment as opposed to other possible interventions.

Part of the tension around the use of the rape culture concept rests in its affective potential to point us to a cultural and empirical problem. By this I mean that the rape culture concept is mobilized to describe the qualitative and quantitative conditions related to the problem of rape—that is, the iterations of sexual violence, their performances, and the widespread extent of the problem. Much of the 1980s and 1990s were dedicated to investigating the claim that rape was pervasive, ubiquitous, and empirically verifiable (Johnson 1980; Russell and Howell 1983; Russell 1984; Koss et al. 1987; Koss 1993; Finley and Corty 1993; DeKeseredy and Kelly 1993).

Russell (1974) and her colleagues were among the first to challenge the methodological failures of official crime measuring instruments, which focused exclusively on assaults reported to police. As research shows, the vast majority of sexual assaults are not reported to the police, and thus a dark shadow of unreported assaults remained a perpetual caveat to the inaccuracy of official reporting instruments such as the Uniform Crime Report and federally administered crime victimization surveys in both Canada and the US (Benoit et al. 2015; Spohn and Tellis 2012). Criminologists and social psychologists took to the question of how they could fill this methodological gap by conducting victim-centred analysis that included instances of victimization that were not reported to police (Koss 1993; Koss et al. 1987; Koss and Oros 1980).

Developing alongside the efforts to map the prevalence of rape was the project of empirically mapping the affective dimensions of sexual violence and the dispositions people have toward rape and rape victims. Burt (1980) sought to

empirically evaluate claims related to the extent to which rape was woven into American culture and life. Based on a survey administered to 598 residents of Minnesota, Burt concluded that those who held deeply sexist or otherwise prejudicial values toward women—including adversarial or sexually conservative values toward women, a general acceptance of interpersonal violence, and certain sex and gender stereotypes—were also likely to hold negative attitudes toward rape. Burt argues that her study is the first of its kind to test and confirm the “rape-supportive nature of American culture” (1980, 228).

The turn to empiricism also marked the move toward studying the university and college campus as a site of rape culture. Campus fraternities, for example, defined by their links to a culture of binge drinking and predatory sexual practices, were scrutinized by many social psychological studies beginning in the 1980s (Garrett-Gooding and Senter Jr 1987; Sanday 1992; Boswell and Spade 1996; Armstrong et al. 2006; Jozkowski and Wiersma-Mosley 2017). Other studies tended to focus on the need to create or improve institutional mechanisms that could serve to educate students on the risks of alcohol and drug use and their role in acquaintance rape (Leary 2016; Senn et al. 2014; Finley and Corty 1993; Mohler-Kuo et al. 2004; Gilchrist and Blissett 2002), to develop and evaluate bystander intervention programs (Coker et al. 2016; Klaw et al. 2005; Banyard et al. 2009; DeKeseredy et al. 2000), and to develop other trauma-informed support services on campus (Estabrook et al. 1978; Benson et al. 1992; Stoner and Cramer 2019; Walsh et al. 2010).

More recently, academics have taken to critically engaging with the concept of rape culture, complicating its use and warning about its potential to

be used in ways that reinforces and expand legal and quasi-legal governance. Crocker and Sibley (2020) highlight that given the popularity of the term “rape culture” in popular discourse, it may not in fact reflect the theoretical contributions by academics to develop the term. In fact, they argue that university students tend to associate rape culture with events covered by the media, including popular trials or sexual violence scandals, and not with more individualized acts of sexual assault or issues related to consent. Gruber (2016) argues that efforts to combat these kinds of cultural dynamics have created an “anti-rape culture” movement characterized by activist and policy interventions that turn to traditional forms of governance and aim to expand criminal justice institutions as the primary mechanism of responding to sexual violence.

Rape culture is not simply a nod to the empirical and quantifiable problem of rape, the rape culture concept is also used to describe other behaviours or activities that are not necessarily linked to rape but instead operate on the spectrum of inappropriate sexual behaviour. Non-consensual sharing or distribution of nudes among youth (Dodge 2016; Mendes et al. 2019; Henry and Powell 2016), unsolicited “dick pics,” and inappropriate sexual comments or innuendo are all cast under the umbrella of an expanding and perverse rape culture. In this sense, the rather quick condemnation of these acts, without much regard for a reparative or restorative reading of how these might be incorporated into a wide variety of new forms of sexual expression and communication (see Karaian and Brady 2020), suggests that rape culture is all too often weaponized as a part of a sexually conservative politics. For this reason, those who use the phrase today are often described as the inheritors of radical feminist thinking. What follows is a comprehensive overview of the theories of rape, rape culture,

and the discursive deployments of these concepts in relation to anti-rape governance. This project focuses on the historical, discursive, and juridical articulations of the concept of rape culture and how it is manifest in a legislative framework in Canada.

While the aim of this project is to contribute to a comprehensive historicization of the rape culture concept, I am not particularly invested in mapping the specific origins of the term. It is important to map the historical emergences of the term rape culture and how certain knowledges around sexual violence attach to the concept. The linguistic term itself is not the only focus of this project. In fact, the term “rape culture” is scarcely found in the historical archives. Instead, the narratives and epistemological frameworks that constitute rape as a “cultural problem” are central to the historical mapping of the rape culture framework. In short, this dissertation focuses on the ways feminist, psychological, and sociolegal discourse assembled a rape culture theory, how those knowledges and discourses are shaped and deployed, and how this guides contemporary discussions around sexual violence.

I take radical feminist thinking as the foundation of the conceptual framework of thinking of a “rape culture.” I explore how this framework gets reimagined through the discursive and epistemological boundaries of the psy sciences and how these make their way into legal discourse, specifically how the rape culture concept informs the regulation of university and college campuses in Ontario.

## **Research Design**

To map the historical contexts of how the rape culture concept emerges in

Canadian law, I centre this project around a historical retracing of rape culture as a concept emerging in the 1970s and trace its development into campus-based sexual politics in recent years. For Foucault, a history of the present locates and maps epistemic authorities. In other words, genealogy attempts to uncover how structures of systems of knowledge exercise power and, in turn, create subjects and regulate their movements. In this sense, genealogy is an act of historicizing: a critique of the normative historical approaches that tend to produce knowledges as settled, uncontested, and unitary. It is not concerned with specific origins, but rather, systems of knowledge that claim to know and with unpacking *how* they know. It is interested in interrogating how discourses construct concepts such as rape culture and how those concepts become the thrust of regulatory power.

Foucault spent much of his career theorizing and historicizing regulatory apparatuses that sought to surveil, pathologize, treat, and correct. His attention was spent on such institutions as the prison or the asylum and the way in which concepts of criminality, reform, and madness have a historicity. These are traced over centuries from the Middle Ages into the nineteenth and twentieth centuries.

This project, instead, focuses on a more limited temporality. It explores how rape culture is assembled through feminism, psychology, and law from the 1970s onwards. Complimenting the methodological and theoretical approaches of Foucault, I also draw upon the works of Gilles Deleuze and Felix Guattari and their philosophy of assemblages. Specifically, I consider how rape culture is assembled through various material and discursive arrangements (i.e., feminism, psychiatry, and law). While Foucault's theoretical contributions highlight the need to interrogate the historical and political conditions that give rise to certain

concepts, Deleuze and Guattari approach concepts through a metaphysics of potentiality. In this sense, they centre on the relations and networks of assemblages that lurk beneath the surface, ones that emerge with intensity, and reorganize and reshape the flows and movements of bodies. In other words, how rape culture carries with it the potential to affect and be affected by other knowledges is one of the key theoretical contribution of this project.

In this sense, distinctions between theory and practice become less clear. In Deleuzoguattarian terms, “how data is made sense of—theorized—is a methodological practice” (Ringrose and Coleman 2013, 127). Foucault lends this very consideration in his genealogical method. Genealogy unveils the power invested in certain concepts, which in turn, make inscriptions on the body. In order to conduct a history of the present, I consider the concept as an assemblage of multiplicities. These parts include the production of rape as something other than its corporeal and juridical definition, as part of a complicated relationship between second-wave feminism and social psychology. Most importantly, I consider how these were and still are part of an ongoing project of speaking out against rape. The act of articulating a cultural diagnosis of a rape culture allows us to unpack the historical, legal, and political assemblages that make that concept possible. While this theoretical toolbox provides the methodological framework for doing a genealogy of rape culture, answering the question of the origins of the “rape culture” paradigm and how its articulations carry over time (and place) requires very specific interventions.

Part of historicizing the emergence and utility of a rape culture framework requires an intense examination of feminist discourse, research, and literature as a unique form of data. It is unique in the sense that not only does it draw from a

breadth of academic literature that intersects with many intellectual disciplines and regulatory apparatuses (including psychology, victimology, and law) but that it too has its own unique and archived history.

Not only were feminists of the 1970s engaged in pursuing, sharing, and practising a variety of diverging and intersecting feminist ethics, they were very much involved in curating a feminist archive rich in data, experience, and narrative. Because feminists were deeply invested in the project of political, economic, and legal change around rape and sexual violence (among a host of other issues closely related to power, gender, and sexuality), their documented efforts, musings, activisms, and political strategies constitute an archive of knowledge related to the production of rape as a cultural problem.

Foucault's genealogical approach is not a clearly defined research methodology. For him, "Genealogy, consequently, requires patience and a knowledge of details and it depends on a vast accumulation of source material. [...] In short, genealogy demands relentless erudition" (Foucault 1980a, 140). In *doing* genealogy, this thesis draws on a number of sources to map some of the central epistemological structures that shape how we understand what constitutes rape culture and how it emerges in feminist, scientific, legal, and political discourse.

The methodological and research challenge with genealogy is deciding where to start. Since genealogy cautions against overemphasizing or fetishizing the search for a concept's specific origins, it poses a significant methodological challenge. As such, I start from the question: how does the concept of rape culture enter into Canadian law, and more broadly, a public discourse around the need to govern university campuses? Since a history of the present seeks to

analyze the historical contingencies on which current day practices depend (Garland 2014), I use the implementation of Bill 132—and the surrounding discourse around rape culture—as the temporal and socio-legal moment that requires historicization.

To historicize this concept, I turn to a number of research methods, all of which play an important part in this project. I began my research project with archival research. In November 2018, I started conducting research in the Library and Archives Canada with particular focus on legal reforms in the 1970s around rape. Particularly, I was interested in whether any discussions of rape culture emerged as part of the 1983 legal reforms, which ultimately removed the term “rape” from the *Criminal Code*. I quickly found that while there was useful archived political discussions and documents related to the ongoing legal reforms, there was no specific mention of the idea or concept of a rape culture.

I turned to the women’s liberation and rape crisis archives at the University of Ottawa to get a better understanding of how activists and organizers understood the problem of sexual violence and how, if at all, it was framed as a cultural problem. My use of archival materials throughout this dissertation is not restricted to a particular chapter. Instead, it informs my thinking and shapes my approach to sexual violence throughout. Particularly, my findings from the feminist archives inform how I approach the rest of the project.

In reading through the archived materials, I found references to and commentaries on popular feminist texts. In the Canadian context, I draw primarily from the Canadian Association of Sexual Assault Centres (circa 1978-1981) archival records. These collections house important news articles, academic

studies, conference papers, and other relevant documents related to the governance of sexual violence in Canada and the United States. These publications were curated by a number of Canadian rape crisis centres and re-distributed in a national newsletter. They circulated relevant literatures, including texts from psychology and criminology, and offered insights into the ongoing workshops and antiviolence initiatives at respective rape crisis centres across Canada. Many of the newsletters included reprints from newly established feminist journals in the US. Reading through feminist history—and what many feminists call *herstory*—offered remarkable insights into what the kinds of discussions happening at the time and served to orient me to relevant texts, critiques, and political moments that shaped anti-rape activism in Canada and the US. For example, the need to explore the relevance of social psychology came from a close examination of how feminist activists engaged with and circulated relevant studies from psychology and criminology. It became clear that while feminist activists and many well-known authors were actively shaping the discourse around sexual violence, they were also engaging with other epistemological frameworks. It was these archives that shaped the trajectory of my research and guided much of this project.

In short, I draw from three main archives: 1) Library and Archives Canada; 2) the women's liberation and rape crisis archives housed at the University of Ottawa; 3) online databases, including the *Rise Up! Digital Feminist Archive* (Canada), *Independent Voices* (US), and other Canadian and American feminist databases, newsletters, and journal archives. These databases contain a variety of digitized feminist journals, some closely linked to local rape crisis centres, and held copies of publications and political manifestos circulating at the

time.

To supplement my archival research, I conducted seven semi-structured interviews with feminist activists in the Ottawa and Toronto region who played a role in shaping anti-rape organizing from the 1970s and 1980s onwards. Through snowball sampling, I was able to have face-to-face, phone, and Skype interviews with activists and scholars who were actively involved in anti-rape and antiviolence organizing in the 1970s in order to better contextualize whether the term “rape culture” was significant in their organizing. Unsurprisingly, and similar to the findings from my archival research, the idea of rape culture—as a specific phrase or concept—was not commonly used in their antiviolence work. Their stories and voices guided much of my archival research and helped shape the focus of this work.

My research from the archives and the conversations I had with many feminist activists also shaped how I approached a genealogy of the rape culture concept. Since the phrase “rape culture” was noticeably absent from much of the activist discourse, I looked to other major feminist texts that, though not explicitly citing the problem of a “rape culture,” tended to frame the issue of sexual violence in terms of a culture of violence against women. This project also considers the historical legal terrain that makes the rape culture concept enter into law and popular media accounts of sexual violence that affect the politicization of sexual violence around the more recent urgencies to securitize the university campus.

I take the contributions of grounded theory as an integral part of this project. Grounded theory sets out to combine social research with theory-making. It stresses that the findings and connections made through qualitative

analysis should drive the use of theory. This approach provides an adaptable methodology suitable for interview and historical data that stress the development of conceptual models via observation (Strauss and Corbin 1994). Through data coding, researchers develop theories or concepts that emerge specifically out of relationships between data (Charmaz 2014). This lends itself well to a genealogical project since it requires a fastidious reading of troves of historical documents and texts.

In the following chapter, I lay out the theoretical framework for this thesis. I consider thinking about rape culture as an assemblage of heterogeneous knowledge systems, narratives, and inscriptions. I pair the work of Deleuze and Guattari to theorize the assemblage of affects, energies, and intensities with Michel Foucault's genealogical method, which traces intensities and exercises of power to regimes of knowledge and truth. Thinking through how affective intensities and orientations to concepts, such as rape culture, also form coalitions and assemblages of power and governance, I consider the historical and social conditions that make rape culture possible.

In chapter 3, I situate the rise of consciousness-raising as a feminist epistemology aimed to disrupt and subvert professionalized knowledges around women's lives. I take this as the most logical starting point for investigating the historical developments of rape culture because 1970s feminism is most often charged with inventing its conceptual framing. Chapter 4 focuses on the making of a "rape culture" construct through an interrogation of feminist theory and literature. It seeks to explore the history of the rape culture framework and how such a concept is mobilized by second-wave feminists. In it, I ask, how does the creation of a rape culture emerge from feminist thought and how does a cultural

analysis of rape differ from other disciplines? Exploring the work of prominent radical feminists such as Mary Daly (1985), Susan Griffin (1971), Susan Brownmiller (1975), and Dianne Herman (1980), this chapter considers the historical makings of “rape culture” as a concept or idea intended to relocate the the power of rape—moving away from a strict reading of rape as a violation of corporeality to one that defines rape as interwoven into culture. Since the concept is inextricably linked to broader constellations of domination and subjugation, rape culture operates as a stand-in for other kinds of gender-based violence and oppression (i.e., patriarchy, misogyny, etc.).

Consciousness-raising was not the only epistemological framework for establishing truths related to the social and cultural dimensions of sexual violence. In the late 1970s and early 1980s, social psychologists sought to validate, through scientific methods and instruments, what some feminists theorized as rape culture. Their findings suggest we live in an empirically verifiable and scientifically demonstrable rape culture (see Burt 1980). No longer was the idea of rape culture inextricably linked to experiential accounts which were sometimes derided, critiqued, and dismissed for their reliance on anecdotal evidence and personal conjecture (Scott 1991). Rather, experience stood alongside other ways of knowing.

Rape culture offers more than a lens through which to view the shifting dynamics of sexual violence; it constitutes itself as an artifact of the psy sciences (Rose 1996, 1999). Chapter 5 examines how this combination of phenomenological and psy knowledges reframes many of the constitutive elements of sexual violence—namely, the victim and offender—and seeks to enclose itself in a practice of establishing truth and creating a kind of violence

that appeals to the authority of experts while subverting other kinds of interventions, including those of victimology and criminology.

In this sense, I will not interrogate the veracity of the claim of whether we live in a rape culture; rather, I explore how such an assemblage emerges. Ummni Khan (2016a), for example, uses the term “RC” in her analysis of rape culture to demarcate the term as the object of her analysis. In this sense, rape culture, or “RC,” becomes more clearly disassembled from its use as an ontological reality and is made into a concept worth interrogating. Other such as Kipnis (2017) italicize the term as to draw suspicion or skepticism to its use (or usefulness). I think this is a useful way to disentangle the term from its ontological hermeneutic, though it runs the risk of creating a new kind of neologism that signals a readiness for critique. In this sense, I do not want to contribute to new iterations of the term, but rather, interrogate its emergence and deployment in the sciences of knowledge.

At the same time, differentiating between the idea or concept of rape culture versus material existence is not something I intend to do here. In fact, to do so may create a false distinction. Regardless of whether one accepts the ontology of a rape culture, the fact remains that certain discursive and epistemological practices animate its existence and govern its use in popular discussions. And since much of the theorization around rape culture tends to deploy the concept in an unexamined way, it is often difficult to avoid engaging with conventional uses of the term, particularly when attempting to historicize how they are animated. That said, I do not enter into this discussion holding that a rape culture exists, nor do I seek to establish whether it does. Instead, I aim to interrogate how the claim of its existence is assembled in the first place.

Drawing on critiques of anti-carceral feminists, I explore the North American legal histories of removing rape from the *Criminal Code* and replacing it with a sexual assault framework. Focusing primarily on the Canadian legal context, and drawing on some American jurisdictions as well, I explore the history of this movement and the efforts to include a framework that would, in effect, allow for more convictions. This, to some extent, forms the basis for the final chapters of this project. I take seriously the possibility that feminist theorizing around rape culture is rhizomatic—a term theorized by Deleuze and Guattari and taken up by others such as Ericsson and Haggerty (2000) to describe the assemblages of power and domination that suddenly emerge and disappear in both space and time.

In chapter 6, I interrogate the making of “rape spaces” as sites of bodily inscription. Focusing specifically on the creation of the “rape campus.” I trace how rape statistics produce rape spaces and, in turn, how those rape spaces contribute to the governing of bodies, their movements, and their inscriptions. Chapter 7 historicizes the rhizomatic disappearance and reemergence of rape in law. I track rape’s disappearance from Canada’s *Criminal Code* in 1983 to its reemergence in campus-based governance in Bill 132. While the word rape or rape culture does not enter into the black letter law after its disappearance in 1983, it is cited by the government as the driving thrust for passing the legislation that regulates campus sexual violence and requires universities to keep track of and publish annual sexual violence statistics. I consider how the influence of governance feminism creates the conditions under which a liberal legal framework is applied to campus-based governance.

Lastly, in chapter 8 and 9 I consider a more recent historical analysis of

rape culture in two ways. First, I consider the move to legislate campus-based sexual assault as an addition to an already assembled carceral education system. I consider how the Ontario government has built an infrastructure of education in the province that has ramped up its capacity to punish students for violations and partnered with police to investigate serious offences. I consider this long history of educational ties to punishment as the grounding on which the term rape culture emerges.

Second, I consider the spectacles of violence that constitute Canadian universities as rape campuses. The events at Canadian universities—specifically the widespread attention given to the rape chants at SMU and UBC, misogynistic messages about students spread online at the University of Ottawa and Dalhousie University, as well as an alleged gang rape by the University of Ottawa hockey team—pointed to Canadian rape culture problem. These campus problems, all of which garnered significant media attention, contribute to the dynamics under which Bill 132 is possible and that an anti-rape culture legislation could be passed.

## Chapter 2: The Affective Assemblages of Rape Culture

Historical narratives of rape tend to draw on changing legal definitions as well as varying geopolitical and social climates. The idea of rape culture and the meaning it produces as a conceptual and political tool is readily dependent on these broader structures. These historical accounts often tend to map how various societies have defined and counted sexual violence. In Deleuzian terms, this focus centres on how certain acts are coded as rape.

Most of what has been written on the idea of rape culture focuses on its material reality—as something that governs our lives and thinking—as opposed to its rhetoric (see also Khan 2016b). “Rape culture” is used most frequently as a self-evident condition and seldom do studies reflect on or interrogate the historical context in which the term, and the general feminist framework, emerge or how the concept is operationalized. Part of this project attempts to divorce rape culture from a social ontology and historicize its constituent parts.

What is often missing from analyses of rape culture is an interrogation of how rape—as both a concept and a discursive frame—manifests in an affective sense? What kinds of empirical data and epistemological frameworks are relied upon when invoking that we live in a rape culture? How does the term “rape culture” have the potential to invoke or justify certain regulatory or carceral practices aimed at addressing sexual violence? The literature on rape culture lacks introspective analysis of how the construct comes into being and how it animates orientations and responses to sexual violence. Similarly, there are few if any accounts of rape culture that broach the topic from a historical vantage point. While rape, on the one hand, has been historicized, particularly in how it is

deployed in various historical contexts, rape culture is seldom afforded such an analysis. It is often conceptualized and theorized as an ahistorical *a priori*. This lack of historicization serves to reify the concept as a preexisting social and cultural condition.

Rape culture is seen as the product of networks and assemblages of violence. These are often constituted through the acceptance of rape myths, the barriers to reporting sexual violence to the police, and the general “tolerance” of sexual violence by society writ large. These become more acutely identifiable among “youth” and “young adults” in the forms of consensual image sharing, alcohol and drug use, and lack of consent education. It is often described as intertwined with a kind of fraternity culture on university campuses (Phipps et al. 2018).

Some describe rape culture as both the cause and effect of sexual violence (Mendes et al. 2018; Horeck 2014). On the one hand, the social rearing of boys into objectifying women, the celebration of sexual conquest, the apathy of governing bodies and agencies to effectively curb sexual violence, and the overall cultural attitudes that embrace misogyny and sexual exploitation are seen as its causes. On the other hand, its effects are regarded as reproducing the causes, forcing survivors into silence, posing barriers to reporting, and systematically enabling abusers to continue their behaviours.

These accounts not only point to a cyclical nature of rape and rape culture, where the causes and effects blend into one another in complex ways, but when left unexamined, the idea of rape culture often preexists any act of violence. Understood as both cause and effect, this obfuscated paradigm, when left uncritically interrogated, resembles other tautological systems of knowledge

(and repression) such as religion or psychoanalysis.<sup>2</sup>

This chapter presents the theoretical framework for this dissertation. In doing so, I argue that questions posed throughout this dissertation, both here and in the introduction, are complimented by the works of Gilles Deleuze and Felix Guattari (as an intellectual pair) and Michel Foucault. I draw on both theoretical and methodological influences carefully. For one, Deleuze and Guattari and Foucault offer complimentary analytic paradigms for critically analyzing the power structures imbedded in society and how these contribute to the formation of subjects. Both were interested in the power of psychiatry to reproduce the very problems it sought to treat. Deleuze and Guattari, for example, critique Freud's theories of the Oedipal complex, suggesting that it seeks to explain everything in terms of the "daddy-mommy-me" paradigm. That every human behaviour, disorder, or pathology could be reduced to this triangulation was seen as a tautological ordering of things (Deleuze and Guattari 2004).

Foucault embraced a similar skepticism of psychiatric intervention in treating the "abnormal" in the context of the hospital, the school, the prison, and other branches of the state. Both Deleuze and Guattari and Foucault were deeply

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<sup>2</sup> I liken this to psychoanalysis or theology because they are often built on the premise of the transcendent. Human existence, in the Christian-Judeo traditions, are reduced to the servitude of a higher being. Life on earth is temporary, finite, and burdensome. It is a mere step in the pursuit to the paradisiacal. Any and all questions of existentialism are reduced to God's will. Nietzsche himself refers to this as a nihilistic pursuit that renders meaningless every corporeal manifestation. Psychoanalysis has also developed a language that shelves itself as unreachable. Like the priest who can access and make judgments on your soul, the psychoanalyst also makes prescriptions of the mind. In Freudian terms, the id, the unconscious realm of desire, is only accessible via the tools of the psychoanalysts. The id, according to Freud, remains unchanged throughout time. It is the only part of the mind that is present from birth—it pre-exists and somehow informs the other processes of personality and personhood. Rape culture has a very similar ontology. It too resides in the realm of the inaccessible. It is rendered present even before we ever think of how it manifests as rape. Like the priest who speaks to the soul, and the psychoanalysis who speaks to the mind, who gets to speak about rape?

impacted by the work of Friedrich Nietzsche. They established their writings in relation to a Nietzschean philosophy that was deeply suspicious of the stoicism and appeals to authority made by Enlightenment thinkers with regard to truth. They depart, however, in their approaches. Deleuze and Guattari are instrumental in offering a philosophical conception of the organization of ideas and structures as both corporeal and incorporeal. Drawing on the work of Spinoza, Deleuze and Guattari present a phenomenological perspective of understanding how information, bodies, and concepts flow, create meaning, coalesce, and fracture. They are concerned with how bodies move through time and space, how those bodies impress and are impressed upon. In other words, how the flow of bodies, information, and knowledge affect and become affected.

Foucault (1972; 1977; 1980) approaches this from a different epistemological perspective. He grounds the power of knowledge production and what he calls the order of things in an analysis of discourse. Power is not repressive; it is productive. It does not merely negate behaviour, it actively conditions, disciplines, and regulates. Foucault writes:

In defining the effects of power as repression, one adopts a purely juridical conception of such power, one identifies power with a law which says no, power is taken above all as carrying the force of a prohibition. If power were never anything but repressive, if it never did anything but say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse.  
(Foucault 1980b, 119)

Subjects are produced by and through discourse. Foucault seeks to question how the instruments, tests, and mechanisms of surveillance and treatment render subjects abnormal in the first place. From a historical perspective, he asks how

these institutions are implicated in the very knowledge production that creates and sustains the networks of power that criminalize and pathologize the offender.

### **Rape Culture Assemblages**

The question of how the rape culture construct manifests is important both in terms of how it affects our sensibilities, how it informs our orientations toward sexual violence, and how the problem of sexual violence is produced and governed. In the introduction, I mentioned that I view the concept of rape culture as an assemblage of ideas, practices, and dispositions toward rape.

Assemblages, or *agencement*, are multiplicities or collections of things that are organized through processes of coding (Delanda 2016). Concepts can be part of assemblages or can form entire assemblages. Delanda and others have developed Deleuze and Guattari's concept of assemblages into an assemblage theory that might help to better understand how rape and rape culture are historically contingent and assembled through the complexities of affect or political will.

Assemblages exist as products of exteriority. They are produced through interactions between constituents of the network. In this sense, they are not innate or natural but rather have emerged through relationalities within and outside the assemblage (Delanda 2016). Concepts, for example, are not always free-floating signifiers. They are bound to particular manifestations of both the observable and unobservable world. As certain meanings coalesce, they form a recognizable assemblage. Deleuze and Guattari offer crucial methodological and theoretical insights in highlighting the importance of assemblages as a

constitutive force of thought, will, and knowledge. They argue that assemblages are amalgamations of individual parts that come to form a collective whole. Deleuze and Parnet clarify this relationship, writing, “What is an assemblage? It is a multiplicity which is made up of many heterogeneous terms and which establishes liaisons, relations between them, across ages, sexes and reigns—different natures. Thus, the assemblage’s only unity is that of a co-functioning: it is a symbiosis, a ‘sympathy.’ It is never filiations which are important, but alliances, alloys; these are not successions, lines of descent, but contagions, epidemics, the wind” (2007, 69).

Assemblages are heterogeneous parts of a larger whole. According to Nail (2017), assemblages can be comprised of several heterogeneous parts, but those parts can never be fully unified. In other words, assemblages are never singular, they always exist as a composition of multiplicities. Heterogeneous parts can be both material and immaterial. They can consist of matter, humans, objects, and the systems that connect them. They can also consist of such intangibles as those relegated to the status of ideas, concepts, or language. They are produced through machines.

Everything is a machine, for Deleuze and Guattari, because everything does something. Deleuze and Guattari further explain that the interconnectedness of machines can also be made through desire or abstraction. Desiring machines are those that contribute to the production of desire—they form attachments to outside worlds and outside things (Ross 2010). This is not the same as the Lacanian or psychoanalytic desire that exists within to be expressed outwardly. Desire is a productive force that emerges through the connections to other machines. The desires for change or for social justice, to

name a few, are part of the constitution of certain assemblages (Deleuze and Guattari 2004). The mobilization against social inequalities, against violence, or even against law is the manifestation of desire-production. Abstract machines, on the other hand, are the kinds of rules, ethics, and ethos that make those desires possible in the first place. They are compounded at the level of intensities, which do not necessarily have a materiality, but are compelling and forceful nonetheless.

Rape and rape culture require other assemblages and arrangements to be in place in order to be recognizable. First, they both signal that the non-consensual touching of another person is a violation of personal autonomy and dignity. Before this can occur, the body must be coded as possessing autonomy and dignity. In other words, there must be some mechanism in place that recognizes that there are boundaries or limits to the corporeal that must not be traversed by others without specific codes. In the context of sexual violence, consent is that code which in itself is constituted through a network of juridical, political, and social scripts that are historically and geographically contingent.

At the same time, the concept or idea of a rape culture is its own assemblage. It is, as this dissertation will show, made up of heterogeneous arrangements, including those related to knowledge production, spatial configurations, and regulatory apparatuses. Though part of these machinic assemblages form what Foucault theorizes as the disciplinary arrangements of social institutions. Foucault traces these arrangements historically and considers the ways the production of knowledges, in turn, produce certain subjects. These subjects bear the inscriptions of the knowledge producing systems that govern their existence. The prisoner can only exist in relation to the knowledge emerging

from the prison. Likewise, the “mentally ill” can only exist through the production of knowledge in the asylum.

Discourse, for Foucault, refers to how ideas are produced, who gets to take part in their production, and how those knowledges are deployed. Knowledge production is rendered through assemblages and arrangements of institutions, their agents, and their subjects and objects of power. In a Foucauldian sense, the exercise of power requires the arrangements of those who create the discursive and regulatory instruments used to control or discipline and those who are put under the auspices of that control.

The disciplinary techniques of observation and examination produce configurations of normality and abnormality. Each discursive machine is implicated in the production of the subjects and their bodily inscriptions. These inscriptions, which for Deleuze and Guattari (2004) are at the centre of any philosophy of the subject, form parts of those discursive assemblages. The law, for example, enacts a certain kind disciplinary and discursive power over the rapist. When exercised according to its own internal logics and rules, which are seemingly well defined and established in a corpus of precedent, then it can make a ruling as to the guilt or innocence of an accused. As part of its arrangements, it can mobilize the sovereign powers of the state to compel those found guilty to certain punishments. In effect, it inscribes and imposes a particular identity onto the subject: that of the convicted rapist.

Psychologists can also manifest similar social arrangements. The observations and examinations conducted under the auspices of what Rose (1999) calls the psy professions draw upon certain psychosocial instruments to measure the rapist—not always as “offender”—but as “sexual deviant.” The

rapist here is constructed through assemblages of pathology and psychometrics. Likewise, the sexual deviant is also configured in other assemblages. Media discourse assemblages, for example, adhere to their own internal logics, requiring neither the doctrines nor instruments of law and psychology to make a determination that someone is in fact a rapist. Rather, media tend to obfuscate those lines drawn by other discourses and instead assemble representations of rapists in ways that produce different affects such as anger or disgust. The rapist can be portrayed as a monster, a lurker, or prowler. He can simultaneously incite fear and intrigue.

Foucault does not really give us an intricate explanation for how these feelings or affects between subjects manifest, only in that if they produce *something*. That something is a product of systems of power. Deleuze and Guattari recognize power in different ways, albeit not entirely dissimilarly to that of Foucault. Along with those assemblages of discourses, Deleuze and Guattari point us to the role of intensities in shaping those linguistic and semiotic configurations. The manifestation of anger, disgust, and fear are not always products of a coherent or cohesive discourse. Many are afraid of being assaulted by strangers, though statisticians and actuaries warn that assaults are more likely to occur from those familiar to victims (Koss et al. 1988). The intensity through which fear manifests itself, however, is very real. It affects our bodily movements, how we negotiate space, and the kinds of relationships we develop.

These intensities are at times intangible, nonsensical, and untraceable. They are abstract machines. Rape culture exists as an assemblage within a “techno-semiotic” stratum that is produced through these discursive arrangements. As Buchanan so eloquently puts it, “Assemblages are required to

effectuate abstract machines” (2020, 43). This very effectuation of abstract machines is how I intend to approach the idea of rape culture. By overlaying Foucault’s insistence on observing the disciplinary powers of institutions with a Deleuzoguattarian lens for recognizing the intensity of those power arrangements, we are better situated methodologically to understand how certain concepts produce the concepts, affects, and desires that become observable through their “glow” (MacLure 2013). They stand out in the archives of knowledge in ways that affect how we approach and orient ourselves towards discourses.

Research must always be understood as an assemblage of techniques, instruments, and practices that are implicated in the processes of knowledge production (Rose 1998). They are projects of desire—the desire to answer questions, to create concepts, and to shape the regulation of bodies. Assemblages are always the products of desire (Buchanan 2020), and when we consider their emergence along the plane of immanence, desires tend to *produce* things. It is these very affective intensities—produced through knowledge, institutions, bodies, and inscriptions—that make Deleuze and Guattari and Foucault complement each other so well.

The production of a feminist account of rape, the translation of these ideas into the psy professions, and the impending regulatory apparatuses that coalesce around the production of rape culture require further interrogation. How these configurations come about requires much more than a historical approach. It requires an orientation that considers how those historical problems acquire a certain social or political value, how they circulate, and what kinds of bodily and social inscriptions assemblages produce. It requires attention not only to the

moments and events through which problems become actualized but also to the moments prior to and between those events. The affective assemblage of the rape culture construct happens in the inexplicable moments that exist before we identify those feelings as anger, disgust, or fear. These feelings inform those in-between moments of what we often consider to be violence, but in certain cases, is not always connected to legal or socially agreed upon definitions of what *counts* as harm, or further, what *counts* as a rape. Does rape culture refer to more than just a culture that normalizes sexual violence? Does it attach itself to things and acts that might not be violent at all? How are rape jokes, sexual comments, or sexist attitudes folded into the rape culture framework? What happens in moments when violence may seem fleeting or transitory that stick to the continuums of violence? It is here, in these liminal moments, that I wish to theorize rape culture.

### **Discursivity, Historicity, and Legalities**

Though not particularly interested in law, Foucault lends a framework for understanding how power relations—coded into systems of knowledge—are always historically contingent. The concept of rape, for example, is historically contingent and produced through the discourses of law morality, sexuality, and the psy professions. It is assembled through intersecting discourses.

Victorian social mores rendered public discussions of sex immoral (Smart 1989). To speak of rape, in a criminal trial, was to not only speak of sexual organs, but to narrate their movements and animate their role in forceful sexual acts (Backhouse 1991). Carol Smart (1989, 40) writes, “Modesty insisted that a pure woman could never speak of such acts in public, so the woman who

complained of rape became lewd herself. The extreme of this was the tendency of magistrates to dismiss cases on the basis that a public airing of the case would corrupt public morals. So the woman who spoke of her violation would be deemed to have immoral effects, as well as providing proof of her sexual immorality." Victorian legal prosecutions exemplified how the very act of speaking of rape, or making a complaint, positioned women in violation of expected behaviour.

The ability to talk about sex, and to talk about rape, is a product of certain regulatory and knowledge production arrangements. Foucault (2003, 24) writes, "In a society such as ours—or in any society, come to that—multiple relations of power traverse, characterize, and constitute the social body; they are indissociable from a discourse of truth, and they can neither be established nor function unless a true discourse is produced, accumulated, put into circulation, and set to work. Power cannot be exercised unless a certain economy of discourses of truth functions in, on the basis of, and thanks to, that power." Foucault also notes, those who were able to talk about sex were the gatekeepers to how certain discourses of sexuality gained meaning. Sex was relegated to the dialogues between priests and sinners in the confessional and psychoanalysts and patients in the asylum. As talk about sex entered the courtroom, law exercised its domain over it; it became overcoded in legal terms.

Assemblages like rape culture are not just formed by these larger substantive structures. Rather, they assemble and congeal through the affective flows of intensity, the organization of people around the idea of rape culture, and how those flows of intensity give the concept meaning. The personal accounts of people highlighting the pervasiveness of sexual violence, the statistics that

support and scientifically verify those accounts, and the policies that work to ameliorate the conditions that contribute to and sustain a culture of sexual violence all create a disposition to rape that makes it recognizable as a feature of culture.

The flows of ideas, orientations, and intensities coalesce and sometimes interlock to create a discursive contour. They territorialize and are grounded in a way that “refers not only to the determination of the spatial boundaries of a whole—as in the territory of a community, city, or nation-state—but also to the degree to which an assemblage’s component parts are drawn from a homogeneous repertoire, or the degree to which an assemblage homogenizes its own components” (Delanda 2016, 22). The way concepts or assemblages become recognizable, gain popularity, or acquire a cohesiveness is never absolute. At the same time, these parts can be less stable, more fluid, and subject to detachment from their original conceptual frameworks.

The rape culture concept, and its broader theoretical and epistemic framework, is an assemblage of multiplicities. Its invocation relies upon several disparate kinds of epistemologies and knowledge structures to map the contours of what makes the defining features of a rape culture. In many respects, rape culture is often taken as a given. Many cite its existence as a normal part of social life (Phipps et al. 2018; Sinko et al. 2021). The constituent and heterogenous parts of assemblages can sometimes appear to be cohesive and resembling a larger conceptual or epistemic paradigm.

Elements of assemblages need not be directly connected to each other; rather, they can exist alongside and brush up against other concepts. The failure of police to effectively curb sexual assault is just as much part of the rape culture

assemblage as is the sexually offensive joke. The fact that they do, however, coalesce around the notion of rape culture is part of how certain ideas become grounded in certain concepts. Emotions can also be produced through these assemblages and can stick to parts or wholes of assemblages. Ahmed (2004) refers to this as the “stickiness” of emotion. Certain affective responses—ones that facilitate an orientation toward something like a hatred or anger for aspects of a rape culture—or other orientations such as those that cause some to turn their backs on the police, are also produced through assemblages. Responses to rape and the way in which rape is constructed sticks and “though real and really, really bad, is also inevitably ideological and thus, that rape as representation sticks like glue to rape as event” (Halley 2008, 110).

Laws are also assemblages. The creation of a criminal law statute, for example, requires the assembly of politicians, their delegates, and staffers to draft a regulatory provision that offers “protection.” Part of this criminal law assemblage also requires a material threat: the rapist. A criminal law provision against rape would seemingly require some knowledge about rape, rapists, and potential victims and would use that knowledge to create a seemingly formulaic assessment of how to *deter*, *punish*, or *rehabilitate* sexual violence. These principles assemble the rationalities of punishment. Those lawmakers might draw on scientific or criminological data to inform their policy position. These might form an assemblage of rationally calculated legal approaches to violence.

Orientations around criminal law can be immaterial, emotional, and affective. Despite the mounting evidence to suggest the relative ineffectiveness of and limitations to criminal law approaches to preventing sexual violence (Henry and Powell 2016; Schulhofer 1998; Gotell 2008), there is always a place for a

punitive approach to regulation. In fact, much of the legislative history around sexual violence has been to punish those who violate the integrity and dignity of others through non-consensual violations of the body.

The criminalization of sexual violence is also met with certain social arrangements that emit certain intensities. The flow of bodies that organize outside courthouses and parliaments to demand increased punishment for offenders in the name of victims, to demand protections from violent men, to demand dignity for complainants during the criminal trial processes also contribute to a climate that contributes to the mounting pressure to reform criminal law or increase punishment.

The circulation of anger, resentment, and frustration toward the networks of failure that give rise to a general sense of apathy toward rape and rape victims tends to also create an economy of affects that make possible the rise of more calls for retribution. Ahmed (2004) reminds us that “in such affective economies, emotions *do things*.” Emotions are part of the incorporeal networks of assemblages. They render the power and affective potential. Rape culture carries with it the potential to affect and be affected. In other words, it is an affective assemblage (Carline et al. 2020). Deleuze (2007, 177) writes, “In assemblages you find states of things, bodies, various combinations of bodies, hodgepodes; but you also find utterances, modes of expression, and whole regimes of signs. The relations between the two are pretty complex. For example, a society is defined not by productive forces and ideology, but by ‘hodgepodes’ and ‘verdicts.’ Hodgepodes are combinations of interpenetrating bodies. These combinations are well-known and accepted (incest, for example, is a forbidden combination). Verdicts are collective utterances, that is, instantaneous and incorporeal

transformations which have currency in a society (for example, ‘from now on you are no longer a child’...).” The raped body, the fearful body and even feared bodies are those hodgepodes. Rape culture is the verdict—the linguistic and semiotic charge we apply to a culture deemed to be implicated in violence against women. Theorizing rape culture as a concept that can acquire (and lose) currency within and beyond feminist discourse is useful in thinking about how some orient toward that concept and how the concept has greater utility in the context of politicizing rape.

Assemblages also have a character or personae—a living, fluid essence or residue that makes impressions and impress upon us (Nail 2017). Thus, assemblages are affective. The personae, as created through the interactions of the multiplicities, and the interactions between heterogenous parts of assemblages (and their collisions with other assemblages) are productive powers. They have the capacity to affect and be affected. If we think of rape culture as an assemblage, we must be open to understanding its fluidity. It is neither a static nor immutable concept that reflects a universal truth. It is contested, politicized, and historically contingent.

The fear of living in a rape culture attaches itself to the body in ways that affect its movements. Fear of walking home at night, for example, is inscribed onto the body and directs the body in ways that constitute mundane tasks as risky. They also animate other assemblages and form partial attachments to those. The way rape culture contributes to a generalized sense of fear also brings with it the possibility of sticking to carceral assemblages. Ideas can detach from one assemblage and become folded into other assemblages (Delanda 2016). We see this perhaps most prominently in attempts to theorize rape culture as an

artifact of radical feminism. The idea that rape culture has certain “roots” or “origins” is also telling of how we approach the concept and how it gets deployed. Rather than take these historically roots as a given, I aim to historicize those assemblages to see how their constitutive parts are formed and how they coalesce to form a cultural theory of rape.

### **Historicizing the “Rape Culture” Paradigm**

Foucault’s development of Nietzsche’s genealogical method offers an important synergy with assemblage theory. Assemblage theory offers the critical theoretical tools to create the cartographies of rape culture. These contribute to the project of mapping the ways concepts and ideas stick to, or territorialize, rape culture and how they break away from the concept. Foucault’s work takes us a step further in unpacking the concept of rape culture. Whereas Deleuze and Guattari were less interested in mechanisms of power and focused more on affects, desire, and flow of intensities, Foucault addressed the historicity of knowledge production and its effects on the regulation and disciplining of bodies. Deleuze and Guattari provide a theoretical and philosophical guide to thinking about how the movements of bodies, their ideas, and affects congeal to form recognizable assemblages. Foucault was not particularly interested in these phenomenological approaches. Instead, he focused his attention to how bodies and subjects are produced through the regulatory and disciplinary effects of truth regimes, how these truth effects mobilize and animate bodies, and how they structure and guide those movements. Foucault was primarily interested in writing about the histories of knowledge and power through an exploration of the ways institutions construct and govern their discourses.

Deleuze and Guattari offer a metaphysical intervention on concepts and ideas, whereas Foucault offers a much more grounded epistemological approach to how knowledge systems are created and governed. Specifically, Foucault articulates this through an exploration of temporality. His genealogical method searches for the underlying knowledge structures that seek to regulate subjects in both time and place and, in turn, produce a corpus of knowledge on those subjects as the discourses of human sciences.

These regimes of truth operate as a unified discourse that maintains the epistemological authority to define, measure, treat, observe, surveil, correct, or know the subjects they seek to constitute and govern in the first place (Foucault 1972). According to Dreyfus and Rabinow, Foucault's central project is concerned with uncovering the "illusion of autonomous discourse" (1983, xii). Part of the unifying feature is that many of these discourses tend to present themselves either as completely ahistorical or as possessing a linear history that can be easily traced. Instead, Foucault's method articulates the need to source the "messy actualities" of governance as the observable realities of regulatory power (Barry et al. 1993; O'Malley et al. 1997).

Foucault narrowed in on how discourses galvanize as authoritative and, at the same time, subjugate other forms of knowledge. In *Discipline and Punish*, Foucault (1977) examines the prison as a knowledge producing institution that that acquires such a function through punishing and reforming offenders. The network of actors operating within and adjacent to the prison—the correctional officers, psychiatrists, social workers—observe "offenders" and create a discourse of criminality based on the observations, examinations, and reports. The subjects produced through these institutions, that is, the inmate or the

patient, were turned into case files that formed the empirical basis on which criminological and psychiatric sciences built their discourses. Extending from those discourses were the manuals on how to correct, treat, and rehabilitate.

The academic disciplines that forge the sciences of criminality and deviancy guard those knowledges through claims of objectivity and rigour. They aim, for the most part, to protect themselves from external critique by developing unique metrics. Part of the project of empiricism and positivism requires the hierarchizing of knowledge. Foucault posits that part of a genealogy—and its role as a critique—involves the historicizing of “subjugated knowledges.” These refer to knowledges that, through a constellation of powers, are regarded as non-scientific, empirically dubious, and are sometimes cast to the margins within intellectual discussions. Foucault writes, “When I say ‘subjugated knowledges’ I am also referring to a whole series of knowledges that have been disqualified as non-conceptual knowledges, as insufficiently elaborated knowledges: naïve knowledges, hierarchically inferior knowledges, knowledges that are below the required level of erudition or scientificity” (Foucault 2003, 255). He adapts Nietzsche’s method of genealogy to confront traditional historical inquiry, which tends to capture and map history in terms of its discontinuities and, instead, posits a methodology of genealogy that centres on the processes and mechanisms that constitute a unified account of historical events.

The problem of the rapist, for example, is not fully actualized as pathology until the person who violates the sexual autonomy of another is placed under the auspices of the psychological sciences. Without this specific intervention, *the rapist* does not exist as an expression of a deranged mind (Pasquino 1991). The rapist, as a subject of disciplinary powers, is produced through the scientific

methods and languages of psychiatric intervention and transformed through the idioms of abnormality and pathology. The sexual deviant emerges then through specific discursive and scientific observations (e.g., tests, examinations, etc.) and, based on empirical findings of pathology and abnormality, is to be treated and reformed to an acceptable standard, measure, or degree of (heteronormative) sexuality. These are not the interventions of medical practitioners alone. Legal practitioners have also historically tethered their discourses of morality, safety, and measured retribution to the production of the sex offender. As a medico-juridical subject, sex offenders are doubly surveilled by both the actors within the carceral assemblages and those within the psy and medical professions.

The idea of rape culture is constituted through these very discursive assemblages. This project centres on destabilizing the historical conditions that make possible an understanding of the problem of rape and its proliferation into the epidemiological categorizations of rape as a “diseased culture”—a pathologizing of the social dynamics. Taking from Foucault, pathologies in themselves are historically contingent forces that lend force to the productive powers of regimes of truth. To some extent, rape culture is an epistemological framework—a way of understanding and interpreting sexual violence, rates of assaults, and so forth—and a set of discursive practices which, in turn, produce and govern the crimino-juridical subjects that orbit the problem of rape. In a rape culture, the victim, offender, and broader structures of governance and power are reconstituted and reformulated to embody a crisis of criminal sexuality and aggression. Though a rape culture cannot exist as a naturally occurring phenomenon. It is after all a socially constructed and historically contingent framework of understanding.

This production cannot be understood as an isolated event or a singular historic moment. At the same time, though concepts sometimes offer a sense of unity—nicely packaged and homogeneously contained meaning—they are constituted through heterogeneous parts. In their theoretical contributions, Deleuze and Guattari offer assemblages as the constitutive elements of seemingly cohesive ideas and truths. Assemblages are networks of knowledge, meaning, and practice. They also embody expression; they have a disposition to other assemblages and vice versa. They can act and be acted upon.

Foucault (1990) historicizes the making of sexual deviancy through a critique of the repression hypothesis. He argues that while historians have marked the seventeenth and eighteenth centuries as a time when the European bourgeoisie sought to denounce any public talk of sex, certain institutions, namely psychiatry and the church, became the outlets for sex talk. In turn the psychiatrist, through psychoanalysis, and the priest, through his confessional, controlled the outlets of sex discourse. The sex offender, for example, is the product of an assemblage of both scientific and folkloric discourse that contributes to and sustains a chimeric and illusory condition (Spencer and Ricciardelli 2020). In this sense, they are expressive. They have orientations and dispositions; they have markers and traces.

Part of his emphasis on discourse is not only about what gets said about sex but who gets to do the speaking. Foucault's history of the present offers a useful toolbox in historicizing what Nietzsche called the will to power and what Foucault often referred to as the will to knowledge—the very discursive techniques and modalities of power that create hierarchies of knowledge and power. Thinking of assemblages in concert with a genealogical project allows for

several important methodological undertakings. Since Foucault lends his version of genealogy as a critique of the distributions of power, assemblages allow us to consider how those distributions of power coalesce to form a multiplicity of intensities, sites of power, and various regimes of truth. In essence, assemblage theory offers an “alternative logic to that of unities” (Nail 2017, 22). Foucault’s genealogical method is one way to subvert historical unity and considers how power is exercised in various contexts through specific legal, political, and social arrangements or assemblages. Garland explains, “Genealogy’s aim is to trace the struggles, displacements and processes of repurposing out of which contemporary practices emerged, and to show the historical conditions of existence upon which present-day practices depend. Genealogy views the process of descent as the outcome of power struggles and battles over domination, use, and meaning” (2014, 373). These displacements and repurposing are the deterritorialization and reterritorializations that also happens in assemblages (Delanda 2016).

Rape culture is an assemblage of various kinds. It is assembled through narrative, empiricism, political rhetoric, and governance. It might help us imagine how ideas of rape, their definitions in and out of law, as well as the semiotics of statistics, are deployed in a multiplicity of ways across a multiplicity of temporal and spatial sites. The contributions of feminists, the knowledge produced by their testimonies, flows into the work of social psychologists. Deleuze and Guattari refer to these movements between distinct elements of an assemblage as the *becomings* of other elements—always in flux and harbouring potential energies and intensities that are escapable and mobile. These energies too must be considered historically contingent and emerge from sites of struggle.

These potential energies inform the kinds of projects others take up and explore through their own disciplines. The rape culture paradigm utilizes epistemological rubrics that seek to make claims as to how we define, treat, and even experience various forms of sexual violence. These epistemologies are adapted, modified, and translated as they move from the discourses of feminism to that of the psy disciplines and to the legal sphere. In the rape culture assemblage, the idea of rape, the offender, the victim, and the kinds of representations of sexual violence that are possible are borrowed by each element of the assemblage.

Rape culture is an assemblage of epistemologies, its expressions tethered to time and place. Consciousness-raising of the 1970s popularized the lens of viewing the personal as political. It subverted and challenged criminologists, lawyers, and politicians who had historically made rape a problem of the victim. Concepts, methods, and practices can detach from their “place of origin” and re-locate in others. Deleuze and Guattari explicitly state, “There is no concept with only one component” (1994, 15). Feminist theorists and legal practitioners use rape in both common and different ways, but both contribute to the larger production of the assemblage of a rape culture. The divorcing of rape from the corporeal and mapping its meaning onto a social body is part of the rape culture assemblage. The removing of rape from criminal law served to assemble the body in new ways; it created the possibility of understanding rape as reducible to neither the vagina nor the penis, introducing a number of ways and a number of body parts that could count as a type of sexual violence—an embodied continuum of rape.

## Conceptual and Theoretical Rhizomes

Rape culture blurs these distinctions even more. Genealogy may alleviate some of this tension by exploring what Koopman refers to as submerged problems. These issues lurk below the surface and are sometimes masked by the grandiose nature of certain truths, “the problems whose itches feel impenetrable, whose remedies are ever just beyond our grasp, and whose very articulations require a severe work of thought” (Koopman 2013, 1). The way these articulations relate to the production of sexual violence as a pervading cultural problem is part of an assemblage of knowledges, each requiring a critical examination. This, as Koopman argues, is the basis for understanding genealogy as critique. He identifies three uses of critique: 1) subversion; 2) vindication; 3) problematization. Genealogy as a subversive method challenges the ontological formation of truth as natural and *a priori* structures of knowledge and meaning. Koopman (2013) refers to Nietzsche’s *Genealogy of Morals* as the quintessential subversive historiography that challenges the imagined morality, knowledge, and constellations of thought through history. Through the subversion of truth, some historians argue that the vindication of other truths can be assumed. This, of course, is grounded in a logic interested in establishing a normative understanding of the problem.

This project does not seek to establish rape culture as a “truth” but rather as an assemblage of knowledges, affects, and intensities. The last and perhaps most useful aspect of genealogy relates to the problematization of meaning and truth. Foucault’s genealogy is a method of historical critique. It is a critique of historians who focus on the singularities and linear trajectories of history. Even

in the cases where historians were interested in ruptures and discontinuities, Foucault says that these disruptions in history have merely served to reinforce the idea that history is neatly contained in the temporalities of eras and epochs (Sheridan 1990). A historiography of rape culture involves utilizing the problematization aspect of genealogical critique, though at times, subversion of the establishment of universal truths is necessary to unpack and explore the dynamics of a rape culture that might be hyperbolic, unsubstantiated, and panicky. Certain kinds of violence are linked to the body. But as Deleuze and Guattari suggest, concepts are incorporeal. They have affective potentialities in that they stick to or orient us toward and away from certain feelings, emotions, or modes of governance. They are not contained by the body. They are inscribed onto bodies and produced between the orientations of those bodies (Grosz 1994).

The metaphor of the rhizome is useful in describing and mapping the registers of intensity that assemblages produce. The rhizome is a partly subterranean organism that thrives not as a unified structure but as a series of offshoots that move outward from their origins in a way that masks their origins. The rhizomes move laterally beneath the earth. As Deleuze and Guattari (1987, 8) note, "An assemblage is precisely this increase in the dimensions of a multiplicity that necessarily changes in nature as it expands its connections. There are no points or positions in a rhizome, such as those found in a structure, tree, or root. There are only lines." While Foucault accounts for the arrangements of power throughout history, Deleuze and Guattari offer the rhizome as an image for thinking through the ways the history of ideas is never linear, neat, and compact. It lurks beneath and in moments bursts through the stable landscape of time and space. They emerge in random times and random places. Their visibility and

intensities are undefined and can retreat below the surface only to reemerge again (or never at all).

Deleuze and Guattari, much like Foucault, are uninterested in locating historical “roots,” as if there is an original anything. Instead, they conceptualize things in multiplicities. They reject the idea of the root as the origin and, instead, offer the rhizome as a metaphor. They write, “A rhizome as subterranean stem is absolutely different from roots and radicles. Bulbs and tubers are rhizomes” (Deleuze and Guattari 1987, 7). The specific “starting” points of rhizomes are sometimes unknown. Deleuze and Guattari distinguish this from a tree, which extends vertically—above and below ground—in a predictable and containable way. In this sense, traditional notions of genealogy tend to focus on this linearity—an observable and easily mapped lineage. What exists above ground is firmly rooted. They go on to write, “There is always something genealogical about a tree. It is not a method for the people. A method of the rhizome type, on the contrary, can analyze language only by decentering it onto other dimensions and other registers. A language is never closed upon itself, except as a function of impotence” (Deleuze and Guattari 1987, 8). Rhizomes are constituted through connections to other nodes, other points of interest, other concepts. For Deleuze and Guattari (1987, 7), “A rhizome ceaselessly establishes connections between semiotic chains, organizations of power, and circumstances relative to the arts, sciences, and social struggles. A semiotic chain is like a tuber agglomerating very diverse acts, not only linguistic, but also perceptive, mimetic, gestural, and cognitive [...]”

Rape culture is a rhizome. It is a network of ideas, utterances, statistics, affects, emotions, and orientations. More aptly put, it is a rhizomatic extension of

feminist theory that explodes in places of great political turmoil and retreats when those conflicts fade, retreat, or divert into other political discussions. When we track the history of rape culture as an explanatory framework, we see its use surrounding high-profile rape cases, in the call for expanding legislation to protect victims, in the connections to other social movements that also carry with them the potential to improve the lives and conditions of those who are most vulnerable to sexual violence.

Thinking of rape culture as a rhizome forces us to see the problem of campus rape, for example, as a resurfacing of the political and legal contestations over definitions of rape and its discursive qualities. If we think of how rape culture is assembled through various rhizomatic lines and offshoots and how it gets taken up by law, science, and feminism, then we must also critically explore how these lines orient us toward—and sometimes away from—certain articulations or expressions of what counts as sexual violence. Ahmed (2006, 15) explains, “The lines we follow also function as forms of ‘alignment’ or as ways of being in line with others. We might say that we are oriented when we are in line. We are ‘in line’ when we face the direction that is already faced by others. Being ‘in line’ allows bodies to extend into spaces that, as it were, have already taken their shape. Such extensions could be redescribed as an extension of the body’s reach.”

The question of how to define and present a working definition of rape culture poses a considerable challenge for many of us in the social sciences and humanities, in anti-rape policy and rape crisis intervention, and in the many worlds in between. This problem is, as I argue, due to an inherent volatility in the conceptions of both rape and culture. Though it may be contrary to the common-

sense understandings of sexual violence, the definition of rape is quite fluid. Rape, for some, offers an explanation of sexual violence that is easy to distinguish from other forms of violence. It is an expression of male domination and hatred toward women: the ultimate form of misogyny played out through the expression of physical penetration. Others suggest sex and power are indistinguishable from one another (Dworkin 1993; Mackinnon 1989b). The act of sex and the act of rape cannot be understood outside of the broader structures of patriarchal power that assemble men and women in spaces where the act of sex exists solely for the pleasure of men and the continued subjugation of women. For these feminists (e.g., Dworkin 1980), sex and rape exist within the same political agenda, forged by men, to ensure the domination of women and the colonization of women's bodies.

Foucault (1994) is not interested in all of history but rather in a history of problems. Where do problems come from and what makes them recognizable in the first place? Foucault only leaves us with the idea that problems are historical and that they are a result of certain struggles over power and the need to shape meanings. What draws the researcher into the history of problems in the first place? Thinking about a history of problems in terms of intensity helps us understand how rape culture emerges as a way to define and treat a complex problem. Those problems are recognizable in different ways. One of those ways is through "a kind of glow: some detail—a field note fragment or video image—starts to glimmer, gathering our attention." Rape culture is one of those things that glows. It glows as a glaring problem for some, though not all problematize rape culture in the same way.

In order for those glows to be visible to the researcher or to society writ

large, they must not be drowned out by bigger glows. Sometimes problems can be eclipsed by more intense sources of energy. Rape culture is a concept and “all concepts are connected to problems without which they would have no meaning and which can themselves only be isolated or understood as solutions emerge” (Deleuze and Guattari 1994, 16). Tracking the history of problems requires a close look at the way concepts and paradigms emerge as arrangements of *dispositifs*. These arrangements are nonhierarchical. Thinking rhizomatically allows us to consider the nonhierarchical and sometimes random arrangements of flows, intensities, and affects. In fact, Foucault’s notion of a genealogy of power is more acutely aligned with what Deleuze and Guattari called antigenealogy. They note, “The rhizome is an antigenealogy. It is a short-term memory, or antimemory. The rhizome operates by variation, expansion, conquest, capture, offshoots” (Deleuze and Guattari 1987, 21). Foucault’s genealogy contains many facets of a Deleuzoguattarian antigenealogy. It rejects singularity and proposes the conceptualization of power as exercised through a multiplicity of institutions, knowledges, and temporalities. The rhizome forces us to think about power and movement in terms of intensities rather than as firm configurations. Foucault suggests, “The individual, with his identity and characteristics, is the product of a relation of power exercised over bodies, multiplicities, movements, desires, forces,” and power (Foucault 1980b, 74). Foucault’s articulation of genealogy and Deleuze and Guattari’s antigenealogy—or rhizomatic thinking—are, in effect, a rejection of the notion of a uniform linear history. They are the rejection of a singular point of power. Instead, they force us to think about how power and the flows of energy, intensity, and resistance are always in flux.

Focusing on the historical contingency of intensities is what drives this

project. Combining Foucauldian theory on the historicity of power with a Deleuzoguattarian philosophy on the movement of intensities allows for an amalgamation of various epistemes of rape culture that emerge in different modalities. Considering the affective potentials of narrative politics alongside the regulatory arm of the law is more wholly theorized by combining the two theories and methods, which, after close examination, share many commonalities despite their ontological differences. In the following chapters, I deploy Foucault and Deleuze and Guattari in ways that highlight the historicity of assemblages. I focus on the epistemic frameworks that are assembled in order to allow for the construction of a social ontology of rape culture.

### **Chapter 3: Historicizing Anti-Rape Feminism: Consciousness-Raising, Radical Politics, and the Discourse of Rape**

This chapter examines how political organizing around sexual violence in the 1970s and the conditions under which the anti-rape movement emerge, gives rise to a rape culture discourse. Focusing primarily on the developments of consciousness-raising by radical feminists, I explore how a discourse on rape extends rhizomatically from its juridical meanings—as a corporeal kind of harm—and simultaneously exists as a metaphor for various articulations of gender-based violence (see also Rhodes 2012). Radical feminists have used sex and sexuality as a way of ensconcing the issue of rape as a problem of gender, sex, and power. It is a conceptualization of rape via the complex networks of experience, both individual and shared, that forge the cultural lives of rape.

Though many feminists were and are still divided as to how to effectively mobilize against the normalization of sexual violence, there is general agreement that sexual assaults are underreported and poorly prosecuted, that victims often go unsupported in the aftermath of an assault, and that the state has taken an apathetic stance toward rape (Pipyrou 2018; Gallo 2015). Radical feminism has a legacy of popularizing the politics of consciousness-raising and grounding its discourses in the experiential knowledge of others. In keeping with this, I argue that the conceptual framework of a rape culture should be explored through the lens of phenomenology. After all, phenomenology is the pursuit of understanding consciousness and the knowledge through the movement of bodies through time and space, how those bodies experience those movements, and how they experience and contribute to an economy of affects (Deleuze 1988).

While it is important to understand how sexual violence is experienced and felt, it is also important to consider how those feelings and attitudes are produced through other discursive interventions. Particularly, a phenomenological approach of rape must also consider how sexual violence is produced through other epistemologies, including the knowledge systems of the psy sciences or criminal justice authorities. Drawing on the narrative politics of 1970s feminisms, I ground a phenomenology of rape as a central source of knowledge that positions women as 1) the targets or *potential* targets of male sexual violence; and 2) as the sources of knowledge related to the experiences of rape, domination, and oppression.

This chapter examines the discursive techniques used by radical feminist activists and early radical writers in the 1970s to popularize the narrative genre of consciousness-raising. Popularized in Carol Hanisch's (1970) essay "The Personal is Political," I consider how radical feminism emerged as a site of political struggle over a broad range of issues related to women's bodily autonomy and personal integrity, including an effort to secure access to safe abortions, a rejection of the objectification of female sexuality through pornography, and a critique of exploitative and unequitable distribution of labour in the capitalist economy. I suggest that while radical feminism of the 1970s is often linked to the politicization of rape as a personal and political struggle, it was not until several years into radical feminist organizing that rape became an issue raised by feminists as having intrinsic political value. This distinction allows us to process how rape is folded into radical feminist thought.

I centre this discussion on texts written from the inaugural years of radical feminist organizing in New York City, including such texts as *Notes from the First*

*Year* (1968) and *Notes from the Second Year* (1969). I treat these grassroots texts, and other notable texts by feminist icons, as part of what Ahmed (2014) might call an archive of political will.<sup>3</sup> Whereas Foucault's perspective interest was in the epistemology of governance, Ahmed compliments this project by historicizing the willful subject as one that is mobilized by a call to act willfully—a call to arms in the fight against that which dominates. At the same time, Ahmed asks, "In writing a history of the will, are we writing the history of an idea?" (2014, 5). In thinking through this, Ahmed presents an interesting project that explores an archive of human will—the constituent elements of desire, volitions and movements, and inclinations. Ahmed goes on to write, "Foucault describes a genealogy as a history of what is usually felt as without history, including a history of the felt" (2014, 6). I draw on this historical approach to consider the ways in which the desire to constitute an anti-rape culture—interventions that attempt to undo the normalization of sexual violence—is one made through the affective orientations to aspects of related concepts such as consent, punishment, and control.

In this chapter, I explore the desire to reclaim power over bodily autonomy through radical feminist organizing beginning in the late 1960s. In the following chapters, I will address the historical use of the term "rape culture" and how it shapes understandings of sexual violence, but it is important to understand the context in which that concept emerges, which knowledge systems govern its use, and how it gains popular attention in backlash. I begin

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<sup>3</sup> My analysis in this chapter focuses on some of the major works written during this time by radical feminist writers and grassroots organizers. For a more detailed history around the sociopolitical and historic context in which these specific texts emerge and the broader literary context that thrust the radical feminist movement into popularity, see Echols (1989).

with an examination of consciousness-raising as the fundamental building blocks on which contemporary anti-rape movements are built. The politics of “speaking out,” as Serisier (2018b) notes, relies on certain speech acts to animate the personal and collective harms of sexual violence. In this sense, violence transcends the individual. It extends beyond the feelings of personal injury or violation and maps onto a collective voice. Speaking out, in turn, creates a new set of obligations and subverts traditional power structures that govern who is able to speak and in what context. Breaking the silence on rape and making one’s personal story public can act as a way of rerouting power away from institutions—such as law—that tend to make claims on truth (D. Phillips 2017). This chapter explores the making of anti-rape discourse through consciousness-raising and considers how rape gets taken up as a cultural problem.

### **The Emergence of Radical Feminism and the Feminist Anti-Rape Agenda**

New York City was the epicentre of radical feminism in the 1960s and 1970s (see Willis 1984). In February 1969, the Redstockings, a small feminist collective in New York City, stormed the New York Joint Legislature Committee on the Problems of Public Health and disrupted a subcommittee meeting that had convened to discuss the increase in regulatory roadblocks in the struggle to access safe abortions. Ten men and one Catholic nun formed the panel of “experts” who were called to testify on abortion issues. Having been removed from the hearings, the Redstockings organized an evening of action in March of 1969, where 12 young women spoke about their experiences with abortion to an audience of more than 300 people (Brownmiller 1969). Susan Brownmiller, a then member of the Redstockings and contributor to New York’s *Village Voice*,

recounts the night as an emotional—even humorous—retelling of these young women’s lives, which had previously been “consigned to the very private” (Brownmiller 1969). The radical women fashioned this evening as their own public hearing. Brownmiller (1969) goes on to write, “As one of the younger girls said, ‘We are the true experts, the only experts, we who’ve had abortions.’”

Radical feminism emerges as a subversive offshoot of mainstream women’s liberation and as a resisting force to professionalized knowledges that sought to make women the objects, rather than the subjects, of inquiry (Atkinson 1970a; Graham 1994). On October 17, 1968, Ti-Grace Atkinson and others pushed back against the structure of the National Organization for Women (NOW), which, though still in its infancy, was one of the largest women’s liberation organizations in the United States at the time. Atkinson (1970a) proposed that, rather than holding elections for leadership roles within the organization, officers be assigned on a rotating basis so that the direction of the organization could embody the principle of participatory democracy (Echols 1989). The motion was defeated by a two-to-one margin. Atkinson’s remarks that the failure to democratize NOW “revealed unmistakably that the division in NOW as well as in the feminist movement as a whole is between those who want women to have the opportunity to be oppressors, too, and those who want to destroy oppression itself” (quoted in Echols 1989, 168-9). The subsequent separatist group, first called the *October 17th Group* and later renamed *THE FEMINISTS*, marked the birth of radical feminism as a breakaway political action group (Brownmiller 1999). Addressing the demand for more participatory grassroots organizing and coupled with the philosophical principles to dismantle multiple sources of state and institutional forms of oppression, radical feminism was born.

In the 1960s, women's liberation had set its sights on addressing systemic inequalities along the lines of gender and sex. Second-wave theory and praxis made speaking out against domination its central focus, which also drew inspiration from the civil rights movement (Clements 2003). The collection of essays in *Notes from the First Year* describe the efforts of second-wave feminists in their earliest year of organizing in 1968, and in it the New York Radical Women speak of women's liberation as adjacent to and resemblant of slavery. They write, "Indeed the Women's Movement from the first was tied up with anti-slavery forces in this country. It was due to their work in the Abolitionist Movement that many women first become aware of their own slavery" (1968, 1). The book's opening, penned by Shulamith Firestone (1968), highlights the radically different conceptualization of male domination that distinguishes itself from other and earlier forms of feminist intervention. Suffragettes, for example, organized around principles of equal voting rights to take back political power. The right to vote and other political and legal rights not afforded to women did not go far enough to challenge the deeply entrenched ways women continued to be exposed to domination. The earliest political struggles of second-wave feminism were largely focused on the economic and political interests of women and not primarily cast in terms of sex and sexuality, as many suggest. writes:

It is the thesis of this article that women's rights (liberation, if you prefer) has dynamite revolutionary potential, that the Nineteenth Century [Women's Rights Movement] was indeed a radical movement from the start, that it was tied up with the most radical movements and ideas of its day, and that even to the bitter end in 1920, there was a strong radical strain which has been purposely ignored and buried. To show this, we will have to dig out and completely review the whole history of the [Women's Rights Movement] in the US, to weigh just what it meant in political terms, and to understand the political and economic interests causing these distortions. (Firestone 1968, 1)

The essays identify key areas of concern for second-wave feminism, including issues related to the “sexual,” “labour,” “women and money,” and “legal rights.” Firestone goes on to write that though there were key advances in such areas related to women’s liberation, those “advances so hard won, and yielded with such ill grace, turned out to be a big hoax, and we’re finally catching on” (Firestone 1968, 7). Sexual liberation was thought to be for the continued benefit and pleasure of men:

As for sex itself, I would argue that any changes were as a result of male interests and not female. Any benefits for women were accidental. A relaxing of the mores concerning female sexual behavior was to HIS advantage; there was a greater sexual supply at a lower or nonexistent cost. But his attitudes haven’t changed much since the good old Professional Whore days. (Firestone 1968, 6)

It was not until *Notes from the Second Year*, published as a collection that both reflected on the previous year of feminist organizing and established new feminist objectives moving forward, that rape made its way into publications related to women’s liberation.<sup>4</sup> The issue of rape was raised in six of the 34 chapters of the volume. Briefly, the six chapters that discuss rape tend not to speak of rape as a distinct problem in its own right; rather, they framed rape as an act of violence tethered to other kinds of domination. Within the same collection, Atkinson penned another essay titled “Radical Feminism,” which outlines the ways men have institutionalized and galvanized processes of domination. She writes:

The original “rape” was political, the robbing of one half of Mankind of its humanity; the sexual connotations to the term no doubt grew out of the characterizations made later of the Men in the original action. This rape in its essential features has been reenacted and rationalized and justified ever since. Firstly, those Men called women have been anchored to their

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<sup>4</sup> Some essays in *Notes from the First Year* (1969) were reprinted in *Notes from the Second Year* (1970).

position as victim by men devising numerous direct variations on women's capture, consolidating women's imprisonment. Secondly, men have devised indirect variations on the original crime via the principle of oppression against other Men. But all of these variations—what we call class systems and their supportive institutions—are motivated by Man's nature, and all political change will result in nothing but other variations on metaphysical cannibalism—rape-until we find a human and equitable alternative to Man's dilemma. (Atkinson 1970a, 36)

Rape, in this context, presents a political struggle over sex and gender and the distinction between the two. The legal definition of rape, or the constitutive elements that define and characterize it as a form of sexual violence or abuse, are not defined or meted out by Atkinson or the other contributors of the collection. Instead, rape is seen as a given element of women's lives. Meredith Tax (1970, 10) suggests it is a part of the everyday threat of violence:

Women are hyper-aware of their surroundings. They have to be. Walk down a city street without being tuned in and you're in real danger; our society is one in which men rape, mug, and murder women whom they don't even know every day. You'd better keep track of what car is slowing down, and of who is walking up behind you.

In the 1970s, radical feminism became the most popular and defining feature of the second-wave movement (McAfee and Howard 2018). And since rape—as an expression of male domination—was a central issue among radical feminists, it was no surprise that sexual violence marked the politicization of gender. It was a political movement that sought to expose the silent victimhood of women and the sexual predation of men.

### **Rape as a Feminist Issue: Rape Speak-Outs, Narrative Politics, and the 1971 Rape Conference**

Personal testimony and narrative form the scaffolding of the anti-rape movement. The historical foundations of understanding a rape culture must also

be understood in the context of the women's movement, and more importantly, how sexual violence gets taken up as its own politic. Narrative as a tool of politics and selfhood becomes quite instrumental in the formation of both a radical and liberal feminist politic aimed at politicizing the personal. Groups in New York like the Redstockings and the New York Radical Feminists framed this genre of politicizing personal narrative and storytelling to shape the discourse around rape.

In her consciousness-raising manifesto, Kathie Sarachild (1970, 78) states, "In our groups, let's share our feelings and pool them. Let's let ourselves go and see where our feelings lead us. Our feelings will lead us to ideas and then actions." Experience and emotion are also integral to the praxis of consciousness-raising, and as Reger (2004, 206) also notes, "Social movement organizations (SMOs) are one of the available places for people to gather to explore emotional responses to personal and political events." The linking of personhood through networks of shared trauma, suffering, or frustration marks the affective nodes through which the architecture of resistance manifests. Connell and Wilson (1974, 27) suggest, "If communication between women can become a radicalization process, the act of speaking-out is an open act of rebellion. It is a declaration of one's right to speak, but it is also an attempt to define one's own experience, sometimes in the face of a male definition of that experience, one which serves to support male supremacy." Rape, unlike abortion, was seen as a much more pervasive feminist issue because, according to radical feminists at the time, all women fear rape (e.g., Griffin 1979; Russell 1974). It did not inherently divide women across political or religious stripes but instead offered a common experience that was silenced by the systemic control of white patriarchy.

Influenced by the ways the Redstockings had gained so much attention to the issue of abortion, in January of 1971, the New York Radical Feminists (NYRF)—a feminist collectivity closely related to and formed from members of the Redstockings—held a speak-out on rape at St. Clement’s Episcopal Church in Manhattan.<sup>5</sup> Women in New York had organized this rape speak-out as a part of the project of consciousness-raising and to bring awareness to the pervasiveness of the problem. In a 1971 radio episode of *Womankind*, the first feminist radio show on New York radio (Love 2006, 433), host Nanette Rainone interviewed four members of the NYRF about their efforts to organize a rape speak-out. They cited the efforts of their friends and allies the Redstockings, who had tremendous success interrupting the abortion hearings in the New York State Legislature, as the motivation and inspiration for organizing and planning the rape conference. Below is the introduction to the episode:

RAINONE. This is *Womankind*, I’m Nanette Rainone. This week, I want you to hear an interview I did with four members of New York Radical Feminists. Their group has planned a rather unusual action for next Sunday. That is Sunday, January 24th. I began by asking them to describe the action.

NYRF. We’re having an action on rape. A speak-out on rape of all women who have been raped and all the different ways women can be raped in our society. It’s going to consist of testimony by women on their particular rape and, perhaps then, later talking about summing up and what we can do to prevent women being raped every day.

RAINONE. What created the idea for the action, or what initiated the action?

NYRF. Well, I think part of it was realizing what had occurred when Redstockings took over the abortion hearings and turned it into an abortion speak-out. And this is the first-time abortion came out into the open and became a topic for discussion and you had women standing up and saying, ‘Yes, I had an abortion. I’m not ashamed. I want to tell about the horrifying things that happened.’ And one of the things we are trying

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<sup>5</sup> “New York Radical Feminists’ Talk about the 1971 Rape Speakout,” episode of *Womankind*, hosted by Nanette Rainone, originally aired January 20, 1971, Pacifica Radio Archives, [https://archive.org/details/pacifica\\_radio\\_archives-BB3958.04](https://archive.org/details/pacifica_radio_archives-BB3958.04).

to do is bring rape out into the open. For too many years we, although victims, have felt guilty about it and we have been made to feel guilty by the people who rape us, by our families, our friends, the people we work with, the police, the doctors—and we're tired. Rape is not our fault. Rape is something that is done to us and we are protesting.

Unsurprisingly, there is a distinct synergy between pro-choice and anti-rape organizing. For one, they both offer insight into unique systemic and epistemic issues related to the control of women's bodies. Connell and Wilson (1974, 4) write, "Out of consciousness-raising experience comes speaking-out, then theory and research, and finally political action. But in reality, these are not separate steps at all, but a complex experience of growing awareness and involvement. We are radicalized not only intellectually and politically, but emotionally as well."

The 1971 rape speak-out and conference brought together various perspectives on rape. The edited collection, *Rape: A Sourcebook for Women*, emerged as a project to document the stories at this conference as a way of documenting and underscoring the various expressions and forms of sexual violence that go unspoken. The conference and subsequent collection also drew from an analysis that attempted to disrupt and challenge the traditional psychological dissection of rape as one of pathology and deviance. The opening manifesto of the collection reads:

In January 1971, at the Rape Speak-out organized by the Radical Feminists, women began to tell their stories publicly. One woman remembered the "depantsing" ritual where grade-school boys forcibly removed the underpants of little girls; another woman was raped by a gynecologist who was, incidentally, a close friend of the victim's mother; another was told by her psychiatrist to masturbate in front of him as part of her "treatment," and still another had sexual intercourse with her therapist, his way of curing her neurosis. There were women raped by their husbands, on the street by strangers, on dates, by housebreakers, etc.

One woman, a near victim, suggested castration as an appropriate punishment for the rapist, and her suggestion was greeted with wild applause by the almost all-female audience. Had all these women been raped on the street by strangers, or was there something in their relationships with men that gave them a gut understanding of the meaning of rape? Is it possible that the average male is programmed to be a rapist?

When the NYRF held the rape conference in April 1971, a corpus of knowledge related to the intersections of the political, social, and psychological—all centered around the point of view of the victim and their allies—galvanized rather forcefully. The central revelation was that the violent rapist and the boyfriend/husband are one. The friend and lover commits rape every bit as much as the “fiend” prowling the street. (italics in original Manhart and Rush 1974, xv)

Following the momentum and intensity building from the abortion speak-out, the NYRF’s rape speak-out aimed to disrupt the guarded knowledges of rape that wed sexual violence to gendered domination. It aimed not only to dispel myths around the rape victim and the rapist, but it also sought to challenge the epistemic and knowledge producing systems of power that assemble and configure rape as a mere problem of sexual deviancy.

The expression of the commonality and ubiquity of sexual violence, told through personal narrative, subverts the characterization that rape is a product of psychopathy and instead puts forward the assertion that many women experience rape, and sexual violence more broadly, in unspectacular forms.

The episode of *Womankind* also reflected this thinking in their promotion of the speak-out:

I don’t think that rape is the crazy act of some crazy deviant, just like the war in Vietnam is not some crazy thing but is part of a system and expresses that system, in its most rapacious and its most disgusting. Rape is the same type of thing in the sense that it expresses the political relationships of power between men and women in our society. And the fact that it is men who rape women is an expression of who holds the

power. And that's why it is a political crime as well as a moral and human crime.<sup>6</sup>

The epistemological question of rape became intertwined, if not almost eclipsed, by a phenomenological account of sexual violence. The project of consciousness-raising is, in its constitutive form, a phenomenological project. It is based on the positioning of subjects in networks of shared experiences but actualized through the realizations of one's own internal struggle and dilemma. To members of the NYRF, statistics offered little in the way of highlighting the realities of sexual violence. For one member, statistics have a purpose in our understanding of rape, but this does not undermine the value of personal testimony:

To this date, we haven't emphasized statistics too much. First, because this speak-out will be followed by a conference on rape in which a lot of this very heavy work will be done. And because at the speak-out the emphasis is on personal testimony. You know, dammit, we have been raped. All of us who will be there have had some experience with a sexual assault. And we don't need statistics to tell us that women get raped.<sup>7</sup>

Statistics do not always tell the stories of rape. At the time, there were few sources for statistical data on rape other than those in official crime data such as the Uniform Crime Report (Russell 1974). They merely offer an imperfect sketch of a climate of violence as told by "professionals." Personal testimonies, on the other hand, transcend the bounds of statistical analysis and offer insight into the visceral. They account for a phenomenology of violence and victimhood that is not represented in the statistical underpinnings of *scientific* calculation. It would not be until Diana Russell's (1974) *The Politics of Rape* that the statistical significance of sexual violence was paired so well with the personal narratives of

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<sup>6</sup> "New York Radical Feminists' Talk about the 1971 Rape Speakout."

<sup>7</sup> "New York Radical Feminists' Talk about the 1971 Rape Speakout."

those who had experienced sexual violence.

Crime statistics can sometimes inform how victims perceive their own victimization or the fear of victimization (Payne et al. 2008). They can also produce certain affective dispositions toward statistics and how they get mobilized. A phrase like “I don’t want to be another statistic” can offer insight into the attachments to victimhood people make and how they perceive the empirical representation of violence. And so, while there was some skepticism as to how the rape speak-out might engage with those who were not victims of sexual violence, organizers were motivated by the fact that women could actively place themselves in the role of victim, if only temporarily. As one member of the NYRF points out:

There will be other women there though in the audience who haven’t had these experiences because on, you are defining on your leaflet ... you are defining rape in a very broad way and in the way that you’ve talked, I must tell you something. Before I came here, I know Diane very well, and she talked about this action and it always turned me off, right [laughter]. And in a number of ways, I tried to talk her out of it because I just thought that it was too painful to me or too ugly to hear women talk about rape. Now I could accept them talking about rape—that is—she is walking down the street late at night and somebody hits her on the head and rapes her, and you now have to deal with that. But talking about rape in other situations, such as marital situations or with a boyfriend, it just ... I never could ... I couldn’t [laughter]. I never could say why I didn’t like it and maybe some you ... and I feel easier now talking to you and now that I can see who you are and what you are about. But there was just this feeling that, oh, it was much more complicated than that and, yes, we do comply in the sexual relations we have. I mean not when someone hits us over the head, but we do comply in these relations and its more complicated.<sup>8</sup>

Collective rhetoric, as a tool of collaboration and resistance, operates as part of a network of individual and shared voices to sustain a form of collective speech in

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<sup>8</sup> “New York Radical Feminists’ Talk about the 1971 Rape Speakout.”

which the content is controlled by the very actors who form the network.

Dubriwny (2005, 400) argues:

The primary means through which oppressed audiences are empowered and persuaded is the validation of their lived experiences. Thus, the second key concept of collective rhetoric is the deployment of an experiential epistemology that contradicts the “historically dominant Western man-made world story” in which claims of universality and objectivity work to deny oppressed people’s experience of the world.

McGarry and Walklate (2015) stress the usefulness of testimony and narrative as sites of inquiry for critical victimology, which has historically viewed victimization through the lens of empirical data (i.e., crime report indexes) rather than the personal narratives of victims. Instead, they suggest that the victimologists have been far too preoccupied with the abstraction of victimhood and its application to developing broad theories of violence. As Spencer (2011) notes, a focus on the criminal-victim event reveals the need to explore the affective dimensions of victimhood, which create and shape understandings of the self and the criminal other. Rather than focus on the broad strokes of a collective theory of violence and victimhood, McGarry and Walklate (2015) argue that focusing on pointed accounts of victimhood is useful in conceptualizing the experiential dynamics of lived trauma and how it gets articulated through memory. As a genre, pointed accounts of victimhood privilege the individual as the source of important criminological knowledge. The act of speaking out “intends to assert an individual voice from a position of marginalization, demanding to be recognized and looking to impose itself upon the institutions of power who have served to subjugate the people it represents” (McGarry and Walklate 2015, 88).

If we are to think about how social movements mobilize around rape, then

we must also consider how rape is a discursive construct that can be circulated. Through personal testimony, rape is configured in ways that are not always reflected in academic and professional discourse. Rape is often bracketed as a criminal act—an event where victims and offenders meet under certain conditions that make possible the recognition of bodily harm. Though the legislative history of twentieth and twenty-first centuries tend to focus almost exclusively on treating rape as bodily harm—one that is grounded in a violation of personal dignity and autonomy—the conversations around rape during the 1970s tended to centre rape as an integral part of the constellations of power that serve to subjugate and oppress women at the hands of men and the institutions they control.

The circulating and sharing of experiential knowledge and the account of one's own rape remains a central part of anti-rape activism today. Rape had been sequestered as an issue of the private, removed from public discourse and relegated as a secret of the personal. The 1971 rape conference set out to disrupt this by actively sharing and archiving the experiences of women and their assault. Several women testified to their experiences of sexual violence, including how their assaults impacted their lives moving forward, how they oriented themselves toward men, sex, and violence, and how they were speaking out against the institutions that claimed to protect women from violence but, in reality, actively contributed to the continued domination of women.

### **Radical Roots, Radical Rhizomes: Building Networks of Rape Culture Feminism**

A phenomenological theory of rape is at the heart of consciousness-raising. While

many argue that radical feminism emerges out of an inherent rejection of normative sexual politics of man versus woman, its “roots” are grounded in a rejection of professionalized authorities and the control of women’s bodies. Even the historicity of radicalism is defined in terms of its *rootedness*: “The dictionary says radical means root, coming from the Latin word for root. And that is what we meant by calling ourselves radicals. We were interested in getting to the roots of problems in society. You might say we wanted to pull up weeds in the garden by their roots, not just pick off the leaves at the top to make things look good momentarily” (Sarachild 1978, 144). Unearthing or uprooting how radical feminism constructs rape as an issue that affects all women is fundamentally at the core of historicizing the idea of rape culture. Regardless of whether someone experienced sexual violence themselves, their proximity to sexual violence brings them closer to violence. In other words, consciousness-raising only sought to bring about women’s liberation in that it attempted to free women from the constraints of sexual violence that usually is experienced individually.

Radical feminism, in effect, served to free rape from the confines of the professionals and reclaim it in the hands of women. Narrative challenged academic discourse in a direct way: it served to undermine those who claimed authority over women’s bodies and the experiences of the movement of those bodies. Feminist organizers began to imagine and realize the affective potential of giving rape a political platform, not only for its focus on the issue of violence against women but because of its political potential as a platform through which the women’s liberation movement could articulate other items on the feminist agenda to a public audience. In the opening line of *Rape: The First Sourcebook for Women*, Mary Ann Manhart and Florence Rush (1974, xv) write:

It is no accident that the New York Radical Feminists, through the technique of consciousness-raising, discovered that rape is not a personal misfortune but an experience shared by all women in “one form or another.” When more than two people have suffered from the same oppression, the problem is no longer personal but political—and rape is a political matter.

The statistical significance of rape was not particularly central to consciousness-raising. As evidenced here, the mere fact that two people could experience the same kind of oppression seemed to establish that the personal was and is political. Speaking out against rape offered an offshoot to mainstream configurations of sexual violence. It attempted to create its own discursive boundaries around what is said about rape and who could say it.

Rather than thinking about radical feminism in terms of roots and thinking of contemporary iterations rape culture feminism as having roots in radical feminism, I think of them in terms of rhizomes. This is because, for Deleuze and Guattari, roots convey a kind of static situatedness. Roots are generally predictably located immediately beneath the surface. The rhizome, on the other hand, moves erratically and perhaps randomly, outwardly at different speeds and intensities. Deleuze and Guattari (1987) refer to these movements as lines of flight. They are the intensities and energies that extend beyond the structures that contain them. Lines of flight are processes of destratification. They mark how entities, concepts, ideas, and flows of energy escape one assemblage and move to others (Delanda 2016).

Radical feminism escapes the molar configurations of what we might think of as the mainstream liberation movement of the 1960s and seeks to extend beyond the limits of how we conceptualize rape via professionalized and academic discourses. Rhodes (2012, 16) notes that many characterizations of the

radical feminist movement tend to focus largely on the “discursive tactics” used to advance women’s liberation and tend to ignore the public efforts of feminists to actively organize through direct intervention. Public protest and the subversion of institutionalized practices that tended to further subjugate women and render them objects—rather than subjects—of knowledge was at the forefront of radical feminist politics.

Rape was no longer an object of study and did not have a discernible pattern that could be analyzed and observed. Instead, radical feminist sought to characterize themselves, and rape, as tethered to the subjective accounts of women.

Power is not something to be found and wielded; rather, it is exercised through exchanges between actors, knowledges, and concepts. As Foucault reminds us:

Power is exercised through networks, and individuals do not simply circulate in those networks; they are in a position to both submit to and exercise this power. They are never the inert or consenting targets of power; they are always its relays. In other words, power passes through individuals. It is not applied to them. (Foucault 2003, 29)

The flows of power through speaking out against rape also served to animate those very knowledge structures it sought to resist and challenge. This will be discussed in later chapters in the exploration of the psy professions responding to and incorporating the theoretical assertions of radical feminist thought. Of course, any engagement in postmodern theory or philosophy will ultimately lead one to the critique of radical feminism as seeking to characterize power in limited, dyadic ways: that is, solely in terms of men’s domination over women. For Ahmed (2006), the emotional attachments to lived experience, from a

phenomenological account, create the relations between things, objects, and even concepts. Similarly, Dubrinwy (2005, 396) notes:

Because collective rhetoric takes shape through the validation of individuals' experiences, it necessarily has lived experience as its epistemic core. A theory of collective rhetoric modelling a collaborative process of persuasion based on individuals' lived experiences suggests that one way oppressed groups rename—and hence create new meaning from—their experiences is through the articulation of those very experiences.

In this sense, rape is both immediate and distant. It exists as both a material and an abstract concept. For anti-rape activists and organizers, the sharing of accounts of rape sought to highlight its violent nature and reveal its ubiquity. It is a problem that can be both horrific and commonplace. This relationship is what bears the affective potential of sexual violence to gain attention. As women describe in their stories, rape is many things. Rape can be violent. It can violate a person's sense of dignity or personhood and can be an affront. Some see this violence as a more abstract political assault whereby men assert their dominance over women through rape (Plummer 1994).

This conceptual framework offers two interesting polarities. On the one hand, rape is framed in highly sensationalized terms. Descriptions of rapes in the stories brought forth by those who shared their experience would sometimes embody the common tropes of sexual assault. The lurking predator in the alleyway or the armed rapist who jumps out of the bushes or follows you in the car park. This is not to say that these experiences are in any way sensationalized on purpose, but the fact they are curated and selected for publication as the experiences of women who experience violence affect how we position ourselves in relation to those victims. In some sense, we expect these kinds of victims,

which are in part and parcel part of the problem. We might think of these experiences as having a kind of double-edged representation.

On the other hand, they serve to exemplify the horrific violence of sexual violence. And part of this violence, as noted above, is the fear of violence that looms over the heads of women. This is compounded by the fact that radical feminism, in some sense, de-exceptionalized the rapist. Radical feminism sought to challenge and highlight how the rapist is not the product of deviance or psychopathology. Rather, they are products, according to radical feminists, of a culture that normalizes sexual violence. In this sense, the phenomenological accounts of rape suggest that the rapist is not a deviant but, in fact, a product of the celebration of male domination that encourages and reproduces female subordination. In simpler terms: a product of patriarchy.

Thinking in terms of rhizomatic expressions allow us to conceptualize the emergence of submerged problems (Koopman 2013). It allows for the theorizing of the rape culture concept not only in terms of historicity, but in terms of intensity as well. How the cultural problem of rape emerges out of feminist organizing is important when considering how this problem reemerges in history or how it informs future feminist interventions against rape. The expansiveness of the online #MeToo movement and the organizing around personal narrative will be felt decades later, and as Serisier argues, “The production of this genre of stories is one of the key legacies of second-wave feminist politics, as is the widespread cultural acceptance of the political and ethical necessity of speaking out as a response to rape” (2018b, 4). At the same time, it is important to conceptualize the discursive power of framing sexual violence in terms of experience. This approach offers a different ontological and epistemological lens

through which to understand rape. It is formed on the basis that rape affects and is affected by public discourse. What counts as violence, for example, is determined not only by criminologists or victimologists but by rape survivors too.

The rape culture rhizome allows us to think about how discussions of rape emerge and dissipate. In the 1970s, rape offered a political platform to discuss the broader systemic subjugation of women at the hands of men and the systems of power they controlled. Like the offshoots of the rhizomes that can sometimes break through the surface to visibly emerge, the radical feminist politics of women in New York City in the 1970s broke through to disrupt the conceptual monopoly the human sciences had over rape.

## Chapter 4: The Making of a Rape Culture

Radical feminists aimed to dismantle patriarchy through the annihilation of sex roles, which were linked to the phallus as a symbol of domination and the vagina as one that awaits its penetration (Daly 1985; Atkinson 1970b). The theories of radical feminism hold that the conditions under which heterosexual sex happens, which always already constitute women in a power deficit to men, leave little room to imagine a sexual politics in which sexual pleasure—in a heteronormative sense—does not outweigh the detrimental effects of gendered inequality (Mackinnon 1989a). Sex-positive feminists pushed back against this notion and offered a theory and ethics of sex as potentially liberating and expressive of power. Commonly referred to as the sex wars, this era of feminist thought is widely recognized as an intra-feminist divide on the theories of sex and sexuality (Abrams 1995).

Rape culture is more than a term. It is a concept, a signifier, and a paradigm through which certain modes of governing are made possible. In their essay “What is a concept?” Deleuze and Guattari think of concepts as being made of discrete parts that are given meaning through their deployment in addressing or solving problems. They write,

All concepts are connected to problems without which they would have no meaning and which can themselves only be isolated or understood as their solution emerges. We are dealing here with a problem concerning the plurality of subjects, their relationship, and their reciprocal presentation. Of course, everything changes if we think that we discover another problem: what is the nature of the other person’s position that the other subject comes to “occupy” only when it appears to me as a special object, and that I in turn comes to occupy as a special object when I appear to the other subject? From this point of view the other person is not anyone—neither subject nor object. (Deleuze and Guattari 1994, 16)

This connectedness to the history of problems, as Foucault suggests, allows us to configure concepts as existing in both time and place. Concepts also have a disciplining function. They enact a kind of power over the subjects they seek to define. In other words, they animate the very problems they seek to address (Grosz 2003).

In this chapter, I track the emergence of the idea of “rape culture” and how it is expressed in early radical feminist texts. A genealogy of the term gets us to the realization that rape, and rape culture, are historically contingent and shifting concepts. What counts as rape and the moving parts of the rape culture assemblage are never static. The sociopolitical and historic context in which they emerge matters a great deal to understanding their logics. I explore the earliest archived articulations of rape culture as expressed through several radical feminist texts between 1974 and 1980. I choose to focus on these texts because they represent the first expressions of any semblance of rape culture and offer an interesting picture of the networking of concepts related to power, violence, and domination, which are linked, but not necessarily reduced, to the body. They are incorporeal.

At the same time, they offer a look into the development of what Young (1997) refers to as “autotheoretical” feminist texts, which incorporate the lived experiences and political action into the production of feminist theory. In this sense, “using autotheoretical texts as data makes a place for people's understanding of their experience to enter into social science in a new way; it also enables the researcher to link individual lives to cultural ideologies and those ideologies' influence on the formation of people's subjectivity” (Young 1997, 194). Second-wave theorizing around sex and the debates that occupy a

central role in shaping popular understandings of sexual violence are also best understood as part of the knowledge production of feminist thought. Though genealogy moves away from locating the specific origins, Horeck (2013) contends that there is an important consideration to be made in thinking about how feminist discourse of the 1970s, particularly surrounding the popularity of Brownmiller's work, frames rape as one of the defining dimensions through which to understand gender. Specifically, she seeks to interrogate the role rape plays in feminism, particularly in literary texts, and how its language serves as the medium through which feminist knowledge enters into public discourse. Similarly, Clare Hemmings (2011) stresses the importance of exploring not just *what* feminists say about rape and culture, but *how* they are able to say it. The politicization of rape is wildly affective. It sets into motion a constellation of subjects and objects (of discourse, knowledge, and power). Hemmings (2011, 191) writes, "The individual narrative is driven by the extent to which she is characterized as abandoned, successful, betrayed, respected, tenacious, frustrated, or otherwise, and reader engagement is in this sense also saturated with affect: we do or do not identify with the subject of narrative and its objects." This chapter is filled with an analysis of those narratives and considers how they enter into dialogue with or create their own epistemologies.

In taking up the call by Young (1997) to centre these texts as part of the efforts of social scientists to consider the ways power shapes social change, I examine a cultural and textual reading of rape in four ways. First, I explore how second-wave feminists construct rape through the lens of anthropology. I consider how feminists applied a semiotic regime of representing the Other as either "rape prone" or "rape free" to the North American context. Looking at

other cultures as measuring sticks became a central point of producing a standardized or normative view of rape and its meaning as either a corporeal or a cultural phenomenon.

Third, I explore how rape culture, in many ways, preexists the act of rape and thus exists in a liminal space between the concept and the act. Rape culture exists, as Massumi (2002) might put it, in the virtual, in the in-between spaces of networks of actions and objects that have yet to materialize. In this articulation, rape is not something that is necessarily acted upon, but predefines certain relationalities between men and women. As a legal type, rape is defined in both positive and negative terms. By this, I mean that rape requires the application of force, verbal coercion, and so forth and, at the same time, also requires the negation of consent. As we will see below, the cultural conception of rape requires neither of these.

Last, I discuss the implications of constituting rape along a continuum of sexual violence that includes, on the one end, a violation of bodily integrity and, on the other, theoretical intent. I consider the thesis of the rape culture paradigm to be so broad that it postulates an always already constituted rapist and rape victim. In heteronormative terms, a rape culture relies upon an understanding of men as potential rapists and women as potential rape victims. This potentiality, I argue, is marked in terms of *theoretical intent*. By this, I mean that part of theorizing a cultural paradigm of rape does not require the material existence of sexual violence or assault in a traditional sense. I draw on and critique Susan Brownmiller's reading of the life and death of Emmett Till. In her retelling of the events leading to his murder, Brownmiller argues that Till's wolf whistling was, in fact, an act of sexual intimidation and carried with it an act of theoretical

intent. If given the opportunity, she writes, Till would have raped Carolyn Bryant. I argue that theoretical intent to rape is at the core of the rape culture paradigm. The fact that Till possessed, according to Brownmiller (1975), the theoretical intent to rape suggests that rape might actually not materialize in a rape culture. Theoretical intent alone can render men subject to scrutiny, and the label “rapist” is inscribed more readily onto the body of those who are, or at least are perceived to be, more sexually aggressive or intimidating. These inscriptions of the theoretical rapist or the potential rapist are more easily inscribed onto the bodies of Black men, who, by the iterations of white feminists in the second wave, posed an inherent threat to their safety (hooks 1984; Davis 1981). In exploring these iterations of a rape culture paradigm, I consider how early theoretical and conceptual contributions are shaped by the notion that rape is not easily reducible to an event. Rape extends beyond the confines of a corporeal interaction and enters into the realm of the symbolic, the metaphoric, and the theoretical. It is as much virtual as it is material.

### **Locating Rape Culture as a Concept**

In responses to the growing concern that rape was pervasive and that the state was inactive in resolving the problem of rape (or even taking the problem seriously), the first rape crisis centre opened in Washington, DC, in 1972. The DC Rape Crisis Center was the first formal institution to open its doors to survivors of sexual violence, offering counselling and peer support groups to provide victim-centred services in the aftermath of their assaults. Since women with relatively little “professional experience” (in terms of the formal disciplines that had governed the study and intervention of rape) volunteered to work in rape

crisis centres across North America, there was a quick uptick in the number of centres that opened. O'Sullivan (1978) mentions that the radical feminist movement—most notable for its emergence in small collectives in cities across North America—allowed for the rapid creation of organizations that provided hands-on support for victims, including accompanying women to the police, offering counselling, and organizing outreach and educational campaigns to dispel rape myths. These organizations quickly adopted an organizational structure that aided in the governance of day-to-day activities and the distribution of what scarce funds could be gained through fundraising efforts.

Only two years following the opening of the DC Rape Crisis Center, many centres began opening across the US, including locations in Tucson, Chicago, Ann Arbor, Boston, and Berkeley (Bevacqua 2000). The number of rape crisis centres that emerged in the US quickly grew to over 200. Rape crisis centres in Canada began establishing themselves from 1973 in such cities as Vancouver, Toronto, Hamilton, and Halifax, among many others. The expansion of rape crisis centres was a response to the inaction of governments to address the ongoing need for rape intervention. The rapid expansion is likely attributed to two main causes: 1) the relatively low financial cost of implementing an organization that was largely based on volunteer labour and could be scaled up relatively quickly, and 2) the networking between feminist collectives and rape crisis centres. While the former represents the reason many rape crisis centres stayed afloat for several years, the latter is perhaps the driving force behind the proliferation of rape crisis intervention in the 1970s.

In 1971, the DC Rape Crisis Center published its grassroots manifesto, "How to Start a Rape Crisis Center." As a manifesto for rape crisis intervention,

it highlights the myriad ways to support victims while informing rape crisis workers of what to expect in the aftermath of sexual violence. Divided into many important sections, the manifesto includes details on how to deal with the administrative organization of anti-rape intervention, how to organize self-defence classes, how to access legal and medical institutions and the kinds of barriers they pose to rape crisis work, and the effective mechanisms of training and recruiting new members to the organizational structure (D.C. Rape Crisis Center 1972).

The rape crisis movement is built largely on the consciousness-raising movement. Joanie Vance, the coordinator for the Canadian Association of Sexual Assault Centres, highlights the project of conjoining these two moments. She writes:

The formation of rape crisis centres was a logical development in the progression characterizing the women's movement. The creation of consciousness-raising groups in the late sixties and early seventies began the process of discovery and articulation of common conditions and common problems. Subsequently, we moved on to the construction of our own solutions to problems confronting women as oppressed members of society. This was a very necessary step in developing feminist consciousness, for in translating our thoughts into action, we became even more aware of the pervasiveness of our common oppression in all of its manifestations. (Vance 1979, 134)

Vance cites rape culture to explain the lack of resources available to rape survivors within an overarching culture of sexual violence. She writes, "So-called 'normal' women, especially, were able from their personal experience to see the pervasiveness of our rape culture, which we came to identify in the wider context of a culture that condones and even promotes violence against women" (Vance 1979, 136).

The quick expansion of rape crisis centres across the US and Canada and their goal of providing rape crisis is worth mentioning here because it too has an important role in shaping how we come to understand rape as an immediate crisis—one which requires swift and direct intervention that is separate and stands alone from policing and medical institutions. Feminists sought to address society's apathy toward rape by tackling it head-on. Not only did rape crisis centres provide meaningful support to victims, they also operated as a source of statistical information gathering on victims and contributed to the shaping of rape in the public consciousness through political activism as an extension of their victim-centred approach.

The emergence of a cultural analysis of sexual violence, having its roots in radical feminist thought, surely would lead to the use of "rape culture" as an instrument of political organizing. Yet it is notably absent from the archival records of Canadian and American rape crisis archives. It is also notably absent from the legal archives in Canada. The specific term "rape culture" is expressed in very specific contexts. Even still, I could only find sparse references to "rape culture" in the archival databases available to me in Canada and the US. Suffice it to say that despite the relative infrequency of the actual term "rape culture," the developments of radical feminist theory and its approach to opposing violence against women more broadly have contributed to the conceptual signifier that we would more readily call rape culture today.

Among activists in Canada, "rape culture" was simply not the language used in the 1970s and 1980s. In fact, there is some disconnect between its use today and the perception of who used this conceptual framework in the past. In my seven interviews with feminists who had been involved in activist work in

the late 1970s, either through formal rape crisis organizing or the broader antiviolence against women movement in Canada, only one recalled ever using the term “rape culture” in their political or grassroots activism. The rest revealed that the term was simply not used, at least in their activist circles and in rape crisis organizing. All of the participants interviewed were women who had worked in rape crisis centres in Canada or who had been involved in the women’s shelter movement that grew alongside anti-rape organizing in the late 1970s and early 1980s.

Anna Willats, who had worked at the Toronto Rape Crisis Centre in the early 1980s, described patriarchy and sexism as the defining conceptual tools of the day:

I’m not actually sure because I was trying to think, did we talk about rape culture back in the day? I’m trying to think that we certainly talked about misogyny and we talked about a sexist culture and a patriarchal culture. I think our conversations were more in that line but the notion that we live in a rape culture, I think that that you know from the earliest... that certainly from my earliest days of involvement I was aware of it. I’m trying to think of the work you know killing us softly and all that work in me... You know when I first became a volunteer at the rape crisis centre and got involved in the groups and I would head I would I would see rape everywhere you know all of the dynamics between men and women, I started to notice it, right. But whether we called it rape culture or not, I don’t remember when that happened... I just think we tended to focus more on sexist culture and misogyny misogynist culture and patriarchal culture. But I’m not really sure.<sup>9</sup>

Another feminist activist and scholar involved in rape crisis centres in Canada said, “I’ve always used the word ‘patriarchy’ but the concept of having a rape culture was never not the concept of feminism. I mean, from 1985 or 1982, when Diana Russell first started publishing, I mean, the early feminists had started

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<sup>9</sup> Anna Willats, interview by author, video conference, August 8, 2019.

writing about sexual violence, that I was reading absolutely describes it as a cultural phenomenon. Absolutely. But they would use words like ‘patriarchy’ and ‘society’ and, yeah, that kind of stuff.”<sup>10</sup> “Patriarchy,” “sexism,” and “misogyny” tended to be regarded as the parlance of Canadian and American activism, and terms like “rapism” and “rape culture” were less familiar. As Foucault describes, the discourse of a certain discipline lends the tools to construct elements of our social worlds. The world and meaning-making tools of those working the front lines of community engagement did not necessarily reflect the usage of rape culture as a rather important tool.

Instead, some were under the impression that rape culture was a modern feminist tool. Diana Majury, a professor at Carleton University and an activist in the women’s shelter movement in Ottawa and Toronto, notes a particular unfamiliarity with the historical roots of the concepts. She stated, “I see it as a fairly recent term... You know sometimes you hear terms, and then suddenly it registers, and you start using it. And so, you don’t know that it’s been around for a long time. So, it could be that people were talking about rape culture 20 years ago and I didn’t pick up on the term.”<sup>11</sup> Another activist and professor—the only other participant opting to remain anonymous—revealed that her impression of rape culture was tied directly to the activism around campus sexual violence and the heightened tensions around drafting a sexual violence policy that included the term. They said, “It doesn’t strike me as something that was around until this recent sort of iteration. I associate [the term “rape culture”] with the policy. I don’t know whether I heard it before, but it

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<sup>10</sup> Anonymous participant #1, interview with author, phone interview, October 29, 2019.

<sup>11</sup> Diana Majury, interview by author, Ottawa, June 20, 2019.

wasn't something like, 'Oh yeah. We were using that language right in the '80s.' I didn't get that sense at all."<sup>12</sup>

She went on to say that part of the popularity around the term tends to fit within popularized activist frameworks whereby short, punchy taglines tend to draw attention to a problem, despite that problem not always being clearly articulated or well defined. She noted that while taglines have the benefit of sparking debate and bringing attention to the subject, they can sometimes be problematic and exclusionary. She noted that these concepts also often exclude men or pit men against women, which can sometimes be counterproductive to addressing the problem they are trying to solve.

Deborah Sinclair, a Toronto-based social worker, academic, and expert witness in many domestic and sexual violence cases, was familiar with the notion of rape culture but, like others, tends to explain violence against women through terms that were popular in the earlier days of activists organizing in Canada. She says she doesn't necessarily use the term "rape culture" "because that's not language that I grew up with in this movement. I think it's only been used in the last, I would say, decade."<sup>13</sup>

Anti-rape activist, scholar, and political organizer Deb Parent also did not recall a specific source for or author of the concept. Rather, she describes being able to speak about the cultural dynamics of rape as soon as she started working in Toronto's Rape Crisis Centre in the early 1980s. She said, "Well, for me it was as soon as I started volunteering at the Rape Crisis Centre as soon as I went through volunteer training when there were only a couple of women on staff at

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<sup>12</sup> Anonymous Participant #2, interview by author, September 23, 2019.

<sup>13</sup> Deborah Sinclair, interview by author, Toronto, December 23, 2019.

that point. But they were informed by the second wave of the women's movement writings of women, particularly Susan Brownmiller for example, and Andrea Dworkin."<sup>14</sup> The idea of a rape culture is certainly not lost upon anyone involved in antiviolence work, but the popularity of its use, at least among Canadian activists, is somewhat unclear. It was not as if anyone had never heard the term "rape culture," and they were not surprised of the roots the term has in 1970s feminist theory, but the specific emergence of the term was neither easily discernible nor particularly important for women's liberation.

Constance Backhouse, a law professor at the University of Ottawa, was the only participant who could recall the phrase:

When you asked the question about the origins of the word rape culture, the first time I ever heard it was in 1979 in Boston, Massachusetts, where I was a graduate student and I was working with a group of activists on the issue of sexual harassment, and one of our group members was somebody who later became a famous documentary film producer, and she and her partner prepared a documentary film... it was called *Rape Culture*.<sup>15</sup>

Many feminists working with victim support groups and those actively working on community outreach were generally unaware of the phrase, and they certainly were not compelled to use it in order to meet the goals of antiviolence praxis as set out by the organizations they worked within. When triangulated with the historical data found in the archives, the stories of these seven women reveal a seemingly glaring gap between the use of the phrase in American and Canadian grassroots organizing. My findings from these interviews were not intended to be generalizable. In fact, I argue throughout this thesis that the deployment of the term "rape culture" is historically and geographically

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<sup>14</sup> Deb Parent, interview by author, phone interview, September 28, 2019.

<sup>15</sup> Constance Backhouse, interview by author, Ottawa, March 20, 2019.

contingent.

Perhaps there were rape crisis centres in Canada and the US that mobilized the term for their own anti-rape organizing that were not archived in the collections examined in this study. These seven interviews were intended to be a part of a living archive of those who witnessed and participated in anti-rape organizing. Several responses to invitations to participate indicated an ambivalence to the term. Some responded that they were not really familiar with the concept until recently and thought they would not necessarily provide an adequate contribution to the project. Others who continue to write in the area and inform public policy related to sexual violence in Canada did not respond to my request to participate. Regardless, the words spoken by these seven amazing women, who have dedicated a great deal of their lives to social justice, are important to consider when attempting to historicize how the rape culture paradigm maps into contemporary anti-rape discourses. The complexities of locating rape culture requires a much more nuanced genealogical toolbox.

### **A Theory of Rape Culture**

In 1975, Susan Brownmiller, a member of the NYRF, and perhaps one of the most influential activist-authors of the movement, revolutionized radical anti-rape theory with the publication of her first major work, *Against Our Will*. Like many in the consciousness-raising movement, Brownmiller (1975) specifically self-identifies as someone who has never experienced rape and explains that her investment in the topic does not come from personal experience with sexual violence; rather, due to her proximity to other women who spoke so fervently on the topic of rape, she felt compelled to theorize their experience—she does not,

however, refer to her own writing as a theoretical intervention but rather a history of rape. It expanded the efforts of consciousness-raising beyond the spoken word.

Brownmiller is often regarded as one of the most influential feminist icons on the subject of rape. In 1975, *Time Magazine* referred to her as “the first rape celebrity who is neither rapist nor rapee” (Cohen 2015). Forty years later, Brownmiller’s historicization of rape is heralded as the quintessential foundation for understanding what is now referred to as “rape culture”:

Still, *Against Our Will* laid the groundwork for that activism. What today’s feminists describe as “rape culture” has its roots in Brownmiller’s theory of rape as a means of social control, her emphasis on gender role socialization and her critique of the glorification of sexual violence in the media. When young women share their experiences with rape through art projects, at university events, and on social media, they are participating in a tradition of “speaking out” initiated by second-wave feminists like Brownmiller. Survivors of sexual violence now live in a world where they know they are not alone, where they can access a variety of resources and where discussions about consent happen with frequency. (Cohen 2015)

*Against Our Will* is arguably one of the most influential books to consider the historically contingent and socially constituted nature of rape. Brownmiller articulates this through a study of the many faces of rape. Brownmiller contextualizes the use of rape in both international and domestic contexts. She argues that rape is a central part of the exertion of power over women in war, an integral part of America’s history of slavery, and evidence of the ongoing and perpetual need to keep women in a constant state of fear. For her, rape is the weaponization of masculinity. Brownmiller was not the first to realize this nor was she the last to write on this topic. Her work rings out in a chorus of radical feminists who sought to redefine rape as something that was not an isolated

incident between victim and offender but rather part of a broader system of power.

Sex, in terms of biological difference, was seen as a fictitious and socially constructed relationship that sought to establish essentialized notions of gender. Men were taught that they could use their biological sexual organs to violate the bodily integrity of women (Brownmiller 1975). This biological fable was central to Brownmiller, Griffin, and others. The constitutive powers of medical, social, and legal discourse, which had, in principle, entrenched the phallus as the benchmark of gendered superiority, left radical feminists to assert that normative understandings of sexuality are deeply entrenched in unequal relations of power. Sexuality, in short, is theorized as a product of unequal power dynamics.<sup>16</sup>

Susan Griffin's (1971) essay, "Rape: The All-American Crime," changed the discursive framing of sexual violence in the years building up to Brownmiller's work. Griffin argued that although our infatuation with the social, criminological, and psychological dimensions of rape have long informed twentieth-century models and theories that attempt to place the problem of rape firmly in the biology of men, rape is a learned behaviour. Griffin cites a clear double standard entrenched into gender role stereotypes. She points to how a woman who has sexual intercourse out of wedlock is never considered a rape

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<sup>16</sup> Lesbianism and female celibacy were not merely expressions of sexual desire, they were often theorized as acts of subversion against the androcentrism of sexual pleasure and desire. Women actively theorized non-hetero sexual behaviours as a resistance to the notion that female sexuality is an object of male desire. It is a socially produced notion for the strict consumption of male sexuality. In other words, the female body is constituted as the male's source of pleasure. Like the issue of abortion, which had material and symbolic consequences for women's right to control their own bodies (and the representations around those bodies), theorizations around sexuality occupy a central position in radical feminist theorizing. As discussed earlier, much of radical feminist theorizing was not necessarily tethered to the notion of sexuality but rather used sexuality as a marker for gender-based oppression. Radical feminism was first and foremost concerned with power.

victim. Rather, they are considered to be engaging in immoral acts. At the same time, women who do not take the necessary precautions to prevent themselves from being forced into sexual relationships are also seen as defiled, damaged, and not maintaining the boundaries of her chastity (Griffin 1971, 32). Women are also policed into fearing sexual violence. She considers the problem of rape to be related to the learned gender performances of masculinity and femininity. Where men are expected and socialized into being sexually aggressive, femininity has been written through scripts of passive sexuality that tends to for the sole pleasure of men. Sexual violence, according to Griffin, was best understood not as a problem of the brain, or of the penis, but of culture. She writes, "In the spectrum of male behaviour, rape, the perfect combination of sex and violence, is the penultimate act. Erotic pleasure cannot be separated from culture, and in our culture male eroticism is wedded to power" (Griffin 1971, 29).

Drawing on cultural comparisons of rates of sexual violence, Griffin relies upon Margaret Mead's (1935) anthropological research in *Sex and Temperament in Three Primitive Societies*, which found that other culture existed free of rape. In fact, the earliest anthropological inquiries into sexual violence focused on troubling the assumption that rape was a universal phenomenon (Baxi 2014). Focusing on the Arapesh people of Papua New Guinea, Mead argued that rape was not present in their culture. Since she did not observe it, presumably in the way it had been discursively constructed in West, it simply did not exist.

Griffin writes, "Margaret Mead describes a society that does not share our views. The Arapesh do not '...have any conception of the male nature that might make rape understandable to them'" (Griffin 1971, 27). Brownmiller also draws on Mead as an authority on the cultural dynamics of rape, writing, "Some

anthropological studies of primitive societies have been revealing. Dr. Margaret Mead, a pioneer in so many respects, seldom failed to inquire about the role rape played among the peoples she studied in New Guinea. Her beloved mountain-dwelling Arapesh, a mild and gentle people whose major battle in life was survival, did not rape, she categorically reported" (Brownmiller 1975, 284). Showcasing Mead's work was evidence that rape was not a universal phenomenon.

Peggy Reeves Sanday is perhaps most notable for theorizing rape societies through similar methods employed by many armchair anthropologists. Sanday noted that the cultural disparities in rape pointed to the fact that rape had a deeper meaning and "by understanding the meaning of rape, we can then make conjectures as to its function. Is it, as Susan Brownmiller suggests, an act that keeps all women in a constant state of intimidation, or is it an act that illuminates a larger social scenario?" (Sanday 1981, 6). Her methodology rests on an analysis of already published anthropological studies of societies that include - descriptions of rape. Based on the descriptions, she classified a society as either "rape free" or "rape prone." Societies considered to be rape free are those where rape was not part of the cultural aspects of a given tribe or was extremely rare.

Sanday points us to the Taureg people of the Sahara as an example of a society where rape does not exist. She writes, for example, "Among the Pygmies of the Ituri forest in Africa, while a boy may rip off a girl's outer bark cloth, if he can catch her, he may never have intercourse with her without her permission" (Sanday 1981, 16). Rape prone societies, on the other hand, are defined as those societies "in which the incidence of rape is high, rape is a ceremonial act, or rape is an act by which men punish or threaten women" (Sanday 1981, 9).

Other gendered practices were re-read through the common law definition of rape. Sanday (1981, 12) writes, “Among the Kikuyu of East Africa it is reported that in former times, as part of initiation, every boy was expected to perform the act of ceremonial rape called *Kuihaka muunya* (to smear oneself with salt earth) in order to prove his manhood. It was thought that until a boy had performed the act of rape he could not have lawful intercourse with a Kikuyu woman and hence could not marry.” Though not explicit in what counts as rape, Sanday’s definition of rape centres on the widely accepted anthropological definition of coercion to achieve intercourse.

The complexities of what makes a particular act violent or coercive, versus unwanted, annoying, or even harmful are not of particular interest to Sanday. Instead, to erase further complexity, she codes the presence of rape into a dyadic model: the rape free or the rape prone society. The classification is intriguing because it leads us to believe that cultures can be more or less rape prone. A proneness or a propensity to cause violence, for example, is often measured in terms of risk and in terms of factors that might contribute to violence or prevent it. Since rape proneness is paired with an absolutist position—the complete absence from rape—the continuum is misleading. According to this mode, the members of a society either commit rape or do not. It assumes the possibility that somewhere in the world there are societies that do not rape.

Rape-prone cultures are ones in which the men are taught dominance. Rape is read in the language of power, and in rape-prone societies, women are said to be powerless. Sanday writes, “Female power and authority is lower in rape prone societies. Women do not participate in public decision making in these societies and males’ express contempt for women as decision makers”

(Sanday 1981, 24). She goes on to write, “The correlates of rape strongly suggest that rape is the playing out of a sociocultural script in which the expression of personhood for males is directed by, among other things, interpersonal violence and an ideology of toughness.” Rape-free societies, on the other hand, “are characterized by sexual equality and the notion that the sexes are complementary” (Sanday 1981, 18).

There are two glaring methodological problems with this approach that require some attention. That Brownmiller, Griffin and Sanday draw upon the anthropological foundations of cultural analysis to demonstrate the existence of rape free societies points to a reliance upon anthropological understandings of sexual violence. Anthropology has a long and problematic history of viewing the cultural practices, including those related to sex and sexuality, of non-Western societies through Western concepts. The foreign and tribal cultures examined by Sanday and others are idealized as rape free, though what counts as rape and coercion is never contextualized in terms of how each culture defines and situates rape and coercion.

The work of Christine Helliwell (2000), for example, builds upon that of Sanday to offer a nuanced intervention in the discussion related to rape-free societies. Stemming from her anthropological fieldwork with the Dayak community of Gerai in Indonesian Borneo, Helliwell (2000) posits that the construction of rape, and the fear of rape, is inextricably tied to Western constructions of gender and sex roles. Helliwell’s analysis of rape is read through her own cultural presuppositions about gender, sex, and the body. She tells a story whereby a man unwantedly sneaks into the mosquito net of another woman, telling her to be quiet, which in turn, results in the woman violently

pushing the man from her mosquito net and causing a spectacle for all the neighbours. Helliwell's reflexive analysis reveals that her anger towards this man for what she says would certainly be called "attempted rape" was not met with the same kind of anger by the women in the village or by the "victim" of this attempt. In speaking with the woman, Helliwell invites the reader to critically interrogate her own pre-conceived Eurocentric understandings of the body and of sex. She says that her interpretation of the man's instructions to be quiet, one which could easily be read as violent or coercive, were in fact understood to be invitational in the context how Gerai men and women understand sex. Helliwell (2000, 810) writes,

In fact, in the case in question, the intruding man did expect to have intercourse with the woman. He claimed that the woman had already agreed to this through her acceptance of his initiatory gifts of soap. The woman, however, while privately agreeing that she had accepted such gifts, claimed that no formal agreement had yet been reached. Her anger, then, did not stem from any belief that the man had attempted to sexually coerce her ("How would he be able to do such a thing?"). Because the term "to be quiet" is often used as a euphemism for sexual intercourse in Gerai, she saw the man's exhortation that she "be quiet" as simply an invitation to engage in sex with him, rather than the implicit threat that I read it to be. Instead, her anger stemmed from her conviction that the correct protocols had not been followed, that the man ought to have spoken with her rather than taking her acceptance of the soap as an unequivocal expression of assent. She was, as she put it, letting him know that "you have sexual relations together when you talk together. Sexual relations cannot be quiet."

Though Helliwell (2000) builds on the work of Sanday and others, she stresses the need to employ a contextual and localized analysis, arguing "that we will be able to understand rape only ever in a purely localized sense, in the context of the local discourses and practices that are both constitutive of and constituted by it" (2000, 798).

Some have criticized Sanday's as one that views the sexual and gendered practices of non-Western cultures through the lens of male ethnographers (see Baxi 2014). While this poses a methodological challenge, others such as Helliwell—who have conducted observational fieldwork—mark the need to understand the localized and contextual nature of sexual violence. While the knowledge production from anthropological texts play a central part in feminist theorizing against the universal and the deterministic notion that rape is an essentialized feature of biology, a cultural analysis of rape requires much more care. As I will show in the following sections, the parameters of what counts as a “rape culture” are often drawn to the point in which they become universal.

### **Disembodying Rape: Rapism, Metaphors, and the Representation of Sexual Violence**

Situating rape as a constitutive part of rape prone culture also relies on the divorcing of rape from the corporeal. Sanday, for instance, is not particularly interested in the rates of sexual violence or how sexual violence gets mobilized since she is drawing her observations from the accounts of others. Instead, it serves to simply locate culture as the conduit through which sexual violence is sustained. Legal definitions of rape were wholly inadequate for many radical and second-wave feminists because those definitions could never account for unequal distributions of power (Chase 1983). I argue that in order for rape to be understood in cultural terms, it must also be divorced from the body. If rape is a cultural phenomenon, it must be able to stick to aspects of culture.

Mary Daly's (1985) book, *Beyond God the Father*, identified Christianity as a site of patriarchal domination over the lives of women. She argued that the

teachings of the Christian faith and the institution of the Catholic Church conditioned men and women in gendered ways. Aside from the obvious fact that many sects of Christianity, especially Catholicism, barred women from participating in clergy life, a Christian woman was under the rule of an omnipresent male god, the pastoral power of the priest, and the domestic rule of her husband.

Women, according to Daly, were obliged to refrain from questioning their (gendered) roles within the faith and encouraged to express their gratitude to the church for the mere privilege of being witness to its teachings. She discusses how theology is symptomatic of a larger structure of domination that seeks to undermine the experiences of women and subject them to ongoing physical, emotional, and psychological domination. Referring to this domination as “gynocide,” Daly argues that systemic gender oppression operates in a state of what she calls “rapism.” Although she provides no clear definition of rapism, she likens it to an ongoing social ontology.

She describes women’s role in society as a part of a “cosmic covenant”—a harmonious relationship between the subjectivity of women and the community in which they participate—that forms the layers of the social world. This social world is also materially assembled through the structures of capitalism and its cultural practices, which contribute to the exploitation and expropriation of women, their labour, and the land on which they live. Daly writes, “In contrast to this hell-bent ‘harmony,’ the concord which is the cosmic covenant is found in the process of rupture with the continuum of rapism, our imposed artificial environment. The power of imagination is unchained and we see, hear, feel, breathe in a new way. Our perception reaches beyond the ugly and the beautiful

of the great chain of nonbeing” (1985, 177). Rapism is not tied to traditional understandings of rape. Instead, Daly uses the term as a stand-in for a cultural predisposition toward the exercising of power in the pursuit of domination. She goes on to write, “This Great Refusal of rapism clearly means refusal to rape earth, air, fire, water, that is, refusal to objectify and abuse their power” (Daly 1985, 178).

We can discern, to some extent, Daly’s confrontation of the exploitative practices of land expropriation, environmental depletion, and capitalist greed as part of the assemblage of gendered oppression in radical feminists’ articulation of a lexicon of power. The “continuum of rapism” might then take account of the underlying forces or power structures, including those that lend themselves to economic and material exploitation. This continuum is, in fact, a precondition to the experiences of violence against women in its broadest most abstract sense, including physical, social, psychological, emotional, and economic subjugation.

Daly provides some clarification in her 1985 re-introduction to *Beyond God the Father*, writing:

*Beyond God the Father* issues warnings against the temptations to return, pointing to the reality of woman-identified hope. It discovers rapism as the paradigm of all oppression, as the root and model of the nuclear arms buildup, racism, man-made poverty, chemical contamination. Clearly:

The logical extension of the mentality of rape is the objectification of all who can be cast into the role of victims of violence.

The struggle to break out of the circles of rapism has in some ways become more difficult, since the sovereigns of sado-society have augmented their assaults, using their religion, their politics, their professions, their media as rituals for erasure of female powers, imprisoning women in the state of the grateful dead. (Daly 1985, xv-xvi, italics in original)

This use points us to another qualifying condition of rapism—a kind of cognitive

state or modality of thought. Her descriptor of a “sado-society” where rapism exists as the force that informs all forms of oppression suggests that Daly is less concerned with traditional conceptualizations of sexual violence than with using rape as a metaphor. The physical violation of the female body is then mapped onto society as metaphoric or symbolic violence. But the condition of the mentality of rape is central to the conceptualization of rape culture. This will offer a useful framing when I take up the concept of “rape culture” as an attempt to subvert psychological theories related to rape and the rapist.

In an article published in the Canadian feminist magazine *Broadside*, Judith Quinlan writes of patriarchy and rape as interchangeable: “Patriarchy is and always was an economic system based on plunder. Plunder means to rob forcibly or despoil it. It is synonymous with rape” (Quinlan 1983, 5). The plunder of women’s bodies coincides largely with a broader theft of natural resources and an ongoing violation of the world, perpetrated largely by men. Quinlan (1983, 5) goes on to write that a patriarchal economy is one of plunder, “a system based on rape, and that this is at the core of its being.” Like Daly, Quinlan triangulates an unholy trinity between patriarchy, capitalism, and rape and views church and state as necessary agents in the perpetuation of women’s subordination to men, working “in tandem to perpetuate the state of plunder and the religion of rape” (Quinlan 1983, 5). Although distinct in form, these concepts and ideas are actualized in the ongoing project of domination and presented in androcentric terms. Patriarchy itself was a rape on humankind: “This plunder of women’s wombs was simultaneous with patriarchal plunder of the earth, the common womb, and her fruits. [...] Patriarchy is not merely a natural shift in human values, but a forcible rape of existing cultures” (Quinlan

1983, 5).

Quinlan argues that capitalism and religion represent the rape of a feminized natural world and are thus expressions of patriarchy:

What we are discussing here is the despoiling of nature, and women have not abandoned nature; we are nature. When we describe and analyze our own wounds, we risk feeling them more acutely. When we speak of the plunder of women in the past, we speak also of our own rape. When we speak of patriarchal scorn for the earth, we speak also of the scorn for women's bodies displayed in the pornography that surrounds our lives. A feminist economic analysis of the patriarchal system is a journey into the soul of a rapist. (Quinlan 1983, 5)

I take the soul of the rapist here to mean a constitutive essence, or ontology, of someone who rapes. The rapist, according to Quinlan, does not necessarily refer to those who enact sexual violence onto others, but rather, perform violence that is spoken in terms of rape.

### **Reading Rape as a Metaphor in Porn, Literature, and Culture**

The idea that rape can be understood as a metaphor is a central part of the radical feminist project. Anti-pornography feminism, as a part of radical feminism, also mobilizes rape in symbolic terms. Anti-pornography feminism sees pornography and violence as inseparable. For radical feminists, pornography is both a material and symbolic mechanism through which certain feminists sought to regain control over the discursive construction of women's bodies (see also Cahill 2000).

Kathleen Barry's (1979) book *Female Sexual Slavery*, inspired feminists to bridge the material and the metaphorical in order to diagnose our society as sadistic. She argues that we have to look no further than the existence of prostitution and pornography—as historical fixtures of Western culture—to

claim that women's bodies and subjectivities exist for the sole purpose of pleasuring men. For her, the gendered relations of power situate women within the shackles of sexual slavery. Barry writes, "Identifying women first as sexual beings who are responsible for the sexual services of men is the social base for gender-specific sexual slavery" (1979, 121). Accordingly, women's participation in pornography and prostitution is always already constituted in terms of exploitation and coercion. Pornography and prostitution are merely examples of women forced or compelled to sell their bodies. Radical feminists such as Barry argue that while some women may choose to willingly participate in pornography and prostitution, their choices can never be understood outside of the coercive nature of a patriarcho-capitalist marketplace that devalues women's labour and systematically forces or compels some to sell their bodies. In this paradigm, these two forms of labour can never fully be recognized as such. Instead, they are constructed as forced sexual objectification. Barry argues, however, that reference to sexual slavery is not purely rhetorical: pimps and pornographers are the direct sources of subjugation and exploitation. Women trafficked into these industries were constructed as disposable.

It is not just the sale of female sexuality but the preconditions of a Western cultural emphasis on the objectification of female sexuality that structure the imbalances of power. Barry goes on to theorize that prostitution and pornography are practices of "cultural sadism." For her, "It is the principal medium through which cultural sadism becomes part of the sexual practices of individuals." Anti-pornography rhetoric is bound to anti-rape rhetoric in that (1) our cultural fetishization of female sexuality as the object of male pleasure and desire renders our society a sadistic one, and (2) such representations inform

individual practices and normalize sexual practices. She goes on to write, “Women are bullied into denying the existence of sexual violence; when we expose it, we are called crazy by those who have a quiet interest in its continuation and therefore its secrecy” (Barry 1979, 11). At the same time, cultural sadism should be understood as an ongoing and deeply engrained cultural phenomenon. Barry (1979, 184) argues, “Sexual domination of women is maintained through the ideology of cultural sadism. Based on male self-interest in patriarchal power, this ideology reifies women, making them into something they are not—the naturally masochistic sexual object existing only for male sexual use and satisfaction. This is not simply the ideology of an elite group but instead something that has been diffused into mass consciousness.”

Catharine MacKinnon and Andrea Dworkin are perhaps most notable in their efforts to persuade legislators to enact laws and ordinances that would restrict the distribution and circulation of pornography within the United States. Catharine MacKinnon made one of the most influential radical feminist arguments in favour of legal intervention in prohibiting the production and distribution of pornography in the United States. The prohibition on pornography raises several important questions. Efforts to restrict the production and sale of pornography in both the US and Canada tended to focus on questions of harm, violence, and free speech. I bracket the legal questions surrounding a prohibition on pornography in favour of analyzing the problem in terms of its epistemological questions. For MacKinnon, the problem is also related to the problem of who gets to speak of harm and who gets to decide what is harmful—the power to decide what counts as harm and what does not, for her, is blurred by law’s ability to guard its own epistemic boundary of “neutrality.” She writes,

“Powerlessness means that when you say ‘this is how it is,’ it is *not* taken as being that way” (Mackinnon 1985, 3, italics in original). Mackinnon goes on to write:

When these two frames converge—epistemology and politics on the one hand with the critique of neutrality on the other—they form a third frame of political philosophy. Here is how they converge. Once power constructs social reality, as I will show pornography constructs the social reality of gender, the force behind sexism, the subordination in gender inequality, is made invisible; dissent from it becomes inaudible as well as rare. What a woman is, is defined in pornographic terms; this is what pornography does. If the law then looks neutrally on the reality of gender so produced, the harm that has been done will not be perceptible as harm. It becomes just the way things are. Refusing to look at what has been substantively done will institutionalize inequality in law and it will look just like principle. (Mackinnon 1985, 8)

The construction of the social reality of gender, or the social ontology of rape (see Rutherford 2017), is at the centre of theories of rape culture. As Dworkin notes, pornography sets the backdrop for rape. It not only encourages the physical act of violation a woman, but she also suggests it frames the entire system that discredits instances of sexual violence and perpetuate rape myths:

There is one message basic to all kinds of pornography from the sludge that we see all around us, to the artsy-fartsy pornography that the intellectuals call erotica, to the under-the-counter kiddie porn, to the slick, glossy men’s “entertainment” magazines. The one message that is carried in all pornography all the time is this: she wants it; she wants to be beaten; she wants to be forced; she wants to be raped; she wants to be brutalized; she wants to be hurt. This is the premise, the first principle, of all pornography. She wants these despicable things done to her. She likes it. She likes to be hit and she likes to be hurt and she likes to be forced. (Dworkin 1993, 9)

Anti-rape and anti-pornography feminist theories tend to coalesce around constructing an idea of sexual violence that extends beyond individual harms and, instead, maps onto the social reality of women’s lives. It is almost always

framed in heteronormative terms where men exploit and objectify women. Clearly, advocacy against pornography is built on the principles of collective harm. Among radical feminists, porn was theorized as an expression of female subjugation for the pleasure of men. The links between porn and rape, though metaphoric, represent an important step in mapping the extension of male oppression into literature and film. As Robin Morgan (1980, 134) puts it, “Rape is the perfected act of male sexuality in a patriarchal culture—it is the ultimate metaphor for domination, violence, subjugation, and possession.” Pornography, and other forms of cultural manifestations of violence, including music, film, and literature represent the extension of the domination metaphor. As Morgan puts it, “Pornography is the theory, and rape is the practice” (Morgan 1980, 139).

Returning to *Rape: The Sourcebook for Women*, we see one of the very first mentions of rape culture is through the examination of the rape as a literary device. In her essay “That’s All She Wrote: Popular Rape Fiction by Women,” Lynne Farrow (1974) offers a rather interesting exploration of representations of rape in popular literature, one that provides a contrast to the claims of anti-porn feminists. Farrow opens with a retelling of Ayn Rand’s *Fountainhead* as a literary text filled with examples of embodied conservatism in each character. Farrow argues that Rand’s characters are almost always archetypes of “weak or strong, good or bad, in a world where every action taken is deliberate” (Farrow 1974, 94). Farrow describes the vignettes when protagonist Howard Roark performs a kind of ravaging, assertive masculinity. Narrowing in on how rape is portrayed in the novel, Farrow writes, “The rape of Dominique, the impudent virgin, by Howard Roark creates the quintessential sado-masochistic resolution. It follows that the author creates the rape scene as the epitome of sexual encounters, a

mock contest where if it wasn't clear before where dominance and submission are cast, it is now made specific with the brutalization of the female" (Farrow 1974, 96).

Her analysis points us to a scene in literature where rape is portrayed through an essentialized version of gendered identity politics. Women are constituted as passive and submissive and men as sadistic, domineering, and aggressive. Moving on to other literary examples, including those from Jacqueline Susann's novel *Once Is Not Enough*, Farrow describes the rape of two nuns in Russian-occupied Poland who were caring for starving children during World War II. These two nuns are violently raped by occupying soldiers and the juxtaposition of the characters is telling of a broad genre of rape whereby women are often portrayed as gentle, kind, and maternal whereas rapists are hyper-masculine and aggressive.

The unabashed violence and descriptors of sodomy and brutality are intended to portray, according to Farrow, the male characters as embodying the hyper-masculinity of war. She goes on to critique Susann's depiction of rape for existing in its own unique universe, writing, "The author clearly perceives a culture that exploits women in subtle and obvious ways, yet she does not see rape as a symptom or part of that exploitation. Rape erupts only as a hateful isolated crime with no social underpinnings" (Farrow 1974, 99). According to this, the depiction of rape is antithetical to the feminist project because it romanticizes archetypes of violence in terms of machismo versus vulnerability.

Farrow contrasts the stereotypical rape depictions with a different kind of rape script. She points us to Grace Metalious's novel *Peyton Place* as a literary text that offers a less sensationalized representation of rape. In the novel, the

protagonist's daughter, Selena, is raped and beaten by her stepfather but works toward overcoming this. Selena's character is not defined by her rape, nor is she blamed for her rape. Instead, when her stepfather admits to a doctor that he had repeatedly raped Selena, the doctor condemns him for his abuse of power. But the story of rape is one that tells the tale of a man, who systematically abuses his power, admits his abuse, and never faces any legal consequences.

Farrow champions Metaliou's depiction of rape not as one that deviates from the standard tropes of rape that tend to characterize the downfall of the raped character. Farrow goes on to write that in most depictions of rape, the victim "has to suffer some further punishment for being raped because of the general belief that she must have asked for it" (Farrow 1974, 104). To Farrow's satisfaction, "Grace Metaliou's purpose is to focus on the sexual politics of the rapist and the rape culture, not to hammer the nails into the coffin of the victim." (Farrow 1974, 104-5). In Farrow's reading of Metaliou, rape is an unsurprising event for the reader, and "rape culture" situates the act of rape, and the experience and affects that follow, as mundane. Farrow does not downplay the significance of rape in Metaliou's novel; rather, she emphasizes that rape culture is the notion that sexual violence, to some, is not extraordinary and reflects the normality of sexual violence in women's lives.

### **Theoretical Intent, "Mini-Rapes", and the Mythologies of the Black Rapist**

In thinking through rape as a metaphor of violence, it is important to also consider how the fear of rape is also an extension of this theoretical position. The idea of rape culture is viscerally hinged to the pervasiveness of sexual violence. Arguably, the physical act of rape is not wholly necessary in order to theorize a

rape culture. As evidenced in the previous section, pornography and literature, for example, offer cultural representations of rape that are often said to reproduce or reflect the pervasiveness of sexual violence. In this sense, rape culture can be understood through the popular adage of art as a reflection of society.

The fear of rape, however, marks a central concern in the cultural construction of sexual violence. Susan Griffin writes in the opening sentence of both her article and book: "I have never been free of the fear of rape" (Griffin 1971; Griffin 1979, 3). She goes on to write, "Each girl as she grows into womanhood is taught fear. Fear is the form in which the female internalizes both chivalry and the double standard" (Griffin 1971, 33). Dianne Herman contends that women live their lives according to a "rape schedule," whereby they must plan their routine activities around rape avoidance.

Conversations that constitute rape as a symbolic stand-in for broader expressions of power and domination were not confined to feminist theory (though heavily influenced by such). An article titled "Rape and Patriarchy," published in the Saskatoon Women's Liberation publication *Prairie Woman*, suggests the symbolic nature of rape. Reprinting a paper from 1976 by *Féministes Révolutionnaires*, a French women's liberation group, titled "Patriarchal Justice and the Threat of Rape," the Saskatoon Women's Liberation group sought to include the myriad ways rape manifests outside of the corporeal:

The fact of rape itself reveals first that a certain number of activities are forbidden to women: That a woman who is not "protected" by a man (who doesn't have a "protector" / pimp) cannot move about freely. She cannot go to the cinema, for a walk, camping, hitchhiking [*sic*] or out in the

evenings without the “risk” of being raped. Lesser sanctions against these independent acts by women are endless questioning, catcalling and demands that she justify being alone in these places by men who try to pick her up. These are the inquisitors, the cops, the warders of the patriarchal system, who want us to be “protected” and who condemn us if we are not. (1977, 13)

The fear of rape plays a central role in constituting rape culture. Rapists, and potential rapists, are demonstrably located everywhere and nowhere; thus, the linguistic appraisal of rape is an interesting pursuit in that the definition of rape and its articulation changes through various epistemologies.

JoAnn Elam’s experimental documentary film *Rape* (1975) reflects the politics of consciousness-raising through filmmaking. The film opens with a woman’s narrative of her own rape. She sets the tone for the film by drawing on the autobiographical account of how sexual violence is carried through the lives of these women. One woman in the film said:

It’s been about two years, and like I had mentioned already, this was a street rape where a total stranger grabbed me and pulled me in an alley. So since that time I can feel in my body, when I’m in the streets or in the halls of a building or anything, a tension across the back of my shoulders. I’m always super aware there might be someone back there who is going to that. I feel tense when I see men, particularly Black men, because the man who raped me was Black. And I resent that a lot because I never had a racial problem before. I still live in a biracial neighbourhood. I’ve always chosen to. I mean I just like that part of the city anyway, but I do have this thing in my head to deal with that. And I take a lot of precautions. And I resent like hell the fact that I have to think about doing that. And carrying weapons and that stuff, I never thought about that three years ago. And now I do. But the part that pisses me the most is I don’t want to live like a soldier; I’m a civilian. And we have to. And this is what’s really bad. And I would like for women, generally, to be enraged about just that.<sup>17</sup>

The women in the film also discuss their collective anger. Since images and

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<sup>17</sup> *Rape*, a film by Joann Elam (Chicago, IL: Chicago Film Archives, 1975), YouTube video, 34:44. <https://www.youtube.com/watch?v=bYqiJekpk0E>.

representations of rape are all around, and violent or abusive attitudes toward women are engrained in people from young ages through a variety of socialization practices, directing anger specifically at individual men is not a rewarding project. In fact, some women went as far as to say that they are not mad or angry with the person who raped them. Rather, they orient their anger toward a culture of apathy toward victims and the socialization practices that produce violent men. When confronted with men who say nasty things or reproduce rape myths, including ones such as “women secretly enjoy rape,” or tell women to “lie back and enjoy it,” one woman featured in the film suggests directing your frustrations at individual perpetrators is completely useless:

You can't get mad at every single individual guy who makes a stupid remark like that because that myth has been so deep in society for so long. Everybody has things that they believe about the opposite sex, or you know, some other kind of other person. [Do they? I'm not sure I do.] I wouldn't have thought I did either until recently. Talk about consciousness-raising, a lot of these things you, things you always took for granted or sort of believed, you know, that you have to come to terms with. [Like what?] Well, okay like male sexuality is a good example of it because for years as a little girl I believed that you had to watch out for seducers which is really ironic. That you know the smooth talker who was only interested in one thing, and that the world was full of guys like that. Well, it isn't. There's hardly any of those guys around. [I would say they are probably out there.] I don't meet smooth talkers.<sup>18</sup>

These deeply engrained feelings about the “opposite sex” are difficult to parse out. Due to this reorientation in conceptualizing the responsabilization of rape from individual perpetrators to a broader culture that produces rapists and misogynists, rape takes on a meaning that transcends the physical act of rape. It seeps into the material lives of those who embody womanhood. As one woman

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<sup>18</sup> *Rape*, 1975.

featured in the film said, "Rape is not just the literal physical act of putting a penis in a vagina. It's making comments at you, catcalling, it's like they presume ... the arrogance of that is just..."<sup>19</sup> Another woman chimed in, saying, "I'm much more paranoid of things happening to me on that level [catcalling] than of actually being physically attacked/raped."<sup>20</sup> Here, the violation of physical space, as a gesture of men encroaching on female proximity, can in some regards be considered a violation.

In feminist and psychological literature, this violation of space through practices like catcalling and the intrusion of men in women's spaces quickly became referred to as "little rapes" (Stollak 1976). Medea and Thomson (1975) popularized the idea of little rapes in their book *Against Rape*. Though described as "little," these rapes often referred to the less spectacular forms of psychological terror felt by women: "The 'little rapes,' erosive, omnipresent, symptomatic, often subtle, yet disruptively volatile. As we are increasingly conscious of the barrage of 'little rapes' confronting us daily, we must understand the implications of rape in a broader context (England 1974, 16). Stollak differentiates these rapes from a normative conception of sexual assault in that they are still representative of the potential for men to use rape as a way to enact power, though these little rapes are differentiated in terms of their intensities. He writes, "We must realize that these little rapes are a significant contributor to a social climate that allows more active and physical aspects of rape to occur. And we must understand that the motives behind these 'little innocent rapes' are different from those spurring prosecutable rape only in

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<sup>19</sup> *Rape*, 1975.

<sup>20</sup> *Rape*, 1975.

intensity and in the means used for the man's gratification" (Stollak 1976, 23).

Little rapes are commonly used to refer to elements of street harassment. It refers to the power men had to deem spaces to be masculine, to comment on women's asses as they left their workplace, to ogle them in the streets and send demeaning comments their way. Little rapes are "the wolf-whistles, catcalling, the debasement of women in movies, pornography, the second-class position of all women in this country remind women who has power over their lives" (Lease 1975, 10).

Dianne Herman (1980) referred to these as "mini rapes" in her essay "The Rape Culture." She is famously quoted in many texts, writing, "Every woman knows the fear of being alone at home late at night or the terror that strikes her when she receives an obscene telephone call. She also knows of the 'minirapes'—the pinch in the crowded bus, the wolf whistle from a passing car, the stare of a man looking at her bust during a conversation." Herman suggests that the verbal assaults we use on one another, such epithets such as "fuck you," are indicative of a culture that uses language as part of the continuum of assault. She suggests that this is a logical extension of the innate essentialized differences between men and women—whereby men and women are acting out a "me-Tarzan—you-Jane" script (1980, 45). Brownmiller writes, "From prehistoric times to the present, I believe, rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear."

Women's liberation has largely centred on the experiences of white women, and Black activism has largely been ignored in the construction of anti-rape organizing as a white women's contribution to feminism (Simien and

Mcguire 2014). Rosa Parks, for example, is most known for her anti-segregation work and is seldom ever discussed as a central anti-rape organizer in the 1930s and 1940s. She championed victims and travelled across Alabama to support them during investigations, particularly in cases of Black women raped by white men (Simien and Mcguire 2014). Parks was also an advocate for the Scottsboro boys—a group of nine Black teenagers who accused of raping two white women in 1931 and were convicted in what is known to be a thorough miscarriage of justice (Theoharis 2015).

How rape is constructed as a lingering and pervasive fear speaks to its work as an affective assemblage. The fear of rape serves to create certain constituents of sexual violence: the fearful and the feared (Riger and Gordon 1981; Ferraro 1996). Which subjects embody which roles is not easily discernible in a cultural approach to rape. After all, the concept itself is marked by a neutral phraseology: all men carry with them the equal potential to rape, it would seem, and this neutral phrasing of equal potential, I suggest in this section and in the following chapter, is a misguided approach.

In fact, the racial neutrality of the concept, marked by a reference only to culture, tends to mark all men as equally responsible for the subjugations of women. This, of course, blurs the construction of certain bodies as capable of registering fear while others are more prone to be constructed as feared. Not all men carry with them the same potential for instilling fear. This demonization and criminalization of Black men is a defining feature of the racialized nature of criminal justice institutions. Historically, the enforcement of laws against and prosecution of crimes involving violence against women have disproportionately targeted men of colour (Wriggins 1983; Backhouse 1996; Jiwani and Young 2006).

Patton and Snyder-Yuly (2007) argue that popular media accounts of sexual violence have been implicated in a long history of overrepresenting Black men in news stories of sexual violence in relation to their white counterparts. These have contributed to a cultural script that tends to cast Black men as rapists and white women as targets of their abuse (Davis 1981). This is not wholly unique to popular media representations. In fact, much of second-wave feminist thought reinforced and perpetuated the idea that Black men were a central part of the rape problem (Moon and Holling 2020).

Brownmiller's retelling of the lynching of Emmett Till is a strong example of this. In 1955, 14-year-old Emmett Till—a Black teenager from Mississippi—was lynched because he flirted with Carolyn Bryant, a white woman and daughter of a plantation owner, in front of a grocery store. Till was accused of wolf whistling at the woman, as well as making some verbal and physical advances.

Brownmiller acknowledges the death of Emmett Till as a tragic one and reaffirms a history of the ongoing oppression of using “white justice” against Black men; nonetheless, Brownmiller mythologizes Till in a particularly racist way:

Rarely has one single case exposed so clearly as Till's the underlying group-male antagonisms over access to women, for what began in Bryant's store should not be misconstrued as an innocent flirtation. Till's action was more than a kid's brash prank and his murder was more than a husband's revenge. The scene that was acted out in Money, Mississippi, had all the elements of a classical Greek drama. Emmett Till was going to show his black buddies that he, and by inference *they*, could get a white woman and Carolyn Bryant was the nearest convenient object[...]. And what of the wolf whistle, Till's “gesture of adolescent bravado”? We are rightly aghast that a whistle could be cause for murder but we must also accept that Emmett Till and J.W. Millam shared something in common. They both understood that the whistle was no small tweet of hubba-hubba

or melodious ap-proval for a well-turned ankle. Given the deteriorated situation—she with a pistol in her hand, he scampering back to safety with his buddies—it was a deliberate insult just short of physical assault, a last reminder to Carolyn Bryant that this black boy, Till, had in mind to possess her. (Brownmiller 1975, 247, italics in original)

Brownmiller also writes:

At age twenty and for a period of fifteen years after the murder of Emmett Till whenever a black teenager whistled at me on a New York City street or uttered in passing one of several variations on an invitation to congress, I smiled my nicest smile of comradely equality—no supersensitive flower of white womanhood, I—a largess I extended with equal sincerity to white construction workers, truck drivers, street-corner cowboys, indeed, to any and all who let me know from a safe distance their *theoretical intent*. (1975, 47, italics my own)

In the media review section of the April 1978 newsletter, Lee Seymour and Sharon Gray (1978) reveal that Brownmiller's work reduces rape to a learned behaviour that is simply established in biological terms. That men assert their dominance as a naturally occurring phenomenon also implies that women's passivity and submissiveness should too be understood through a discourse of biological determinism. In the sense, the position that rape—as a cultural phenomenon—is eclipsed by the fact that it too remains closely linked to biological determinism. If men are naturally predisposed, even in prehistoric times—as Brownmiller puts it—then men will always rape and thus the learned behaviour can never be unlearned (Seymour and Gray 1978). It simultaneously infantilizes women as passive subjects that are simply awaiting victimhood.

Black women have historically been constituted as sexual objects for white men (McGuire 2010; Hine 1989). Black men, on the other hand, are cast as both hypersexual and hyper-threatening. Their subjectivities are constituted through an animalization of sexuality that tended to be without restraint (Duru 2003).

Left unchecked and unregulated, the Black man's insatiably atavistic sexual desire could only be satisfied by the purity of the white woman. Or so this how the Jim Crow fable has been cast. "As for Emmett Till," Angela Davis writes, "[Brownmiller] clearly invites us to infer that if this fourteen-year-old boy had not been shot in the head and dumped into the Tallahatchie River after he whistled at one white woman, he would probably have succeeded in raping another white woman" (Davis 1981, 197). Brownmiller convicts Emmett Till and the other Black men who have endured similar allegations when she writes that the wolf whistle was just short of a physical attack. Angela Davis does not only single out Brownmiller, she also points to the troves of radical feminist theories of power that tend to relegate Black men as the archetypal rapist.

This is not to say that overt or more subtle expressions of sexual violence or intimidation are not in themselves violent or that they do not or never lead to more physical acts. Instead, these acts must be contextualized. As Khan and Fitzgerald (2018) argue, the condemnation of acts deemed to be sexually harassing need to be critically unpacked. They aim to reposition catcalling not as an inherently violent or aggressive form of male communication but rather as "any remark made in public by an unknown person to another in which the literal connotation is positive or neutral" (Khan and FitzGerald 2018). This builds on the work of Perry (2007), who argues that an interrogation of the spatial and temporal configurations are also required before immediate condemnation. Whether catcalling is deemed aggressive or flirtatious depends largely on the geographical and historical context of that neighbourhood or environment. The gendered meanings of speech and movement in those specific geographical and historic contexts give meaning to what might count as flirtatious and what might

“cross the line.” Khan and FitzGerald (2018) write, “The race of the catcaller also shapes whether the interaction is experienced as harmful or pleasurable (and of course, because beauty norms are grounded in white supremacy, the interplay of attractiveness and race is amplified).”

This symbolic ordering of rape within a semiology of violence and power posits “the ‘mind’ as a surface of inscription for power, with semiology as its tool” (Foucault 1977, 102). Since rape exists in the space between concept and actualization, there is the potential for it to manifest into existence in many forms. It requires not to be carried out but rather only referenced. The link between the wolf whistle and the physical act of rape is what always lurks as potential becoming of rape. In this sense, the metaphoric, symbolic, and theoretical intent that attaches itself to rape exists in the virtual.

For Massumi (2002) the virtual is the realm of potentiality. It is a place where the potential affects exist in a context of the “in-between.” Energies and potentialities that exist in the virtual are not yet actualized but can still be felt. They reach a point of emergence out of the virtual and into the actual through their capacity to affect and be affected. Massumi notes, “The virtual is a lived paradox where what are normally opposites coexist, coalesce, and connect; where what cannot be experienced cannot but be felt—albeit reduced and contained. For out of the pressing crowd an individual action or expression will emerge and be registered consciously. One ‘wills’ it to emerge, to be qualified, to take on sociolinguistic meaning, to enter linear action-reaction circuits, to become a content of one’s life-by dint of inhibition” (2002, 30-1). Accordingly, ideas around rape, and its cultural configurations, lurk in the virtual. The concept of theoretical intent removes the requirement of action and, instead, compels us to

think about (and fear) the potentiality for rape at every turn. Sexual violence does not require actualization or materiality. Since rape is discursively constructed as a cultural element, it exists in the virtual, always *waiting* to be inscribed. It carries with it the potential to affect how we position ourselves to certain bodies and how those bodies more readily carry with them inscriptions of a rape threat. Rape culture is affective in that it shows “the simultaneous participation of the virtual in the actual and the actual in the virtual, as one arises from and returns to the other” (Massumi 2002, 35).

This inscription of theoretical intent is more visceral when we consider the kinds of retributive justice that have become so readily enacted against people of colour. If the potential to rape is inscribed on the body, read into the subjectivities of some and not others, then it becomes useful to think about how those inscriptions become visible and under what conditions. Is the inscription of theoretical intent more visible in the courtroom? Are the markings of theoretical intent more visible on some rather than others? The most infamous miscarriages of justice might provide some insight. The Scottsboro Boys or the Central Park Five need not have actually committed any crime, but rather, their wrongful convictions can be justified by merely pointing to their theoretical intent.

Theoretical intent is the heart of rape culture. Just as rape myths construct women as *a priori* deserving of rape, so too can men be constituted as always having the intent to rape. The claim that women are always at risk of being raped also carries with it the claim that men are always capable of raping. If we are to consider the developments of a rape culture, we must also take seriously how rape gets readily mapped into culture. Intent is also historically and geographically contingent. Folding theoretical intent into the paradigm of rape

culture negates this nuance. It reveals the dangers of abandoning nuance, erasing difference, and creating the dynamic in which rape can be imagined as something that transcends the violation of law.

## Chapter 5: Psychology, Radical Feminism, and the Feedback Loop of Rape Knowledges

This chapter tracks the rape culture concept from consciousness-raising into professionalized knowledges and human sciences. Looking from the 1950s to the 1990s, I consider how anti-rape feminism borrows from and informs the constitutive elements of psychological and psychiatric knowledge production about the rapist and the victim in the production of a “rape culture.”

Nikolas Rose’s (1996) work employs a genealogy of psychology and psychiatric governance over the individual. Specifically, Rose conducts a “history of the self” by tracing the modalities of power, the instruments of study, and techniques of correction that aim at producing a notion of the individual subject. Rose draws heavily on the work of Foucault, as well as Deleuze and Guattari, to illustrate how the production of the self is understood through a history of the psy sciences. He writes:

The approach to the formation of knowledge that I take in *Governing the Soul* could be termed “an epistemology of assemblage.” This approach does not seek to deny as such the “objectivity” of knowledge, but to describe how objectivity is produced, and the consequences of the production of objectivity. The body of knowledge and expertise I term “psy” is not merely a matter of language, and its objectivity is not merely a matter of discourse. The conditions of possibility for psy knowledges to emerge are themselves practical and institutional, involving the collection of persons together in particular places, their organization within particular practices and the grids of perception and judgement that are thrown over conduct and competencies as a consequence. Psychological phenomena—intelligence, personality, development, adjustment—are thus the outcome of a complex process of production, requiring the alignment of entities, forces, gazes and thought. They are the outcome of controversies and disputes over truth, which involve the deployment not only of arguments and concepts but also of many other resources, from those of prestige, through those of cultural intelligibility to those of practicability. In their practical deployment, psychological categories and explanations are inextricably bound up with all sorts of interventions, in

which the entities, classifications, judgements of the psychologist are assembled with persons and things, apparatuses are put together, effects are produced, inscribed, examined, debated, analyzed, theorized and the results used as the basis of further interventions. (Rose 1999, xv)

Rose offers a theoretical composition of psychology as a regime of truth that seeks to construct and govern a knowledge system around the individual.

Psychology, like other knowledge systems, tends to intervene in the regulation of bodies through explanatory frameworks of the mind (Hacking 1995). Regulation, as Foucault and others point out, readily requires the production of the regulated subject. The subject that acquires the attention of institutions, their laboratories, or their policies is produced through those very practices.

Part of these practices are embodied in linguistic and theoretical assemblages like rape culture. Rose notes that these “assemblages of enunciation” (see also Deleuze and Guattari 1987) orient our understandings of subjects and their positionalities in relation to regulatory apparatuses that seek to govern those identities. As a history of anti-rape feminism shows, part of the enunciative force of “rape culture” forces us to think about how rape is a psychological concept as well as a legal and cultural one. In fact, these multiple iterations of rape converge in the formation of a rape culture.

The psy disciplines claim authority over assembling the psyche. At the same time, social psychology borrows from radical feminist thought to construct a paradigm of cultural pathology: a cultural attitude toward rape that promotes, justifies, and normalizes its practices (Burt 1980; Feild 1978; Hodell 1989). In this sense, Rose forces us to consider how the psy sciences make claims as to human behaviour and how those claims, in turn, form the basis for regulation. As will be discussed later, if the rape culture concept is defined by a turn to problematic

cultural and social attitudes toward rape, what role does law play in its governance?

Unpacking how the human sciences make claims about the pathology of the individual, I focus on the relationship between feminist inquiry and its influence on the development of a social psychological theory of rape culture. Rose calls for an understanding of social psychology as an authoritative knowledge system as a “way of organizing, exercising, and legitimating political power” (Rose 1998, 20). By doing this, I consider how a cultural framework for understanding rape is forged through the psychological sciences. In previous chapters, I argued how the emergence of consciousness-raising was, in part, an effort to subvert academic and professional discourses that governed rape discourse to reclaim power over who can speak about rape. For the most part, radical feminists sought to develop their own theories of rape. In this chapter, I explore how these theories of sexual violence became the central driving force for a social psychological theory of rape. Social psychologists saw opportunity in exploring rape as a pathology of culture rather than a problem relegated to an analysis of the individual. This chapter centres on the intersections of radical feminist and psy knowledges to explore how a biopsychosocial approach to theorizing the normalization of sexual violence is entrenched in academic discourse in attempts to empirically verify the existence of a rape culture.

### **Pathology of the Mind, Pathology of the Rapist**

For Rose (1999), the human subject is rendered through assemblages, and psychology constitutes a fundamental part of assemblages of subjectification. In its capacity to document the motives and rationales for human behaviour, Rose

interrogates how psychological sciences produce an individual subject that is governable by a knowledge system related to the empirical claims about human behaviour, psyche, and pathologies or deficits. Taking these as its epistemic starting point, psychology aims to fully know and constitute the human mind and human subjects.

Rose theorizes the psy powers as a constitutive feature of social assemblages, as a defining component of governmentality in the production of pathology and, in turn, their treatments and corrections. He writes, "Psychology as a discipline—a heterogeneous assemblage of problems, methods, approaches, and objects—was born in this social domain in the nineteenth century, and its subsequent vicissitudes are inseparable from it. And psychology, as a way of knowing, speaking, calculating, has played a constitutive part in the formation of the social. As the human soul became the object of positivism, human subjectivity and intersubjectivity became possible targets of government" (Rose 1998, 67-8). Psychology has developed its own metrics, rubrics, and lexicons for theorizing the human will. In its therapeutic intervention, it has developed a language of self-help and behavioural and attitudinal corrections to maintain strong mental fortitude. We tend to refer to this as an observation of mental health, which signals the mind is also governable by medical institutions. According to Foucault (1977) clinicians saw the mind—like the body—as fully measurable, knowable, and treatable. It became the object of their surveillance and intervention. Much like bodily movement could be corrected, thoughts could be shaped through specific mechanisms of surveillance and treatment.

Like the body, which can be contained in time and space, surveilled, and examined by clinicians in their capacity to diagnose and treat illness, the mind is

also constituted by and through medical (and juridical) discourse as governable (Miller and Rose 1994). Of particular interest to psy professionals and clinicians was the rapist. Within this discourse, the rapist was constituted as a sexual deviant—a product of a deranged and diseased mind whose rapes were the products of uncontrolled sexual desire for power, domination, and control (Groth 2001; Groth et al. 1977). Under the auspices of psy inquiry, diagnosticians and practitioners developed ways to measure and effectively treat the deviant rapist. Broadly, rapists are situated among a number of sexual offenders, including the homosexual, the pedophile, and the compulsive masturbator (Cohen et al. 1969).

Part of this social psychological intervention aimed to de-exceptionalize the rapist (Amir 1971). Much like radical feminist thinkers positing the normalcy of the rapist, social psychologists attempted to test this hypothesis by measuring the cultural attitudes toward rape. In exploring the link between rape and cultural attitudes toward rape, social psychologists, however, did not seek to establish as a problem of individual offenders. Instead, they argued negative attitudes towards rape and rape victims could explain— at least in theory—the cultural dynamics that contribute rise to the hidden problem of sexual violence (Burt 1980).

This chapter makes a serious attempt to illustrate how rape is both inscribed on the individual and onto a broader culture of violence. In doing so, it argues that there is a fundamental network of knowledges that seek to shift the specific focus away from the psychiatric intervention on the individual, and instead, make a cultural diagnosis of pathologized sexuality. As a result, sexual deviance seemingly became a problem of all men. Under more careful analysis, the pursuit to de-exceptionalize the rapist was also implicated in drawing upon

tropes of the rapacious Black man. What follows is an examination of key cultural texts and psychological studies that informed and shape theories of a rape culture.

### **Rape Culture: A Film About Rapists?**

In 1975, filmmakers Margaret Lazarus and Renner Wunderlich created the documentary film *Rape Culture*,<sup>21</sup> which explored the feminist thesis that rape was a product of culture rather than of individual pathology. The film was profoundly original in that it set out to document members of an anti-rape organization called Prisoners Against Rape (PAR), which consisted of inmates at Lorton Prison in Virginia. The film is profoundly notable in that it sought to amplify the voices of men, who were seen as the embodiment of rape culture. At the same time, the filmmakers have claimed that they were the first to use the term “rape culture” publicly, and so the film has a kind of historical importance insofar as it is often cited as the first mention of the concept.<sup>22</sup>

PAR was founded in 1973 and saw itself as an organization that could educate the public about the rapist. In collaboration with the DC Rape Crisis Centre, PAR published an article in one of the first issues of the *Feminist Alliance Against Rape* (FAAR) newsletter in 1974. It seemed that the goal of PAR was to expose that while rape was a societal or cultural problem, it was also a man’s problem. Men were not only the enablers of a rape culture, they were also victims of a prison rape culture. Through systemic racism and growing disparity

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<sup>21</sup> *Rape Culture*, a film by Margaret Lazarus and Renner Wunderlich (Cambridge, MA: Cambridge Documentary Films, [1975] 1983), DVD.

<sup>22</sup> Mention of this can be found on the Cambridge Documentary Films website: <https://www.cambridgedocumentaryfilms.org/filmsPages/rapeculture.html>.

in socioeconomic standing among Black southerners, PAR sought to draw attention to the fact that rape was connected to broader systems of power. As the cofounders of PAR, Larry Cannon and William Fuller, put it: “RAPE is culturally America, that is, RAPE is the product of the racist and repressive ills tied into the American way of life which is ingrained into the masses from the cradle” (1974, 5, emphasis in original)

At the same time, PAR adopted a similar consciousness-raising method. They intended to tell the story of rape from the experiential knowledge as incarcerated men—both as perpetrators of violence and as victims. PAR characterized those in prisons as both victims of a system designed to promote racism and continue the prison-industrial complex. They were also targets of violence within prison, and rape was a form of masculine violence even within the prison. They articulate the complex dimensions of rape, writing, “Society in general, and individuals in particular, believe that dehumanizing tactics such as castration, prison, and the like would prevent RAPE. This is a total myth. It attacks only the effect. The cause is still at large with the potentiality to strike any woman as would a cold. For centuries, men in untold numbers were castrated for the crime of RAPE. The crime RAPE still prevails. Many individuals think that prisons, more time, more convictions are the answer. They are not. These places have only created the conditions for another form of forceful RAPE—forceful homosexuality” (Cannon and Fuller 1974, 5).

The article goes onto problematize the socialization of men and women into sexual aggressors and sexual objects. At the same time, Cannon and Fuller (1974) argue that rape, and the rapist, are products of social forces of racism, class disparity, that are responsible for producing the victim:

We view homosexual RAPE similar to that of women because they emanate from the same social conditions. Racism, sexism, myths, chauvinism, also create homosexual attacks. Social values must be restructured to meet black, white, gay people on the basis of human beings with equal status. That is equal in the sense that no limits are placed on an individual or group's potentials because of descent, sex, etc. Orthodox men mentality generally view women and homosexuals as sado-masochist with a MS Marquis de Sade type sexual orientation, mysterious creatures (Freaks who can't resist) who their masculinity overwhelms. The average terms aggression competition superior keeper oppressor used in typical male conversations are: bitch, slut, fag, wench, gal, queer, whore, broad, parasite, tomboy. This is not just language in the rawest form, it serves to reinforce the degradation of these individuals and helps develop stereotype myths. We have never heard, or read, or seen a woman attorney general, secretary of state, or a woman president, or a woman on the Supreme Court here in America. Why? Because male supremacy systematically suppresses their development through another form of RAPE—the RAPE of their political, social, and economical potential. Statistics can verify that these problems exist. Statistics can also verify that RAPE is as old as prostitution—it existed long before Fuller, Cannon and their predecessors came on the scene. (Cannon and Fuller 1974, 6)

They conclude, “We view RAPE as you in society would view cancer. We consider it an epidemic which must be constrained as every man is a potential RAPIST” (Cannon and Fuller 1974, 6).

The article received a mixed response from FAAR's audience. Some wrote to FAAR to commend the editorial decision to include the experiences of rape. The narrative of rape told through the male gaze not only offered a unique perspective. Hearing the point of view of the rapist was a moment of validation for feminist organizers who had been working tirelessly against a current of resistance to the charge that rape was in fact at crisis levels. Others criticized the editorial decision and considered the amplification of prisoners' voices as giving a platform to those that commit violence against women (Thuma 2015). Regardless, the film was mostly circulated among activist groups at independent

screenings and was not a blockbuster, though Lazarus and Wunderlich would later go on to win an Academy Award for their 1993 documentary film *Defending Our Lives*, which centres on battered women who kill their abusive partners.

The context surrounding the film is somewhat contradictory. In many written reviews, commentaries, and promotions of the film by feminist newsletters suggest that PAR is an organization made largely of convicted rapists, yet the opening vignette of the documentary *Rape Culture* (1975) suggests only one member was a convicted rapist. It reads: "A group of inmates at Lorton Prison in Virginia organized 'Prisoners Against Rape.' Only one member was a convicted rapist, but all felt the need to fight rape in prison and on the 'outside.' They worked with the D.C. Rape Crisis Center. Since the filming two of these men have been killed, victims of prison violence." As the film goes on, much of the content has less to do with the actual organizing of PAR and their contributions to the film generally tend to be oriented toward acknowledging their complicity in a rape culture and that the prison is a place that harbours and reproduces these violent sentiments. FAAR promoted and circulated the writings of William Fuller. In his letters to the community, Fuller notes that he used his prison sentence as a time to reflect on his own personal decisions and to better contextualize them in the broader frameworks of power.

The case of William Fuller posed a significant dilemma for anti-rape activists. The cofounders of FAAR, Leanarts and Friedman, asked whether someone like Fuller could ever be fully rehabilitated and what would that even look like to anti-rape feminists. They asked, "But, can a rapist actually be reformed—or rehabilitate himself? What triggers the desire for domination, power, control, in an individual rapist? Can it be curbed? And, what tests would

we use to measure 'successful' rehabilitation? (Lenaerts and Friedman 1979, 18). After his release from prison, Fuller communicated his intentions to become a youth counsellor and to continue educating people on the perils of a culture of misogyny, racism, and domination. Lenaerts and Friedman posed the following questions to the readership of FAAR's newsletter: "First, has William been rehabilitated?[...] Second, will we feel that justice has been served if William is released?[...] Third, will William require our assistance once he is free? Will he have difficulty in carrying out his plans to educate young men?[...] Fourth, how much of a priority is it for anti-rape activists to support efforts to re-educate men?" (1979, 21). The question of whether an organization like FAAR should support someone like Fuller is telling of the inescapability of separating the governance of the individual from the analysis of rape culture. Would FAAR support Fuller if he had not claimed to have been fully rehabilitated and how could they know for certain?

Lenaerts and Friedman (1979) go on to highlight that throughout his sentence, Fuller had dedicated himself to positive re-education and claim that his application for clemency is tied to his commitment to fulfilling his obligation to rehabilitation. Fuller himself describes this as overcoming the impossible. They write, "Prison is a coercive, demoralizing and intense community. A place that well may increase hostility. A place where the individual cannot see the end of his/her accomplishments unless that person is given special consideration for achievements. Yes, confinement is not easy nor is it meant to be easy! But some of us do accomplish the seemingly impossible" (Lenaerts and Friedman 1979, 21). The piece on William Fuller is double-edged. On the one hand, his experience as both the enabler of violence and the victim of violence at the hands of a

correctional system so eager to dispose of Black men under the guise of rehabilitation is an important moment in a genealogy of rape culture. Fuller's writings point to a need to consider how the rapist is produced by the very institutions that offer rehabilitation.

The questions Lenaerts and Friedman posed to their readers in terms of the possibility of "rehabilitation" point to the question of whether a person can ever be free from the "rapist" label. After all, almost every aspect of rape animates certain subject positions that are virtually always couched in terms of dyads of harm, law, or criminal justice: the victim/survivor; the rapist/offender; the rehabilitated/incorrigible. At the same time, it offered a moment of reflection for anti-rape activists to consider their role in relation to those labelled offenders. They go on to write, "However, no one is giving anti-rape activists the opportunity to do any more than speculate about the issue. Our primary role in the criminal justice system has been to help keep the victim from being treated as though she were the one on trial not to dispose of the convicted attacker. A few research psychiatrists have instituted prison programs designed to rehabilitate selected 'psychological' sexual assaulters. These programs are not geared to the majority of rapists who are convicted of rape by the courts of this land Black or Third World, poor, uneducated men" (Lenaerts and Friedman 1979, 18).

At the same time, the authors cannot escape from casting rape in psychological terms, arguing that "rape is not a pathological crime or a crime with biochemical causes (e.g., hormonal imbalances or defective genes). Rape is a political and a psychological crime. In our sexist culture, rape is encouraged, applauded. The men incarcerated for rape are generally those who have no power or prestige in our society" (Lenaerts and Friedman 1979, 18).

The film also included voices from other members of PAR whose stories were not heard by the readers of FAAR or other reproductions of the newsletter. LaVance Green Bey, a member of PAR, shares his thoughts with the interviewers, framing how a culture of violent masculinity sees and treats women through the eyes of a prisoner. He reflects on this idea of a rape culture, stating, “Women are something to be taken advantage of. Women are something to be taken for granted. Women are ‘something to be used and abused.’ These things come to my mind when I think of relationships that men and women have had in my environment.”<sup>23</sup>

The men in the film speak to the ways they are socialized by television, mass media, and their peers into viewing sex as something they can acquire, as theirs for the taking. Even those not convicted of rape share stories about how they have been taught to think about and act on sex. As one member of PAR, Donald D. Luckett, puts it, “When I was coming up we never viewed ourselves as raping, we used to view it as Bogarting or rippin’ off... It wasn’t the sex, it was the dominant thing about it. It was the dominance that came before the sex. It’s just that I wanted to dominate this woman.” The references to “Bogarting” and “rippin’ off” are slang terms that often denote selfishly holding on, indulging in something. Those somethings are women and, in this case, it is meant to portray an image of men as sexually domineering and taking part in a selfish desire to have women for their own pleasures.

The message conveyed is that men think of women as something for their taking. Sharing his personal investment and complicity in a system that

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<sup>23</sup> *Rape Culture*, [1975] 1983.

privileges sexual violence, PAR member Gary Alston states, "I have never been convicted of rape, but I would venture to say that there have been occasions where I've raped my wife, probably my girlfriends and so forth. We have to deal with the total process of socialization as to how many, in fact, view women. What their attitudes towards women are." In the film, James C. X. Long states, "Prisons in themselves only tend to perpetuate rape more, because if you have a person that's raping on the street where he can't deal with the relationship between male and female, when he goes to prison, all he's going to do is revert to homosexual type rape. His desire to dominate or his desire to take advantage of the less individual or the weaker individual is further influenced by prison."<sup>24</sup> While the film invests heavily in the cultural dynamics of rape, as represented in film and in popular discourse, one cannot help but notice the importance it places on the psychological manifestation of sexual violence as existing in the mind of the offender.

Mary Daly also appears in the film and further contextualizes her work in the context of the film's focus on rape culture. She further entrenches our understanding of a rape culture as still tied to an analysis of the mind. In the film she states:

In the course of writing *Beyond God the Father*, it struck me that rapism was a stronger and more accurate word to describe the disease of a phallogocentric society than sexism because it really does get to the very act itself of penetration and violation. And rapism, of course, its primary significance is the physical act itself, which puts all of us into what you call a state of siege—all women. I see the rape of women and the rape of the land and water, and the rape of Blacks, the rape of the poor, of aged, of children as all profoundly connected. And the basic paradigm is obviously the intrusion upon women which can happen in what is really admitted to be rape, or in the more subtle but sometimes equally devastating "mind

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<sup>24</sup> *Rape Culture*, [1975] 1983.

rapes" that happen all the time.<sup>25</sup>

Returning to the importance of Daly's contribution, we see the significance of the paradigm of rape culture as inextricably couched in psychological terms. From Brownmiller's description of a mass psychology of rape to Daly's notion of rapism, we see that rape culture might be best described as a cultural problem.

There is a dialectic between the cultural creation of a rape culture and the internalization of rape as a mentality of mindset. Despite the appearance of only one prisoner convicted of rape in the film, the film portrays each man as having internalized the role of the rapist. This, of course, does not mean that a conviction is necessarily required to deem a person a rapist, but it begs the question of how rape is constructed as a condition of the mind alongside a condition of culture.

### **Measuring the Rapist**

Until the 1970s, psy disciplines were steeped in developing theoretical and clinical models for knowing the mind of the rapist. The victim, on the other hand, was theorized in terms of vulnerability to the rapist's antics or as being easily persuaded or overpowered by the rapist. In the 1960s, the rapist was the focus of attention by clinical psychologists who measured, treated, and corrected the arousal levels of "sex offenders." This clinical psychology focused largely on developing diagnostic measures to identify the interpersonal characteristics of those classified as sexual deviants, either through direct psychiatric intervention (i.e., study of those admitted to/held in therapeutic centres) or with the help of legal determination (i.e., convicted or institutionalized rapists). It sought to

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<sup>25</sup> *Rape Culture*, [1975] 1983.

quantify the level of arousal experienced by rapists and pedophiles in relation to violent stimuli and develop interventions to prevent the acting out of sexual aggression. A study published by Cohen et al. (1969) attempted to understand the rapist from the point of measuring clinical defects in social skills and personality.<sup>26</sup> As such they refer to their participants as a medico-legal class of subjects that are co-constituted as offender-patients.

In a study of 65 rapists and pedophiles remanded to a Massachusetts treatment centre, Cohen et al. (1969) developed varying typologies for each kind of rape and rapists. They conclude that the motives behind sexual aggression can largely be categorized into four types. The first is referred to as the displaced-aggression type. In this dynamic, the rapist's sexual pleasure comes from the victim as an object of displaced aggression. Sexual excitation in these types of offender-patients is often absent. On the flip side rests the rapist-compulsory type who is "always in a state of intense sexual excitation" (Cohen et al. 1969, 250) and derives sexual arousal when victims yield to their demands. In the sex-aggression-defusion type, sexual arousal is not present without the coexistence of aggression and violence. They write, "Such patients are very loud and assertive and those who come in contact with them feel both overwhelmed and seduced at the same time. The extreme of this position is sexual sadism where the woman is viciously violated and murdered" (1969, 250). The final typology consists of the impulse rapist. Here, rapes are carried out during the commission of some other act (e.g., robbery) and victims are assaulted "with relatively little sexual or aggressive feelings" (Cohen et al. 1969, 250). The act of rape is merely

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<sup>26</sup> Though the legal definition of rape varies across many jurisdictions, psychologists tend to agree that rape is broadly defined by any act of sexual aggression toward a nonconsenting and unwilling person or victim.

opportunistic and part of the predatory nature of the offender and linked to other forms of anti-social behaviour or psychopathy (Cohen et al. 1969, 254).

Other clinical interventions offer a theory of sexual compulsion and abnormality through the metric of arousal. In some instances, the circumference of an erection was measured and revealed an empirical basis in which a person could be deemed to be aroused (Barbaree et al. 1979; Baxter et al. 1986; Bernat et al. 1999; Barnes et al. 1984). The presence of an arousal to stimuli deemed to be violent and depict rape were often used to establish that some people had a sexual and psychological propensity for rape.

The problem with this approach to rape was that there was a glaring theoretical hole in that the measurement of arousal and motivations for rape both excluded victims from the analysis. The dynamic between the two offered more room to explore violence from an interactionist perspective. Without the victim in the analysis, we were left to study the rapist as an isolated, deviant, and pathological subject. At the same time, these models failed to consider how rapists might be socialized into their aggression and focused largely on the biological and psychological factors that contribute to rape.

The epistemological trajectory of psy disciplines developed alongside that of anti-rape feminism. Both were epistemologically oriented toward developing a knowledge system that could account for why men rape, though each approached the topic from very different departure points. Social psychology offered a bridge between the need to interrogate the cultural aspects of rape and the historical legacy and empirical methodologies of measuring and formulating clinical and medical theories of rape. This happened quite explicitly through a feminist praxis of care for victims that began entering the psychological literature

at the same time rape crisis centres offered counselling and mental health care for rape victims.

Part of this social psychological intervention must be understood in terms of the broader disciplinary crisis. Faye (2012) argues that social psychology in the 1970s placed too great of an emphasis on maintaining a guard of empiricism and operated with questionable methodologies, failed to distinguish itself from other disciplines such as sociology and the macro theories of society they developed, Empiricism relied heavily on experimentation, observation, and the deployment of statistics (Britt 1937), which social psychology mobilized in an effort to distinguish itself, not without intense criticism, as an empirically informed hybrid of sociology and psychology. Social psychology's sites of inquiry tended to be focused on parts of human behaviour that were highly variable and subject to change over time. This posed an inherent challenge to maintaining the scientific edge of the discipline, especially since replicability was not easily achieved.

This becomes quite visible in pursuits around attitudes toward certain behaviours that had immense relevance to rape and what would later be theorized as "rape-supportive attitudes." Social psychology tended to focus on aspects of rape that had been overlooked by clinical observation, including the perspective of the victim. Burgess and Holmstrom (1974b), for instance, focus on how rape victims negotiate their lived experience and potential trauma in the aftermath of an assault. By analyzing 146 cases that made their way through Boston City Hospital, they chronicle the ways victims present themselves to medical workers, present the stories and facts related to their rapes. Most notable is their theorization of "rape trauma syndrome" which attempts to medicalize

the physical, emotional, and psychological reactions of victims in the days, months, and years following an assault.

Considering that sexual assault has effects on physical and mental well-being, some academics turned to a psychosocial approach in documenting some phobias, memory trauma, nightmares, and other possible effects of an assault, outlining possible symptoms and their effects in the aftermath of an attack, which had not been seriously taken up by medical and academic professionals (see also Burgess and Holmstrom 1973; Burgess and Holmstrom 1974a; Holmes and St. Lawrence 1983; Frazier and Borgida 1992). Though Burgess and Holmstrom worked out of Departments of Nursing and Sociology at Boston College (respectively), their work stands out in a sea of literature aimed at addressing the psychological perils of rape using a feminist ethic due to their attempt to study typologies of rape from the perspective of the victim, something they called “A New View on Rape.”<sup>27</sup>

In 1977, they collaborated with clinical psychologist Nicholas Groth to further develop an understanding of rape, though again, this tended to focus much more heavily on the rapist. Drawing on Cohen’s identification of four types of rapist, Groth et al. (1977) developed a theoretical framework for understanding the individual offender’s motivations for rape while employing a new discursive frame for interpreting violence—one which situates power at the centre of all things. Groth et al. (1977) further classified the rapist and the kinds

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<sup>27</sup> This is the title of Burgess and Holmstrom’s (1974b) opening chapter in their book title, *Rape: Victims of Crisis*. This should also be understood within the broader context of psychological inquiry into rape. Their second chapter, *The Rapist’s View of Rape*, draws exclusively on the work of Cohen et al. (1969) and praises the utility of such categorizations. The work presented here is very much a departure from the focus on the rapist and should be understood as drawing significantly from previous psychological studies related to the individual offender.

of rape into two types: 1) power rape; and 2) anger rape. From a power rape perspective, the offender seeks to control and dominate his victim through intimidation or physical force (Groth et al. 1977, 1240). Anger rape, on the other hand, refers to sexual assaults accompanied by overt use of physical and verbal abuse through which the rapist can “vent his rage on his victim and [...] retaliate for perceived wrongs or rejections he has suffered at the hands of women” (Groth et al. 1977, 1241). The study goes on to suggest that of the 225 cases studied, 64.9% were power rapes. Groth (2001) expands the typology to include sadistic rape, which includes rape where a victim’s struggle increases the excitement for the rapist. Despite the emphasis on power, the pathology of the mind still remains an inescapable part of the psychological make-up of rapists.

### **The Sociocultural Dimensions of Sexual Violence: Bridging Social Psychology and Radical Feminism**

For the most part, radical feminist theorizing confronted the authority of clinical psychologists, who tended to reduce rape to pathologies of the mind, including those that linked rape to deviant sexual arousals (Barbaree et al. 1979; Fisher and Rivlin 1971; Groth 1978; Lowenstein 1977). Grassroots anti-rape organizing was an attempt to subvert the romanticization of the sadistic or sex-crazed offender. Manhart and Rush (1974, 1) explain, “When the Radical Feminists held the rape conference in April 1971, a body of information that dealt with rape from the political, social, and psychological point of view of its victims began to be developed. The central revelation was that the violent rapist and the boyfriend/husband are one. The friend and lover commits rape every bit as much as the ‘fiend’ prowling the street.” Though radical feminists sought to

reorient how professionalized and academic knowledges characterized and defined rape, radical feminists still largely engaged in a psychology of rape. Susan Brownmiller and others are most notable for engaging in these kinds of intersections. In the opening chapter of *Against Our Will*, titled “The Mass Psychology of Rape: An Introduction,” Brownmiller connects rape to the psychology of men, arguing that Freud, Marx and Engels had failed to incorporate an analysis of gendered power into their macro theories of society. Brownmiller calls for attention to understanding rape through the lens of a “mass psychology.” Perhaps we can see this as a call to social psychologists to take up this initiative since the subdiscipline had been reticent on this subject (Vinsel 1977).

In his study conducted in 1969, Menachem Amir laid the foundation for a victimological approach to understanding rape. In his work *Patterns in Forcible Rape*, Amir studied 646 Philadelphia police records related to rape, which included complaints taken by the police, and supplemented these with Federal Bureau of Investigation (FBI) data to study whether offenders or victims had previous criminal records. His intention was not to provide a psychological analysis of why offenders in these cases committed rape because the offenders themselves were not available for interview. Instead, the goal of the project was to provide a statistical and demographic overview of the kinds of rape that happen, the relationships between offenders and victims, race, marital status, alcohol consumption, and many other factors that even extend to the time of day and year rapes take place (Amir 1971). He considers this study a “broad phenomenological approach” and suggests its importance rests in its departure from traditional approaches of psychiatric research, opting for a sociological

approach which attempts to link the act of rape (as a criminal and deviant behaviour) to broader social factors (Amir 1971, 319).<sup>28</sup>

Amir relies on a sociological analysis of rapists in Philadelphia to construct the identity of the “typical” rapist. From this, he extends his analysis to incorporate “theoretical considerations,” in which he combines the findings from his study and situates these in terms of his interpretation of the most popular models of psychiatric diagnoses of sexual disorders and sex offender pathology. According to the study, the rapist profile reveals itself as a fairly homogenous group. Rapes are most frequently committed by young Black men on Black women. Three-quarters of rapes are pre-planned but typically involve very little physical force. Rather, temptation or “verbal coercion” is most often used to subdue victims. Amir interprets his findings through the lens of subculture theory. He suggests that the homogenized nature of rapes tend to be related to the “lower-class Negro subculture” (Amir 1971, 327). He argues that Black communities are inherently predisposed to poverty and thus criminality and violence.

Amir characterizes rape prone subcultures as ones that are fundamentally weak in prohibiting or deterring sexual misconduct from their members and, instead, celebrate and reinforce sexual violence. He writes, “The Negro subculture is characterized by the revolving of life around some basic ‘focal concerns,’ which include a search for thrills through aggressive actions and

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<sup>28</sup> It should be noted that at its most basic level, Amir’s assertion that his study centres on phenomenology is attributed to the fact that he does not approach this data collection with any hypothesis and seeks to draw his analysis from the observations of empirical data. He does not seek to formulate a theory related to the causes of rape; rather, he assembles the variables that contribute to a victim-offender interaction theory and maps certain patterns or factors reported in police reports and other criminal justice documents.

sexual exploits" (Amir 1971, 327). Because victims and offenders tend to already know each other, either because they have had previous interactions or by virtue of their proximity to one another in their communities, Amir suggests that victims are always part of the "cause" of the crime. Every crime involves a victim and, as such, carries with it some degree of involvement and sometimes culpability in their own victimization. Amir goes on to write, "Here, the victim is one who is acting out, initiating the interaction between her and offender, and the offender triggers this potentiality for criminal behaviour, if it existed before in him. Her behaviour transforms him into a doer by directing his criminal intentions which not only lead to the offence but also may shape its form" (1971, 259). In other words, the victim is responsible for the kind of presentation of the self that encourages and brings forth violence and draws specifically on the foundations of a victimology which posits that all forms of victimization must be understood within a broad spectrum of victim precipitation and culpability.

While providing some alternatives to myths related to lurking rapists and the overwhelming use of physical violence, *Patterns of Forcible Rape*, however, reinforces many tropes and myths related to the hyper-sexualization of Black men and their links to criminality. In essence, rape is a taught and learned behaviour. The marginalized geographic areas of Philadelphia seemed to be suffering the most from the problem of rape, and Amir attributes this to Black neighbourhoods accepting and celebrating crime as a social value. Amir asserts that these communities teach predatory sexual behaviour as part of the gender socialization process, writing, "These studies indicate that sex offenders do not constitute a unique clinical or psychopathological type; nor are they as a group invariably more disturbed than the control groups to which they were compared.

The typical rapist appears from these reports to be from a lower-class background, and when ethnic differences are compared, he is a member of the Negro group. As for his personality profile, he was found to have normal personality and normal sexual desire" (Amir 1971, 314). Amir's theorizing also extends to the victim. He encapsulates rape victimhood within the broader victimology literature of the time. In his writings, Benjamin Mendelsohn first theorized the "culpable victim," arguing that certain victim archetypes could not be understood as completely independent from how victims choose to engage in risky behaviour or become complicit in their own harm. Mendelsohn argues that some victims are complicit in their own victimization, failing to take the necessary risk-based precautions. Mendelsohn's theorizations emerged from his personal experiences as a criminal defence lawyer, specializing in rape cases (Sengstock 1976). He created a spectrum of culpability, typologizing victims from least responsible for their own victimization (i.e., "completely innocent victims") to a mildly or reasonably responsible victim (i.e., "voluntary victim") and finally to victims whose claims are completely fabricated (i.e., the "imaginary victim" (Sengstock 1976).

Amir typologizes rape according to a spectrum of victim-precipitated violence. He argues that the very nature of sexual violence relies upon the victim's involvement with the rapist. In its most innocuous form, this could be simply a familial relationship with the offender but often is couched in a language of seduction and invitation—not dissimilar to many tropes attributing sexual assault to the problem of women secretly "wanting it." Black men, on the other hand, are characterized as enacting sexual violence as a way of establishing their masculinity in a world that has systematically denied them social status.

Amir argues that, in terms of rape, “The emphasis is given by males to masculinity, and their need to display and defend it through brief and transitory relations with women. Such needs, and the subsequent concern with sex, stems from growing up in a family in which the mother is dominant and the father has a marginal position. Being socially and economically powerless, the Negro father becomes a negative model of identification for his young sons, who emulate only his aggressive and sexual behaviour” (Amir 1971, 328). His theory goes on to outline that this is because sexual conquest is the central form of social currency among Black men and a way for young Black men to assert their social worth (Amir 1971, 328). Amir goes on to write, “The Negro male’s aggressive sexuality seems to be more problematically due to the strong need to overcome problems of masculinity and of sexual identity. This is also because of the Negro family structure (mother-based family) and the need to overcome general social disadvantages, by substituting sexual aggressive masculinity for failure as a man in the economic and social status spheres” (Amir 1971, 330).

Despite having contributed to a theory of the de-exceptionalized rapist, Amir’s contributions directly implicate Black men as the normalized rapist. His analysis constructs a narrative that draws upon and reinforces racial stereotypes proffered by sociologists and psychologists to create an explanatory narrative. Amir’s study did not include interviews with participants and was not a study that employed ethnography. Amir’s account of rape in Philadelphia draws exclusively on FBI crime data and court reports. Despite these individualistic and ahistorical accounts of violence, Amir narrates these through the social condition of America’s Black man. Schwendinger and Schwendinger (1976) argue that despite being presented as a novel approach to rape—one that diverges from

traditional psychological frameworks—Amir doubles down on reverting to traditional psy concepts. They write, “Thus, a taken-for-granted psychologism, based on atomistic psychic urges (e.g., sexual drives), personality defence mechanisms (overcompensation), social opportunities (jobs), and social controls (peer groups), is the basis for Amir’s analytic framework” (Schwendinger and Schwendinger 1976, 79). Amir’s construction of the Black rapist “merely contribute[s] a (sociological) rhetoric for describing and classifying familiar social psychological relationships” (Schwendinger and Schwendinger 1976, 79).

Despite these inherently racist and sexist (victim-blaming) tropes of the rapist and the rape victim, many anti-rape feminists were adamant about adopting and promoting Amir’s work to further their claims of a rape culture. The study in *Patterns in Forcible Rape* became the centrefold for the assertion that rape was not an exercise of an overly rapacious sexual predator but of normal men who were merely playing out their socialized gender roles (see also Dinovitzer 1997). Many feminists, including Brownmiller, Griffin, and Herman, as well other scholars in social psychology, criminology, victimology, and sociology, rely upon Amir to advance the claim that the rapist was not an exceptional sexual deviant but, rather, a normal man.

Pulling from Amir, Griffin writes, “Yet, though the theory that rapists are insane is a popular one, this belief has no basis in fact. According to Professor Menachem Amir’s study of 646 rape cases in Philadelphia, *Patterns in Forcible Rape*, men who rape are not abnormal” (1971, 27). Brownmiller goes on to highlight the statistical significance of Amir’s work and how his study pieces together the discrete variables of rape to create an empirical rendering of the rapist:

*Patterns in Forcible Rape*, a difficult book for those who choke on methodological jargon, was annoyingly obtuse about the culturally conditioned behaviour of women in situations involving the threat of force, but despite its shortcomings, the Philadelphia study was an eye-opener. It was the first pragmatic, in-depth statistical study of the nature of rape and rapists. Going far beyond the limited vision of the police and the Uniform Crime Reports, or the idiosyncratic concerns of the Freudians, Amir fed his computer such variables as modus operandi, gang rape versus individual rape, economic class, prior relationships between victim and offender, and both racial and interracial factors. For the first time in history, the sharp-edged profile of the typical rapist was allowed to emerge. It turned out that he was, for the most part, an unextraordinary, violence-prone fellow. (1975, 180).

The significance of the contribution is not that a radically new view is put forth; instead, it was quite the opposite. The rapist was a mundane and *unextraordinary* man who preyed on women as a normal expression of masculinity. Brownmiller downplays the racist characterizations of African Americans offered by Amir and, instead, concludes that Amir's computer-generated statistical analysis offers a clear outlook that the rapist is not particularly interesting from the perspective of mental pathology.

Herman joins this chorus of feminist thinking, actively de-exoticizing the rapist:

According to Amir, the only significant psychological difference between the rapist and the normal, well-adjusted male appears to be the greater tendency of the former to express rage and violence. But this finding probably tends to overemphasize the aggressive personality characteristics of rapists, since generally only imprisoned rapists have been studied. Those few rapists who are sentenced to prison tend to be the more violent offenders. Studies by some researchers have found one type of rapist who is fairly meek and mild-mannered. What is clear is that the rapist is not an exotic freak. Rather, rape evolves out of a situation in which "normal" males feel a need to prove themselves to be "men" by displaying dominance over females. (1980, 49)

In the accounts offered by white feminists, the normal rapist lacks an explicit

racial identity. The idea that those like Brownmiller, Griffin, and Herman draw upon Amir's study as one of the quintessential empirical studies that proves the de-exceptionalized status of the rapist bears further interrogation through a critical race lens. According to Amir, the "normal" rapist is unequivocally a Black man who assaults Black women. Despite this, Amir's analysis is mobilized to create the theoretical framing of a rape culture that removes a thoughtful account of how problematic racist tropes serve to reify and reproduce the myth of the Black rapist (Davis 1981). Despite the obvious methodological concerns related to the fact that Black men are disproportionately overrepresented in official crime statistics, Amir himself notes that according to Uniform Crime Reports at the time, Blacks accounted for 53% of all persons arrested for forcible rape despite only accounting for 10% of the total American population (Amir 1971, 46). Amir's analysis does not take into account the racialized dynamics of differential criminal justice enforcement. Instead, as Schwendinger and Schwendinger (1976) suggest, Amir's focus on the needs, urges, and drives of the Black man reinforce the notion of essentialized characteristics of rape. His analysis fails to account for why Black men are overrepresented in the first place and instead attempts to explain the statistical differences between whites and Blacks using the trope of the hypersexual Black man.

Angela Davis's critique of Brownmiller focuses specifically on the erasure of whiteness from radical feminist critique. Clearly, the influence of Amir's assertions related to the empirical characterization of the rapist—as a Black man—is central to Brownmiller's discussion. In fact, Davis argues that Brownmiller contributes to a radical feminist facade that claims but fails to interrogate questions of race. Davis contends that "Brownmiller's provocative

distortion of such historical cases as the Scottsboro Nine, Willip McGee and Emmett Till are designed to dissipate any sympathy for Black men who are victims of fraudulent rape charges" (1981, 197). Brownmiller's inclusion of a discussion of race is seemingly a gesture to recognizing the possibility that Black men are falsely accused (some of the time), but her conclusions perpetuate the idea so closely linked to the work of Amir in that she continues to reify and project the myth of the Black rapist as a statistical certainty. Davis draws on the following quote by Brownmiller to highlight the ways in which Black men bear the burden of representing the "average" or "normal" rapist:

History is never "behind" us, and we must not forget how the white man has used the rape of "his" women as an excuse to act against black men. But today the incidence of actual rape combined with the looming spectre of the rapist in the mind's eye, and in particular the mythified spectre of the black man as rapist to which the black man in the name of his manhood now contributes, must be understood as a control mechanism against the freedom, mobility and aspirations of all women, white and black. The crossroads of racism and sexism had to be a violent meeting place. There is no use pretending it doesn't exist. (Brownmiller 1975, 255)

This political scapegoating of Black men in the name of all women must be understood as a part of the ongoing project of labelling Black men as more prone to sexual violence.

Early white radical feminists often argued that since they could be, and often were, victim of sexual aggression at the hands of Black men, that they too occupied a status that was far less than that of a racialized man. To return to the radio broadcast of *Womankind*, recorded before the 1971 rape speak-out, we see this reflected in the conversation among radical organizers:

The act of rape only allows women the range of two roles. She can either take it and be quiet and just hope she gets out alive or she can turn into a really sexy sex kitten and fight back. And this, of course, is just supposed

to increase the man's pleasure, because why is he raping a woman who doesn't want to sleep with him in the first place? It's to force her into acknowledging his sexual power over her. And so if she fights back and then eventually gives in out of being beaten up or whatever else, this satisfies this need in him: to put down other people on the basis of sex. And he can do it...It just shows, for instance, in the incidents of Black men or Third World men raping white women, that this where everyone acknowledges that these men have it very rough in American society, that they are quite low in status and in money and in everything that counts here. However, they can still rape women. And so when they act out against a white woman in the act of rape, they are doing something which implies not only sexual power but implies that no matter...that even if a man is this low in our society, there is always someone below him. We are always there—the safe person to rape.

[You're thinking of Eldridge Cleaver's *Soul on Ice*?]

...The other day a woman was talking about being raped on a stairwell—a white woman by a Black man. And he said to her, first...well, he said to her that if she...he asked her some question, which she didn't remember the exact words of, but which implied, "Have you ever had it this good?" ..."Have you ever slept with a Black man?" And she reacted very well to it. She said that she tried to figure out the best way to hurt him and she figured the best way was to say "Yeah, and you're not showing me anything new or unique at all" [laughter erupts from speaker and others in the background]. But that's the kind of thing, it's crimes against property plus rape.<sup>29</sup>

This conversation reflects the kinds of hierarchical constructions that were central to radical feminist organizing and how they too get erased in favour of an empirical rendering of the rapist. Much of the early radical theorizing had positioned Black women as experiencing the highest levels of oppression since they were historically subjected to violence by both Black and white men (Murphy and Livingstone 1985). The creation of a theory of sexual violence that exalted all men to the status of potential rapists and violent abusers tended to obfuscate the ways in which marginalized men often became emblematic of the

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<sup>29</sup> "New York Radical Feminists' Talk about the 1971 Rape Speakout."

typical rapist. As Murphy and Livingstone (1985, 67) write, "Once patriarchy (sexism) or, more plainly, men are posed as the root of all evil—all economic considerations put firmly out of play—the struggle against racism gets diluted, or disappears altogether. The concern is not then with racism, but with the most oppressed women in the struggle against, not 'whitearchy', but the rule of men." All men were potential rapists, but the Black rapist was the figure through whom white radical feminists expressed a fear of rape. The de-exceptionalized rapist in the accounts offered by Brownmiller, Griffin, Herman, and others tend to overlook the socially and historically contingent nature of statistics. They ignore how these criminal justice studies tend to over-account for Black and racialized men while also undercounting their white counterparts. Davis writes, "The myth of the Black' rapist continues to carry out the insidious work of racist ideology. It must bear a good portion of the responsibility for the failure of most anti-rape theorists to seek the identity of the enormous numbers of anonymous rapists who remain unreported, untried and unconvicted" (Davis 1981, 199). In essence, the exoticized and mythic constructions of Black masculinity and sexuality are folded into the normative discourse that rapists are "average" men (Benedict 1993; Mann and Selva 1979; Yancy 2000). Brownmiller and others erase the overtly racist tropes that accompany Amir's analysis and, instead, reinforce his analysis as an empirically valid account of how rape is an essential, integral, and even mundane aspect of masculinity.

At the same time, these scholars tend to overlook the fact that Amir's work is also built largely on the notions of traditional victimology, which tend to assert some level of blameworthiness on victims. Clark and Lewis challenged this, arguing, "Amir's theory is both narrow and fallacious. By ignoring the

coerciveness of 'normal' male-female relations, he obscures the true social cause of both rape and social attitudes towards it" (1977, 154). Clark and Lewis go on to write, "Nevertheless, many criminologists have used Amir's concepts of victim-precipitated rape to explain their own findings" (1977, 154). Gavey echoes this sentiment, arguing that "Amir has been widely criticized for his victim-blaming (and inaccurate portrayals of rape)" (Gavey 2013, 28). While Amir is criticized for reinforcing the stereotypes imposed upon rape victims, he is not met with the same level of critique for his overtly racist tropes that define the sociological rationales for rapists in his study. These articulations of the rapist must be understood as playing an integral part in the formulation of what we now call "rape culture," and the political scapegoating of Black men must be considered in the way in which the concept gets used in the future.

Looking at this from the perspective of radical feminist theorizing, we see two important things. First, radical feminists looked to challenge the psychological landscape by relying upon a study that, when taken as a whole, actually serves to ignore the gendered dynamics of rape and tended to frame women as the cause of their own victimizations. What emerges from this, however, is a renewed focus in the psy disciplines' focus on the social and cultural attitudes toward rape as a measure of whether a society carries with it the potential to sustain the multiplicities of rape and rape culture.

### **Measuring Attitudes Toward Rape**

There is a feedback loop between radical feminism and the emergence of a rape discourse within social psychology that is worth interrogating. Consciousness-raising, on the one hand, actively critiqued the statistical data on rape: rape

statistics are wholly inaccurate in that they fail to account for the barriers to reporting. Therefore, it might be logical to conclude that the vast majority of rapes go un-captured by official crime report instruments. Part of the effort of radical feminists was to reconfigure the notion of power to address the social, cultural, economic, and even psychoanalytic understandings of social assemblages. Psychologists took notice of this rather quickly, and a feminist ethics and praxis were adopted by many in the psy sciences. Many psychologists were actively referencing and drawing upon Brownmiller's work as one of the first complete and thorough accounts of rape.

In this section, I explore two major studies that contribute to the manufacturing of a rape culture through the networking of feminist theory into psychology's inquiry into human behaviour and social attitudes. Rape became an important an important focus of analysis for social psychology in the 1970s (Vinsel 1977). Social psychologists had taken great interest in the theorizations of radical feminists. A 1978 study by Hubert Feild essentially developed a metric for measuring attitudes toward rape, assuming that if claims as to the attitudinal orientations of various groups and subgroups could be established, then social psychology could, in fact, predict which groups of people were more likely to hold negative or prejudicial attitudes toward rape and, in turn, develop training programs that could challenge or reverse those views. Martha Burt's 1978 presentation to Congress, later published in 1980, builds on Feild's work by developing a scale for measuring Rape Myth Acceptance and, in turn, rape supportive attitudes.

Feild (1978) suggests the theories asserted by prominent feminists (Brownmiller 1975; Medea and Thompson 1975) could be empirically tested.

Specifically, the relationship between a person's attitudinal disposition and their willingness to accept or buy into popular rape myths was the centre of his inquiry. Social psychologists attempted to measure and empirically verify these perceptions of rape through the authoritative knowledge system of psychology. Feild asserts that the *attitudes toward rape* are instrumental in the reporting of rape, the treatment of rape victims by judges, juries and other criminal justice actors, the implementation of rape laws, and the investigative practice of police.

Feild develops a number of technical instruments to measure such beliefs. One of those instruments was his Attitudes Towards Rape (ATR) scale, which aimed to develop questions and scales to effectively measure how people orient themselves toward popular (mis)conceptions of rape. It mapped the kinds of attachments to rape held by the general public and their dispositions toward popular rape myths and tropes. These included scripts such as: "A woman can be raped against her will," "Most women desire to be raped," "Most charges of rape are unfounded," and "Rapists are sexually frustrated individuals" (Feild 1978, 162-3).

Questions were scored on a scale from 1-6 (1=Strongly Agree, 6= strongly disagree) and were then grouped and coded into larger "rape attitudes" such as categorized as "Motivation for Rape", "Punishment for Rape," "Sex as Motivation for Rape," and "Power as Motivation for Rape." After developing the instrument, Feild administered the question to four distinct participant groups to discern whether each demographic held varying attitudes toward rape. Members of the study were recruited from 1) citizens of a community; 2) rapists; 3) police officers; 4) rape crisis counsellors. The study sets out to accomplish several things. First, to study the nature of rape attitudes. Second, to explore the

relationships and dimensions of rape attitudes between various background characteristics between respondents within the general sample. Last, the study intended to explore the differences between the specific groups used in the study. The findings of the test show that there were some correlations between groups and their attitudes toward rape. Feild concludes that police officers were more similar to rapists in their views toward rape, though he fails to recognize that these two groups were also much more closely related to the general community of citizens than they were to rape counsellors. In fact, rape counsellors represent the most distinct group in that their answers largely differed from each group on virtually every rape attitude.

Feild's study raises suspicion in that while it claims to set out to study (and measure) the nature of rape attitudes, it provides no commentary on these findings. The results of this study suggest that the ATR instrument is effective in determining differences vis-à-vis individual variables and attitudes toward rape. This revealed itself in findings that Blacks were more likely to feel that women were responsible for preventing rape or that White officers were more likely to perceive rape as being caused by the victim's appearance or behaviour (Feild 1978, 166-7). No commentary about the overall attitudinal disposition of respondents could be found, only that there were correlates between individual respondents and the respondent groups.

If we look closely at the data picture, the response scores seem to paint a different picture than initially theorized. Overall, respondents tended to reject rape myths, or at the very least, articulated a neutral attitude. Take, for example, the statements "Nice' women do not get raped" or "If a woman is going to be raped, she might as well relax and enjoy it": responses to each of these two

questions received average scores that tended to disagree or strongly disagree with those assumptions—5.44 and 5.16, respectively. Participants also largely disagreed with the idea that women consider themselves raped if they change their minds afterward or that women were “asking for it” (Feild 1978, 164).

Despite this, the analysis of the rape attitudes themselves is absent from the analysis and conclusion. Rather than focus on the attitudinal findings, Feild attributes the success of the study to its establishment of the ATR instrument as a demonstrably reliable mechanism for measuring attitudes toward rape (myths) for a wide range of intellectual pursuits on rape. Field notes (1978, 176), “In summary, the ATR seems to be a potentially useful, first approximation to the development of a vehicle for summarizing and communicating the various facets of rape attitudes. The instrument shows some promise as a measure in rape research efforts, such as evaluating the effects of rape attitudes in rape law reform and rape legislation (BenDor, 1976; Cobb & Schauer, 1974); rape awareness and rape training programs (Keefe & O’Reilly, 1976); and rape victim and offender reactions to therapy and counselling programs (Blanchard & Becker, 1976; Burgess & Holmstrom, 1976).” In some sense, the attitudes toward rape became a central epistemological turning point for social psychology in presenting a positivist approach to cultural values and positions toward rape. As Feild notes, such approaches focus on the affective and cognitive dispositions toward sexual violence that have been overlooked by the psy disciplines but have largely been theorized by feminist thinkers of the 1970s. The development of the ATR paved the way for the field of social psychology to measure attitudes toward rape and make an inference as to how those attitudinal orientations point to a culture predisposed to rape. The instrumentation of the ATR and other social

psychological metrics attempt to map the links between people's attitudes toward rape and a cultural acceptance of rape myths and sexual violence.

Building on Feild's ATR, Martha Burt's (1980) study, "Cultural Myths and Supports for Rape" attempts to concretize the sedimentation of cultural attitudes toward rape by expanding on the empiricism of Feild's ATR. Similarly, Burt positions her work in between that of social psychology's very initial intervention in the study of rape attitudes and feminist thought. She writes, "To explore the antecedents of rape myth acceptance, this investigation operationalized and tested some tenets of feminist analysis of rape (e.g., Brownmiller, 1975; Clark & Lewis, 1977; Griffin, 1971)." In her study, Burt sets out to find predictors of rape myth acceptance—markers of human predispositions that make it more or less likely for individuals to buy into, accept, and reproduce rape myths. Specifically, Burt (1980, 219) is interested in "the effects of personality on rape myth acceptance." Interviews conducted from a sample of 598 random adults from Minnesota were Burt's basis for measuring variables related to perceptions of gender, sexuality, and interpersonal violence and how those variables correlate to the metric of rape myth acceptance.

Her study "tests hypotheses derived from social psychological and feminist theory that acceptance of rape myths can be predicted from attitudes such as sex role stereotyping, adversarial sexual beliefs, sexual conservatism, and acceptance of interpersonal violence" (Burt 1980, 217). Citing Brownmiller, Burt (1980, 219) suggests, "Much feminist writing on rape maintains that we live in a rape culture that supports the objectification of, and violent and sexual abuse of, women through movies, television, advertising, and 'girlie' magazines." Her predictive model attempts to link rape-supportive attitudes with other kinds of

sexist attitudes. Her categorizations of predictive models were drafted into several categories, including Own Sex Role Satisfaction, Sex Role Stereotyping, Adversarial Sexual Beliefs, Sexual Conservatism, and Acceptance of Interpersonal Violence.

Using a seven-point scale (ranging from strongly agree to strongly disagree), respondents were asked to evaluate statements such as : “There is something wrong with a woman who doesn’t want to marry and raise a family” (sex role stereotyping); “A woman who initiates a sexual encounter will probably have sex with anybody” (sexual conservatism); “In a dating relationship a woman is largely out to take advantage of a man” (adversarial sexual beliefs); “Many times a woman will pretend she doesn’t want to have intercourse because she doesn’t want to seem loose, but she’s really hoping the man will force her” (acceptance of interpersonal violence). The regressive model—one which predicts the correlation between variables—correlates the scores of these attitudes with those of the Rape Myth Acceptance Scale. Here, respondents used the same scale to evaluate statements related popular rape myths. These included statements such as: “A woman who goes to the home or apartment of a man on their first date implies that she is willing to have sex”; “A woman who is stuck-up and thinks she is too good to talk to guys on the street deserves to be taught a lesson”; “If a woman gets drunk at a party and has intercourse with a man she’s just met there, she should be considered ‘fair game’ to other males at the party who want to have sex with her too, whether she wants to or not” (Burt 1980, 223).

Unsurprisingly, Burt correlates those who have high indicators of accepting rape myths with those who hold other preexisting assumptions based on gender and sexuality. She argues that those who hold attitudes of sexual

conservatism about women, a general distrust of the opposite sex, and overall acceptance of personal violence were more likely to have a higher rape myth acceptance score. She writes:

When over half of the sampled individuals agree with statements such as "A woman who goes to the home or apartment of a man on the first date implies she is willing to have sex" and "In the majority of rapes, the victim was promiscuous or had a bad reputation," and when the same number think that 50% or more of reported rapes are reported as rape only because the woman was trying to get back at a man she was angry with or was trying to cover up an illegitimate pregnancy, the world is indeed not a safe place for rape victims. (Burt 1980, 229)

Her study concludes that changing perceptions related to rape myths will have to attempt to alter other deeply held beliefs related to gendered stereotype, addressing the systemic inequalities and pervasive perceptions of both masculine and feminine ideals. Of the correlates, acceptance of interpersonal violence was the strongest predictor of rape myth acceptance.

In her use of terms, Burt conflates and merges the use of rape myth acceptance with "rape-supportive attitudes" without any distinctions. The former is a reference to whether people accept certain rape myths. The latter is an inference made on these acceptances that they actively support rape. The conflation raises some concern over the operationalization of these concepts in formulating a theory of rape culture. Burt argues that the measurable levels of rape-supportive attitudes from 598 Minnesotans are somehow indicative of a broader "rape-supportive culture." She argues, "Excessive violence has long been a theme in American life; rape is only one of its modes of expression. But the data presented here suggest that the combination of pressures of sex role stereotyping and the psychological availability of violence have helped to produce a rape rate in the United States that is the highest of any industrialized country" (Burt 1980,

229). Burt provides little evidence of this in her paper and makes a false equivalency between people holding rape myths and their capacity to enact violence. The study does not attempt to suggest the existing rape rate at the time, nor does it operationalize which 'rape rate' occupies the standard metric on which her assertions are linked. Instead, she contends that addressing rape myths can provide beneficial outcomes for rape victims (and women more generally). For her, "Rape is the logical and psychological extension of a dominant-submissive, competitive, sex role stereotyped culture" (Burt 1980, 229).

The idea that most people in her study buy into or accept rape myths is somehow connected to the existence of a material rape culture, which in turn might be the causal link to the undefined rape rate. The "psychological availability" of violence is one that requires further critique. The assertion that some participants buy into or believe popular rape myths and that they support rape, or hold rape-supportive attitudes, is not clearly defined in her work. Despite this link, Burt's work is regarded as the empirical linchpin in developing a theory of rape culture.

This seems to be quite a stretch from her initial proposition, which was to investigate how belief in rape myths is connected to other forms of gendered stereotypes or prejudicial beliefs about women. Dissertations and articles within social psychology and the social sciences often cite Brownmiller and Burt as a kind of authority over the conceptual framework of rape culture. Here are some examples of citations that link the two. Melinda Hodell (1989, 8) writes, "Women are often seen as legitimate objects of sexual aggression. Susan and David Klemmack (1976) suggested that rape could be viewed as the logical extension of a culture that defines men as possessors of women. The sex role socialization

process that dictates how women and men are supposed to act in our culture has been posited to support a “rape culture” in which rape is seen as only one (extreme) point on a continuum of in-role, forced sexual behaviour (e.g., Brownmiller, 1975; Burt, 1980; Clark & Lewis, 1977; Russell, 1975).”

Drawing on Burt’s findings, Quackenbush (1989, 319) argues that popular tropes around sexual violence, including stereotypes of victim-blaming or that women secretly want to be sexually dominated without consent, provide excuses for potential rapists:

Feminists emphasize that Americans live in a “rape culture” with many subtle, and not so subtle, supports for rape: asserting that the scripts in which men and women are raised promote the occurrence of rape (i.e., males dominant and aggressive, females suitably passive). The literature punctuates the importance of such stereotypes and myths in creating a climate hostile to the victims of rape. Myths such as “nice girls don’t get raped” and “women mean ‘yes’ when they say ‘no’” promote an inaccurate picture of the crime of rape, providing ready excuses and justifications for the potential rapist (Burt, 1978, 1980).

The rereading of feminist language and the use of power and the challenging of prejudicial rape myths enter into the psy knowledges as a departure point for most work on the individual psychopathology of the offender. The work of Feild and Burt have informed a growing field of social psychological research aimed at drawing links between rape myths and the proliferation of rape. Though these studies tend to be grounded in an evaluation of attitudinal markers (Garrett-Gooding and Senter Jr 1987; Howells and Wright 1978; Mosher and Anderson 1986; Anderson et al. 1997; Abbey et al. 2007), they make claims as to the contours of a culture that supports, promotes, and legitimizes sexual violence.

Burt’s study takes on a fundamental problem in that her conclusions present the rape myth acceptance as inextricably linked to other held attitudes,

which looks more like a correlative relationship than a causal one. This problem is further exacerbated as those in the psychological landscape begin to approach her work as an empirical study of rape. In his study of male proclivity toward rape, Malamuth (1981, 150) notes, “Burt has suggested, beliefs in rape myths may similarly contribute to the actual commission of rape.” Check and Malamuth (1983) argue that Burt’s study establishes a causal relationship between sex role stereotyping and rape. They write, “Despite the theoretical significance that sex role stereotypes have for understanding the causes of rape, there has been little empirical research addressed to this issue. In one study, Burt (1980) found some empirical support” (Check and Malamuth 1983, 345). The authors go on to conclude that those who held negative attitudes toward women (via a measure of sex role stereotyping) were also likely to indicate that they would engage in an act of rape if no one would know (Check and Malamuth 1983).

Burt’s study has also been used to describe rape as a socially supported event (Corne et al. 1992). Gavey (2013) presents one of the most comprehensive uses of Burt’s work in theorizing the cultural scaffolding of rape. She extends this into a historical overview of feminist praxis and methodology, not dissimilar to the one found in this project, that theorize how rape is tethered to the cultural representations of violence. In adopting this Foucauldian lens, Gavey asserts a critical discourse analysis of how rape is inscribed onto the body by the law, the family, and psychology and that the rape myth thesis presented in Burt’s work provides the theoretical underpinning for examining how cultural dynamics contribute to rape.

Where Gavey departs from a Foucauldian approach is in her failure to take seriously the way in which scales such as the ATR and others are

constructed in the first place. Burt's "landmark article," according to Gavey (2013, 34), has created research agenda that, in many respects, has contributed to a positivist social psychology tradition that locates the tolerance for rape in the minds of individuals, which in turn, have the correlates to other unwanted sexual behaviours in action.

The acceptance of rape myths as a defining feature of the cultural condition of rape requires a critical interrogation of the psychology intervention as well. How rape culture first emerges as a feminist hypothesis to social psychologists and is, in the matter of a few studies, galvanized into a formidable material cultural condition forces us to consider how rape is also a discursive product of psychology. How rape culture gets talked about by psychologists is seldom interrogated, and this chapter provides a nuanced outlook on the historical conditions that give rise to that concept and how it gives an empirical condition to the idea of rape culture.

## **Chapter 6: From Rape City to Rape Campus: Fear, Ordinary Affects, and Spatialization of Rape Culture**

“Clean up Rape City. Safe Streets are our rights. Women unite, stand up and fight” (Butters 1978). These words were sung by several hundred women who marched through Edmonton, Alberta, in November 1978 in frigid cold weather to reclaim the streets that was said to have been seized by men through fear. Between January and October 1978, “the Rape Crisis Centre of Edmonton received reports of 153 sexual assaults, including 114 rapes of women, 23 indecent assaults—five on men and 18 on women—and 16 assaults on children” (Bliss 1979, 5). The Edmonton Women’s Coalition organized a march in the months leading up to the November 1978 rally after a string of sexual assaults. The first involved a 13-year-old girl who was sexually assaulted by a stranger on her way home from a Halloween party. In another incident, a 22-year-old woman was forced to strip and was beaten while her pleas for help were ignored by passerby motorists. This was the breaking point for women in Edmonton (Butters 1978).

This last incident was reminiscent of the murder of Catherine “Kitty” Genovese in New York—one of America’s most infamous crime stories, involving a 28-year-old woman who was stabbed while 38 witnesses stood by and watched—which symbolized a public apathy toward women assaulted in public view (Gallo 2015; Rentschler 2011). Like the Take Back the Night rallies that began popping up across the US and Canada in the mid-1980s, feminist organizing also focused on maintaining women’s spaces as sites to share experience free from men. As in the case of the “mini-rapes” discussed earlier,

where the intrusion of unwanted men in women's proximity constituted a different kind of rape, city and public spaces were seen as a site of struggle where women could reclaim power and subvert the need to be accompanied by men, especially at night. The script suggests that if unaccompanied by a man, the city streets at night are no place for women.<sup>30</sup>

In response to the sexual assaults, Mary Hickmore, a spokesperson for the Edmonton Women's Coalition, was quoted as saying, "That brought it home." She went on to say, "Suddenly women all over the city were afraid to go out—even in daylight, even in their own neighborhoods" (Globe and Mail 1978). "The impression we got from the police and in the media was that if women didn't stay in at night, what else could they expect," said Margaret Smith, an organizer of the coalition. Hickmore went on to say, "We marched here because we are afraid, afraid of the violence done to women in the city—Rape City. We want that violence and the fear of violence to end" (Butters 1978, 8). Despite the fact that at the time, Edmonton police suggested that only 10 percent of rapes are ever reported to them, Butters (1978) writes, "With more than 60 rapes reported in the first 10 months of the year, the 'Rape City' title is more than earned." The rally ended at the University of Alberta campus and raised \$450 to offset expenses and help support the local Rape Crisis Centre ("Women Reclaim Rape City Streets" 1978).

This chapter considers how part of assembling a rape culture requires inscribing public spaces as rape spaces, spaces in which potential rapists and

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<sup>30</sup> Many protests and rallies have historically been in response to the tragic deaths of women. The first Take Back the Night in Toronto was in response to the murder of 33-year-old Barbra Schlifer, who had been sexually assaulted and killed in the stairwell of her Toronto apartment building in April 1980.

potential victims constantly circulate. Earlier I considered how the deterritorialization of the corporeal acts of bodily penetration allow for an imagining of rape as a violation of the mind: i.e., the “mind rape.”<sup>31</sup> This chapter maps the inscription of a rape culture onto spatial configurations. It takes seriously the idea that certain spatial assemblages create social meanings (Blomley 1994; Blandy and Sibley 2010). I consider the productive potential of the rape culture assemblage in producing the spaces of rape and the subjects that move through them. I argue that rape cannot be constituted as a cultural phenomenon unless it is, in part, perceived to be a widespread phenomenon. Even when thinking about rape culture in very specific locales, such as university campuses, the problem is often framed as extensive and beyond the controls of governing institutions.

Since a rape culture tends to silence its victims, its presence becomes visible through certain affective attachments. Resistance to or a breaking of silence tends to raise awareness to the problem of rape culture. The “rape city” for example, is an example of a localized exhibition of rape culture. The rape city is not dissimilar to the “rape campus” and other sites of heightened awareness regarding sexual violence. This chapter explores the making of rape spaces as part of the assemblage of rape culture. I argue that part of the resistances to rape and the fear of rape can be understood through affective orientations toward rape. If we are to accept that rape culture preexists every interaction involving men—sexual or otherwise—it is always already constituting those interactions as potential sites of rape. Part of the assemblage of rape culture requires the

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<sup>31</sup> See Mary Daly’s comments in *Rape Culture*, [1975] 1983.

constituent elements of space to contain those ordinary aspects of sexual violence theorized in earlier chapters. Though a rape culture tends to be represented in the media in highly inflammatory and hyperbolic terms, the theoretical orientations of a rape culture tend to produce sexual violence as a deeply engrained, normal, and often overlooked problem by the institutions that govern them. In the case of the rape city, it is police that fail to take seriously the problem of sexual violence in their enforcement practices. More recently, attention has been called to the issue of campus sexual assault as a growing problem that has yet to be taken seriously by many university and college administrators across North America, particularly in that the literature overwhelmingly asserts that one in four female college students can expect to experience sexual assault during their enrolment (Wies 2015; DeKeseredy and Kelly 1995; Senn et al. 2014; Vail 2019).

This chapter argues that rape culture is also reified through spatial arrangements. By this I mean that rape culture garners a materiality through the discursive production of rape spaces. Low notes that the social construction of space refers to the “the phenomenological and symbolic experience of space as mediated by social processes such as exchange, conflict, and control” (1996, 861-2). This draws upon Foucault’s works on space and power as inseparable and on the movement of bodies through space. The fact that some are able to move through dangerous spaces, for example, with relative ease while others are left in state of insecurity, uncertainty, or crisis is produced through the interactions of subjects within those spaces (Razack 2000). Razack argues that the social meaning of space creates and produces the materiality of violence. That is to say, how certain subjects are constituted within such spaces renders them (in)visible

to their position as victims or harm doers.

Foucault emphasizes the importance of space, and the production of subjects, in his concept of the *dispositif*. For Foucault, the term *dispositif* refers to “a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the apparatus” (1980, 194). The unsaid, as Foucault suggests, resembles much of what Kathleen Stewart refers to as *ordinary affects*. For her, “Ordinary affects are public feelings that begin and end in broad circulation, but they’re also the stuff that seemingly intimate lives are made of. They give circuits and flows the forms of a life” (Stewart 2007, 2). They are sometimes animated in extreme form and emerge as movements that give rise to mass resistance and subversive politics. On the other hand, ordinary affects are those that have the capacity to shape our daily interactions in ways that are submerged and fleeting. We might not recognize, at least in the moment, how our actions are affected by the everyday.

The rape campus, for example, is assembled through coalitions of bodies, performatively assembled through marches, vigils, and online social movements that both resist and create the conditions in which rape spaces emerge and are recognizable. The idea of a rape culture, in part, incites and animates people to stand up to sexual violence and to confront the systemic conditions that expose some to sexual assaults, contribute to the silencing of victims, and absolve abusers from punishment. At the same time, it signals the pervasiveness and inescapability of violence; it tends to situate violence as a normal feature of those spaces.

The ordinariness of violence is amplified through the coalition of bodies and the reclamation of space. It reverberates through the claims that one-in-five women will experience sexual violence while enrolled in a postsecondary institution. The ordinariness of this violence, as a defining feature of what is called rape culture and the knowledge production systems that constitute its ontology, will be explored in this chapter. As Berlant (2011, 53) puts it, “The ordinary is, after all, a porous zone that absorbs lots of incoherence and contradiction, and people make their ways through it at once tipped over awkwardly, half-conscious, and confident about common sense. Laws, norms, and events shape imaginaries, but in the middle of the reproduction of life people make up modes of being and responding to the world that altogether constitute what gets called ‘visceral response’ and intuitive intelligence.”

To constitute spaces such as a university campus or frat house as rape prone requires a certain set of discursive practices. These include a metric to measure the prevalence and statistical likelihood of rape to happen, to whom, and to what extent. The 2015 documentary *The Hunting Ground* popularized the notion that university campuses were fraught with sexual predation, exploitation, and violence. It marked an intense moment in popular discourse around the ubiquity of the problem, the inescapability of violence, and the failure of educational institutions to respond to sexual violence in meaningful ways.

Since the early 1980s, behavioural scientists aimed to calculate the prevalence of sexual violence on university campus and the associated risk factors that contribute to sexual assault (Koss and Oros 1980; Koss 1985; DeKeseredy and Kelly 1993). Contemporary mainstream thinking around sexual violence tends to construct the university campus as the quintessential example

of the sociolegal and spatial production of rape culture (Brigham 2016). Scholars have identified the university campus as possessing a combination of cultural factors that lead to increased sexual violence, including sexist attitudes of many fraternities (Seabrook et al. 2018), increased drinking and substance use (McCauley et al. 2009; Zinzow and Thompson 2015), inconsistent definitions of consent that make disciplinary action difficult (Borges et al. 2008), and an overall culture of post-secondary corporatization which views victim supports and consent education as additional costs rather than harm reduction investments (Quinlan 2017). The second half of this chapter looks at the spatialization of rape culture through the empiricism of establishing the problem of the rape campus. Social psychologists and sociologists tended to focus on undergraduate students as those who are most likely to engage in risky sexual practices, as having a higher risk of exposure to violent sexual behaviours, and of equal importance, as a population sample easily accessible to university researchers.

In this chapter, I explore the “ordinary affects” of rape culture and how those affect the assemblage of public space. Following this, I consider how those spaces produce and sustain the very bodies they seek to regulate and frame this as part of the constitutive power to name the university campus as a site of everyday violence (Stanko 1990). In a Deleuzian and Foucauldian sense, I ask: how is the subject produced through the rape knowledges of public space? In the first part of the chapter, I track how public spaces are historically and socially produced as rape spaces through feminist discourse and praxis. I consider how consciousness-raising took to the streets to challenge the politics of fear and to reclaim public space, and I explore the confrontational politics of some second-wave feminists in both producing and challenging public spaces as places where

rapes are normalized. One of the central contributions of consciousness-raising was to bring awareness to the idea that sexual violence was most prevalent behind the curtains of masculine power—namely within the confines of the home and the workplace. Feminist organizing took to the streets to reclaim public space as well. In doing so, a political economy of rape emerged alongside radical feminism that inscribed the fear of rape into social spaces, in turn, producing and affecting bodies as both feared and fearful. This process, as Foucault argues, is part of the disciplinary power of regulation. The idea that certain discourses, particularly those that emerge from feminist knowledges, influence and determine how bodies move through space and influence how those bodies feel (or should feel) those spaces. In producing a discourse of fear, public spaces are actively transformed into spaces of fear. These in turn not only produce certain affects and movements (i.e., avoidance), but also create a lexicon through which to talk about and refer to those spaces. They inscribe a particular truth into those public spaces in ways that inform how rape knowledges are produced and the empiricism that shapes perceptions and fear of sexual violence.

### **Taking Back the Night: Confrontational Politics and the Making of Rape Spaces**

Rape crisis and antiviolence organizations across North America were at the forefront in shaping this discourse around the risk of rape and the symbolic and physical reclaiming of public space. The making of and organizing against rape spaces has its roots in feminist organizing in the 1970s. The Take Back the Night march is perhaps the most notable and widespread protest in women's reclamation of space.

One of the first Take Back the Night marches in 1977 offered a platform through which women could collectively claim space to speak-out on women's issues. Held in Pittsburgh on October 18, 1977, the gathering was planned as a vigil for women who had been killed, in public, at the hands of men. In the words of Anne Pride, who spoke at the vigil, "We Take Back the Night and again reclaim the day in the memory of women who cannot join us" (Pride 1977, 18).

The marches affirmed that public streets are a threatening place—a space where men are predators and women are prey. Popular rape myths tell us the rapist never attacks during the day. He only rapes at night. The call to reclaim the night was a call to confront the androcentrism of public space. It became an annual and ceremonious night of vigil, a remembrance of those lost to femicide, and a symbolic and literal reclamation of the city streets:

We women are especially supposed to be afraid of the night. The night promises harm to women. For a woman to walk on the street at night is not only to risk abuse, but also—according to the values of male domination—to ask for it. The woman who transgresses the boundaries of night is an outlaw who breaks an elementary rule of civilized behavior: a decent woman does not go out—certainly not alone, certainly not only with other women—at night. A woman out in the night, not on a leash, is thought to be a slut or an uppity bitch who does not know her place. The policemen of the—rapists and other prowling men—have the right to enforce the laws of the night: to stalk the female and to punish her. We have all been chased, and many of us have been caught. A woman who knows the rules of civilized society knows that she must hide from the night. But even when the woman, like a good girl, locks herself up and in, night threatens to intrude. Outside are the predators who will crawl in the windows, climb down drainpipes, pick the locks, descend from skylights, to bring the night with them. These predators are romanticized in, for instance, vampire movies. The predators become mist and curl through barely visible cracks. They bring with them sex and death. Their victims recoil, resist sex, resist death, until, overcome by the thrill of it all, they spread their legs and bare their necks and fall in love. Once the victim has fully submitted, the night holds no more terror, because the victim is dead. She is very lovely, very feminine, and very dead. This is the essence of so-called romance, which is rape embellished with

meaningful looks. (Dworkin 1993, 14)

Many of the Take Back the Night marches took place in red light districts across the US as a way of signalling that pornography and prostitution occupied a part of the sexual predation of men against women (Sellen and Young 1987). Part of the romanticization of predators comes full circle and back to radical feminist configurations of sex and sexual identity. The unwillingness for many radical feminists to recognize the capacity and agency of women to control their own sexual expressions in turn allowed for the objectification of sexuality in the first place.

In her memorial speech, titled “Women Take Back the Night,” Anna Pride, an antiviolence activist and member of NOW stated, “Our history burns with the myths of Hera, Europa, Cassandra, Leda. Our future beckons, knowing that rape figures continue to climb—that 3,095 women were raped in Pennsylvania in the first 6 months of this year and that, if 1 in 5 women report rape as the Uniform Crime Report suggests, or 1 in 20 as the F.B.I. estimates between 30,950 and 123,800 women will be raped in Pennsylvania this year. We know them. We remember them. We are them” (Pride 1977, 19).

Part of the antiviolence movement—both then and now—relies less on traditional forms of retributive justice (e.g., calling the police) than on reclaiming space and the power that comes through amplifying the voices of survivors (Serisier 2018a). Take Back the Night vigils were part of a performative reclamation of space that served to reject and resist the fear that was attached to those spaces. Reclaiming the night—a time that felt unsafe for women to walk the streets freely—was a recouping of personal liberty and bodily autonomy.

These tactics were also used in other public spaces as public performances of resistance.

A common tactic for exposing rapists without the intervention of the criminal justice system was public postering campaigns to raise awareness that a sexual assault had taken place nearby. Feminist organizations rallied groups of women organizers to flag parts of the city where rapes had occurred and placed signs indicating the presence of sexual violence. In Philadelphia, signs with the words "A Woman Was Raped Here" were painted at forty locations across the city where women had been assaulted (Brown 1979, 12). Women in Ann Arbor, Michigan, organized a Take Back the Night march and spray-painted "A woman was raped here" in bright red at 150 locations across the city. In Boston, "A Woman Was Raped Here" became the moniker for an art installation depicting white burnt breasts on slabs of cement (Vernon 1980). Considered forms of "guerrilla art," these acts of postering and art exhibitions created a way of zoning rape (Vernon 1980). Not only were these signs used to mark and identify sites of rapes, but they enacted a surveillance assemblage, signalling to (potential) attackers and abusers that these spaces were under watch. Posters and signs were put up across many cities by women's groups working within or in collaboration with some rape crisis and women's centres, as an admonishing message to the men in the area who had raped women. Once poster reads: "You rapist jogger. You who rape women in this area. You who wear a grey jogging set. You who park your car when I get off the bus, you who follow me and put me in a neck lock: We are fighting back. When I next see you, I will: 1) Recognize you; 2) Stand up to you; 3) Not allow you to intimidate me. I will defend myself. We know who you are!!" (Women of the Fredericton Rape Crisis Centre 1985).

Part of consciousness-raising praxis was also a politics of arming coalitions of women against the invasion of men in the minds and spaces of women. In March 1977, the Kitty Genovese Women's Project published a newspaper containing the names of 1,500 convicted rapists who lived in the Dallas area in order to expose those who had been concealed by the criminal justice system. Loret Ulmschneider (1977, 2) describes the project as "dedicated to those who have lost their lives to sexism, a system that grooms women to be victims and ignores their cries of hurt and anger when they are physically and psychologically assaulted." She goes on to quote the group's statement of purpose: "We made this decision because close to half of all women raped are raped by men they know. By publicizing the names of these men and confronting rapists publicly and privately whenever possible, we hope to make it more difficult for them to continue their violence against women. Rape is so deeply ingrained in our culture that no simpler forms can eliminate it. Women's groups must work on every level, depending on the politics and values of the members, to renew their right to freedom of movement, free from the threat of rape" (Ulmschneider 1977, 2).

Pittsburgh Action Against Rape (PAAR) issued a monthly rape alert in their newsletter beginning in June 1977. The feminist alliance broadcast this rape alert to other activists: "If a group is looking for an easy, inexpensive educational tactic that has met with some success, PAAR recommends publishing a Rape Alert. After gathering facts about un-apprehended rapists from their hotline, PAAR printed, mailed and distributed 3500 copies of a flyer entitled, RAPE ALERT. They also held a press conference about the alert and received good media coverage" (Feminist Alliance Against Rape 1977, 13).

We might view these examples as acts of feminist vigilantism—where small collectives operate outside of the formal criminal justice apparatus as a kind of self-organized form of retributive justice. Bevacqua (2000) refers to these acts as “guerrilla” feminist tactics, partly because they are sporadic, unpredictable, and do not play by the convention rules of requiring resolution from instruments of the liberal state. They present a head-on challenge to the structures of institutionalized justice that govern much of state-based inaction on sexual violence.

In a paper titled “Feminists Critique Anti-Rape Movement,”<sup>32</sup> members of Santa Cruz Women Against Rape highlight the need to step back and reflect on the mission to reform criminal law. They argue that sexist attitudes and actions cannot be regulated by legislation alone. For them, “Even ‘good’ anti-rape legislation (and it isn’t clear what that would be) will be ineffective in a sexist society that encourages violence against women, and in a criminal justice system that persecutes Third World and poor White men” (Mcduff et al. 1977, 12).

Praising the actions of the Kitty Genovese Project in Dallas for taking alternative action to formal carceral tactics, the members of Santa Cruz Women Against Rape stress the need to invest time and energy outside criminal justice reform:

The answer is not just to get rapists “off the street.” Prisons themselves are incapable of changing rapists. Prison culture is much like that of the outside world, with all of the pressures intensified. Male sex roles, violence, and power relations which lead to rape in the first place, are strong reinforced within prison. Rapists in prison don’t stop raping—they simply enforce their power over men weaker than themselves. Prisons don’t deal with the roots of the problem, they only add to the causes. Men getting out of prison have not learned new ways of relating to women and

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<sup>32</sup> This article was originally published in FAAR in 1977 and reprinted in several other feminist publications including *The Second Wave* Vol. 5, Issue 1 (Spring Summer 1977), *Big Mama Rag* Vol. 5, Issue 3 (April 1977), and *Aegis* (Summer 1981) and was re-printed in *The National Newsletter* published by the Canadian Association of Sexual Assault Centres (November 1979).

haven't developed an analysis of why they rape or how to change it. It is like that they will rape again. (Mcduff et al. 1977, 2)

The political power of confrontation resides in its transformative potential. In their manifesto titled "Principles and Practice of Confrontation," Vancouver Rape Relief holds that the first and most important element of any confrontation is that the assaulted woman is the subject of the confrontation. The confrontation is an opportunity for the woman to regain control. The assaulted woman should decide whether to confront, when and where to confront, and who shall accompany her at the confrontation. It should be done as soon as possible, but not until the assaulted woman is ready. Most importantly, it can never be done without the woman who was assaulted.

Confrontations were intended to be nonviolent: "It must not be a mimic of the rape" (Vancouver Rape Relief 1980, 53). They are to be a spectacle in that they subvert the traditional logic of silence that claims so many victims of sexual violence. In other words, "It is a public censure. The anonymity of the rapist is not protected" (Vancouver Rape Relief 1980, 54). The confrontation is not a dialogue, it is unilateral speech. Though the rapist should take responsibility for their action, it is not their turn to talk and they should not be given a platform. In the manifesto, one woman is designated to demand that the rapist be silent and listen throughout the confrontation.

The confrontation is not merely an interpersonal intervention; it goes to the heart of a fundamental failure of institutionalized justice. Part of the performative function of confrontational politics aims to reclaim ways of enacting "justice" or redefining what counts as "punishment." In this sense, "[confrontation] must broaden the definition of rape from the legal/technical

definition to the invasion and the humiliation of the act" (Vancouver Rape Relief 1980, 54).

Like Santa Cruz Women Against Rape, Vancouver Rape Relief—through its confrontation politics—takes on an intersectional approach, recognizing that existing carceral institutions disproportionately target racialized and working-class men. The Victoria Rape/Assault Centre developed a statement of philosophy on what they referred to as "alternative action." In this memo, the organization builds on the confrontation politics of others, including the work by Vancouver Rape Relief and Bay Area Women Against Rape, to actively execute confrontations and post information about rapes across the city:

Our membership feels that offering alternative action to rape survivors is essential if we are to offer any real choices to women who have been sexually assaulted. The only way a woman can take action at present is by going to the police and court system. Or do nothing. This is no choice. When we offer a woman a choice we feel that we are encouraging women to take control of their lives and regain their power. By doing actions together we are developing our sense of power as women working together. The individual survivor has the opportunity to discover a chance to educate the assailant with the knowledge that his actions are not acceptable and we are challenging him to re-evaluate his social/sexual behaviour. And this kind of action has the potential to be preventative while our existing judicial system is punitive and encourages further sexual violence. (Victoria Rape/Assault Centre 1980, 63)

At the time, confrontations were not particularly popular and only employed by select organizations who fundamentally withdrew from the traditional approach of seeking redress from the police. It required a political will on the part of survivors to manufacture their own manifestos of justice. It often took weeks of planning and might come undone at the last minute if survivors chose to abort the confrontation. It was a way of turning their backs on the traditional institutions, though it could, in turn, expose confronters to further violence.

The Toronto Rape Crisis Centre engaged in similar confrontational politics, mailing letters to men accused of sexually assaulting women in the community (Spears 1986). One rape crisis counsellor noted, "A typical letter says the centre knows of the 'occurrence,' and names the victim and the date of the attack, she said. It doesn't threaten the man, but advises him to seek counselling" (Spears 1986). The centre also used postering and face-to-face confrontations to force acknowledgements by the accused and to serve as a therapeutic mechanism to "help the victim deal with her own anger and frustration" (Spears 1986). Despite only happening in a small number of cases, these kinds of alternatives to formal justice were met with resistance. One Toronto Police Staff Superintendent noted, "It's a dangerous precedent [...]. To me it's close to the vigilante style of intimidation." "If the (suspect) gets the benefit of the doubt in our court system, that's the democratic process. You'd want it for yourself, too," the officer noted, "Do we need this kind of justice?" (Spears 1986).

The public spectacle of naming an abuser at their place of work or their home, of bringing shame to their reputation was partly retributive and partly restorative. It offered a way for victims to heal, to offer a voice outside of the legal system, and to offer a therapeutic approach to both victims and abusers. In response to these activities in Toronto, a letter to the editor in the *Toronto Star* reads:

As a civil libertarian, I was shocked to read that a partially government sponsored organization is setting itself as a vigilante group. I would like to know who has given these people the authority to determine who has "fallen through the cracks of the judicial system" and whether they should be intimidated through confrontation or slandered through posters. [...] The truly ironic part of this is that such actions (posters, intimidation, etc.) could very well result in a repeat offender being freed on the grounds that the adverse publicity caused by the posters did not guarantee him a fair

trial. Is this what the Rape Crisis Centre strives for?<sup>33</sup>

The historicization of confrontation politics marks an important part of the historicity of rape culture, offering insight into the affective dimensions that give rise to contemporary movements in both online and offline contexts. Inscriptions against rape attach to public space in ways in which the stability of belonging is radically disrupted. They occur in heterogenous ways that sometimes reverberate in chorus. The speak-outs of the 1970s and the popularization of the Take Back the Night marches appear in various forms throughout the history of anti-rape activism. The carving of the names of assailants on the stalls of university washrooms, the putting up of posters and flyers that denounce rape and simultaneously mark spaces as under the surveillance of an anti-rape militia, and the marching on public streets serve to brand those spaces as the sites of ordinary struggles. It is the making of “the ordinary affect in the textured, roughened surface of the everyday. It permeates politics of all kinds with the demand that some kind of intimate public of onlookers recognize something in a space of shared impact. If only for a minute” (Stewart 2007, 39).

Though the popularity of confrontational politics remained largely confined to a few women’s groups throughout the US and Canada, it can be traced to those that documented its use and utility as a form of resistance (Bevacqua 2000). A much more pervasive and well-known part of women’s resistance to sexual violence undoubtedly took form in the massive expansion of women-oriented self-defence training. Self-defence and martial arts, as a complimentary philosophy to feminist theory, was quite popular and growing in

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<sup>33</sup> Andre G. Bordeleau. Public, letter to the editor, *Toronto Star*, August 16, 1986.

mainstream society among women during these times. Virtually every rape crisis centre or feminist collective held self-defence classes or workshops for women.<sup>34</sup>

A similar nonviolent confrontational politics reemerge in anti-rape movements in various historical contexts. More recently, international movements, such as the Slutwalk and the #MeToo movements, have placed renewed emphasis on the production of online and offline spaces that actively assemble voices through a common effort to resist popular rape myths and to give survivors a platform to share their experiences. It is not my intention to historicize these more contemporary movements, and studies have paid special attention to the historical significance of these movements (Serisier 2018a,b; Mendes 2015; Mendes et al. 2018; Cossman 2019). It is important, however, to explore how these more recent anti-rape movements are grounded in a politics of forging new anti-rape spaces.

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<sup>34</sup> The death of Kitty Genovese in 1964 inspired a new form of women-oriented martial arts training called “Wen-Do.” Loosely translated from Japanese to refer to the “women’s way,” Wen-Do was developed in Toronto by Ned and Ann Paige in the 1960s as a curriculum for women to develop the necessary techniques to deter would-be attackers and stave off potential rapists. At its core, self-defence and martial arts training offered women a performative and embodied form of resistance to challenge the physical and psychological domination of sexual violence. It was a call to divest from traditional forms of protection (i.e., the criminal justice system) and to become vigilant, militant feminists. Widespread martial arts instruction represents an embodied disciplining of individualized bodies as singular constituents, within a project of self-responsibilized agents, protecting themselves against violence. Gold rank Wen-Do instructor Alice Machperson (1978, 6) wrote in an issue of *Kinesis*, “The philosophy is that rather than it being unsafe to be a woman alone, we’d like to see it unsafe for anyone to attack a woman alone.” The popularity of self-defence training in the 1970s and 1980s cannot be understated. Particularly in Canada, most rape crisis centre offered some form of sexual assault resistance training in the form of specialized martial arts classes. These—combined with a number of self-protective devices, such as weaponized house keys—served to reinforce the notion that not only is every man on the street a potential rapist—something which emerges from the heart of anti-rape theorizing—but that every man is a potential attacker. This empowered those to resist traditional state institutions, but at the same time, made them largely responsible for their assaults (Allard 1991). It could in many ways also reproduce many rape myths around sexual violence, namely that attackers lurk in alleyways and parking lots waiting to attack and that, if her attacker was not met with physical resistance, some could think that “she wanted it.”

## **The Importance of Counting Rape: The Social Inscriptions of Fear and the Construction of Risk Knowledges**

Folded into the feminist project of establishing the contours of a rape culture was an empiricism that emphasized the need to count rape effectively and accurately. The stories, narratives, and expressions of and against a rape culture that had previously been shouted in the city streets and on the lawns of city halls across Canada and the US were also being repackaged and presented in quantitative form. Rape studies conducted under the auspices of social psychology and behavioural sciences have long been interested in crime and deviancy and the social, economic, and moral networks that contribute to criminal behaviour. Social psychology was also particularly interested in developing theories about the effects of pornography in terms of aggression, sexual violence, and even victimization (Check and Malamuth 1983; Corne et al. 1992; Fisher and Cullen 2000). It has a rich history of developing theories of criminality (Eisenman 1991; Harris and Hill 1982).

Power and fear branched off from the second-wave feminist movement in rhizomatic ways. Feminists, while seemingly keeping their ties to grassroots organizing, began to quickly become informed by professionalized discourses. Where many radical feminists chose to continue to grow the movement from the grassroots, feminists within academic ranks began to develop their own unique instruments to measure the kinds of problems emerging at the grassroots level. Take Back the Night rallies and the surveillance of space as potential sites of rape and victimization became the focus of studies by sociologists and psychologists. Rape spaces were talked about in terms of their control on and prevalence in women's lives, and as social psychology and other behaviour sciences began to

focus on the relationship between crime rates and the fear of crime, the two became co-constitutive of each other.

Spatial theories of crime, such as broken windows theory (Kelling and Wilson 1982), attracted interest to the idea that the perceptions of crime—such as the fear of rape—mattered just as much, if not more, than official crime statistics. When Susan Brownmiller, Griffin, and Herman argued that rape was an instrument of social control that keeps all women in a state of fear, it too became subject to empirical review. The idea that “women live their lives according to a rape schedule” (Herman 1980, 45) was not new.

Social psychologists took up questions of how the fear of rape embodied a form of social and bodily control. If women were in a constant state of siege, their perceptions of rape and, by extension, their movements through space were controlled by predatory men. The fact that rapists could not be distinguished from any other criminal type was compounded by the fact that rapes were largely underreported, creating a dynamic in which the fear of the widespread prevalence of rape was also a consideration in criminal justice policy (Roberts and Mohr 1994).

These dark figures of rape led to the academic sciences “filling in” where governmental data collection instruments seemingly fail. Since academics quickly began monopolizing the discursive constructions of sexual violence, statistics began to matter. They mattered a great deal for a number of reasons. First, if legal reforms were going to happen, rape had to be substantiated as something intelligible to governments. The protesting of sexual violence garnered attention, but it did not speak to the liberal rationalities of governance. Statistics filled that void. Statistics also began to matter as rape crisis centres

required government funding to stay operational, to influence legislative reform, and to measure the extent of the problem of sexual violence.

As discussed in the previous chapter, the “feminist hypothesis” of a rape culture needed to be empirically validated. Substantiating the existence of a rape culture hinges on this validation. Rape culture is cited as both the cause and effect of sexual violence (Crocker and Sibley 2020). Rape culture is an assemblage of beliefs and cultural practices “in which sexual violence is treated as the norm and victims are blamed for their own assaults. It’s not just about sexual violence itself, but about cultural norms and institutions that protect rapists, promote impunity, shame victims, and demand that women make unreasonable sacrifices to avoid sexual assault” (Taub 2014). At the same time, the evidence of widespread, and hidden rates of, sexual violence points to a deeper cultural problem that systematically serves to silence survivors and downplay the severity of sexual assault. This cause-and-effect definition of rape culture makes it an exceedingly difficult concept to parse out and explore with precision.

Above, I discuss the spatialized aspects of rape culture and the making of rape spaces through the assemblage of bodies and the affective dispositions that serve to collectivize the problem of sexual assault. In this section, I build on this by focusing on the making of the rape campus as a specific and unique problem that is instrumental in the forging of a rape culture debate. The literature produced on the prevalence and cultural attitudes related to sexual violence tends to rely heavily upon the university as a site of data collection. This is because relevant studies reveal that women are more likely to be assaulted during their university years than any time in their life (Johnson 1980; Russell and Howell 1983).

Much of this was taken up by the many feminist scholars (Koss 1992;

Koss et al. 1987; Koss 1985; Russell 1984, 1974; Fisher et al. 2000) who developed studies that aimed to uncover rape hidden from crime data. Russell and Howell (1983) argued that official crime statistics were unreliable in providing an accurate landscape of the prevalence of rape since rape suffers from underreporting. Specifically, the National Crime Victimization Surveys (NCVS) questionnaire was only concerned with rape if it was coupled with another form of violence. Russell and Howell (1983, 693) note:

The reported low incidence of rape in these National Crime Surveys is probably due to the methods used. The question "Did anyone try to attack you in some other way?" is presumably the one most specifically designed to elicit information on this unmentionable crime. But this one question is indirect and insufficient. The fact that it is phrased with the emphasis on the word "try," may account for the ratio of approximately 1:3 completed to attempted rapes reported in all published National Crime Surveys." This ratio is exactly the opposite of that reported by the Uniform Crime Reports where the ratio of completed to attempted rapes is 3:1.

Intending to address the problem of underreporting, Russell set out to compare her own data set of 930 randomly selected San Francisco-area women with the life-table calculation put forth by Johnson (1980), noting that 44 percent of her respondents reported some kind of rape or attempted rape (as defined by law in most US states). Based on Russell's (1974) previous study, Russell and Howell (1983) find that 219 of the 930 women surveyed were raped and that the incident rates of sexual violence were likely ten times greater than what was captured in official crime statistics.

### **Revealing the Hidden Victims of Rape**

Russell and Howell's prevalence study established the statistical benchmark that one in four women will be sexually assaulted in their lifetime. More significantly,

the statistical data revealed that college-aged women experienced the highest rate of rape of any age group. University-age people represented about a quarter of the entire US population, and so the study of sexual violence among this demographic became increasingly popular and offered a scary outlook on sexual violence. College-age students are also a much easier demographic to study than other groups because they are much more accessible and easily recruited by many academic units within the university.

In their study to fill the empirical gaps in official crime reporting, Koss and Oros (1980) sampled 3,682 university students to “document the existence of a continuum of sexual aggression among males and a corresponding continuum of sexual victimization among females using a newly developed ‘sexual experiences survey’” (Koss and Oros 1980, 4). To do this, they developed a Sexual Experience Survey that assessed the levels of physical or verbal coercion or force present in sexual encounters by college students.

The survey included 13 questions, such as “Have you ever had a man misinterpret the level of sexual intimacy you desired?”; “Have you ever had sex with a man even though you didn’t want to because he threatened to end your relationship otherwise?”; “Have you ever found out that a man had obtained sexual intercourse with you by saying things he didn’t really mean?”; “Have you ever had sexual intercourse with a man who you didn’t want to because he threatened to use physical force (twisting your arm, holding you down, etc.) if you did not cooperate?” (Koss and Oros 1980, 12). The final question of the survey, “Have you been raped?,” was included as a validity check to confirm that the sexual experiences were in fact recognized as rape.

Notably, 70 percent of women affirmed having a man misjudge the level

of intimacy (53 percent for men), and 33 percent of women had been in a situation where a man was so sexually aroused that they felt stopping the escalation of sexual intimacy would be completely useless (23 percent for men). The use of force was more commonly experienced by women than men, but when asked questions related to what feminists and diagnosticians labelled forcible rape, 8 percent of women had experienced a sexual encounter despite not wanting to because a man had used some level of physical force, while 3 percent of women had engaged in sexual intercourse due to the threat of physical violence. Just over 6 percent (6.4 percent) of respondents answered in the affirmative when these two questions were combined (i.e., "Have you ever been in a situation where a man obtained sexual acts with you such as anal or oral intercourse when you didn't want to by using threats or physical force [twisting your arm, holding you down, etc.]?"). Finally, when asked the control question "Have you ever been raped," 6 percent of respondents replied in the affirmative. The study, and others put forth by Koss, concluded that the rape victim was hidden from statistics, that they these rapes were not captured because even the victims did not realize that what had been happening was rape.

This "hidden victim" on university campuses quickly contributed to a growing field of campus-related prevalence studies that sought to empirically measure and calculate the likelihood that one would be raped during a four-year college program. Acquaintance rape and college rape became synonymous in the 1980s, and the study of rape on university campuses and the strategies to mitigate and implement policy-oriented programs that aimed to reduce its prevalence became a central project of the antiviolence movement and the US and Canadian governments.

Using a national sample of 4,446 women enrolled in college in 1996-1997, Fisher et al. (2000) focused specifically on the victimization rates of college women. Using epidemiological methods to calculate lifetime prevalence rates, they estimated the victimization rates of women in a 6.91-month timeframe was 2.8 percent (27.7 per 1000). Like Russell and Howell (1983) and Johnson (1980), Fisher et al. (2000) use a lifetime prevalence model to estimate the probability of experiencing sexual assault during a college degree program. Based on this finding, they assert that 5 percent of women are likely to experience sexual violence in a given year and since most college programs average a five-year window, 25 percent of women are likely to experience sexual victimization during their college degree program.

In 2005, the US Department of Justice funded "The Campus Sexual Assault (CSA) Study," a comprehensive study of university campuses that set out "to examine the prevalence, nature, and reporting of various types of sexual assault experienced by university students in an effort to inform the development of targeted intervention strategies" (Krebs et al. 2007, vii). In examining the rate of sexual violence on university campuses and the associated risk factors that make certain groups more vulnerable than others, the study was labelled the gold standard by the White House and has been heralded as a study that took seriously the issue of undercounting. The study also followed Koss and others in attempting to broaden the definition of rape from an act of penetration to include other forms of sexual coercion and violence. Though the study assures the reader that these forms of coercive sexual encounters, which may not fit legal definitions of assault are considered, they are nonetheless not included in the statistics related to assault.

The study held that one in five undergraduate women experience an attempted or completed sexual assault in their undergraduate careers, the majority of whom are assaulted while incapacitated after consuming intoxicants (mostly alcohol), and that the majority of victims are assaulted by “men they know and trust, rather than strangers” (Krebs et al. 2007, xviii).

In 2014, the Association of American Universities (AAU) conducted a Campus Climate Survey on Sexual Assault and Sexual Misconduct. It was one of the largest comprehensive studies conducted, sampling 27 institutions of higher education (IHEs) across the US in a three-week period. The total sample size was 779,170 and had a response rate of 19.3 percent (n= 150,072), which is admittedly low by the standards of other studies conducted in previous years, and response rates ranged from “a low of 7 percent to a high of 53 percent” across sampled institutions. The authors caution the reader that “[a] low response rate does not necessarily mean the survey estimates are biased in a particular direction” (Cantor et al. 2015, vi). The authors go on to write:

The overall response rate of 19.3 percent is lower than several other surveys on sexual assault and misconduct. Other surveys that are cited in this report have rates that range from 30 percent to 86 percent. The response rate is only an indirect indicator of data quality. A low response rate does not necessarily mean the survey estimates are biased in a particular direction. The report provides the results of three different assessments of nonresponse bias evidence that nonresponders tended to be less likely to report victimization. This implies that the survey estimates related to victimization and selected attitude items may be biased upward (i.e., somewhat too high).

Despite these methodological concerns, the authors conclude that 23.1 percent of undergraduate women have experienced some form of sexual victimization while enrolled in college and that trans, queer, and gender nonconforming

students are disproportionately vulnerable to sexual violence.

Canadian studies also depict a very similar landscape, and to some degree the rates of victimization tend to be on par with those in US studies. A study conducted by DeKeseredy and Kelly (1993) uses the Sexual Experience Survey to empirically evaluate the prevalence of sexual violence on Canadian university campuses. They found that 45 percent of women have experienced some form of victimization. It would not be until nearly twenty years later that Senn et al. (2014) would provide a comprehensive update on the prevalence of sexual violence at Canadian Universities, which support in four Canadian university experience some form of sexual assault.

### **Identifying Campus Rape Culture**

Part of the problem of campus rape is also attributed to a widespread culture of sexual predation on the part of college men. Most rapes reported in these campus surveys tend to confirm that experiences of sexual victimization most frequently happen in the context of alcohol or drug use (Krebs et al. 2007; Cantor et al. 2015; Senn et al. 2014; Weiss and Dilks 2016; Finley and Corty 1993; Mohler-Kuo et al. 2004). Many universities have responded with efforts to raise awareness about the risks of alcohol and drug use at postsecondary institutions, particularly as it relates to one's ability to give and revoke consent during the escalation of sexual activity. University students are generally aware of the risks of date rape and implement strategies to avoid sexual assault in this context.

Fraternities are seen as the major culprit in this theoretical space. They are sites where the empirical findings related to heightened drinking and drug use reassemble with the misogynistic attitudes of toxic and hyper-masculinity. Peggy

Reeves Sanday (1992), whose work I discussed earlier in terms of developing an anthropological paradigm of rape prone and rape free societies, is perhaps the most well-recognized authority on campus fraternity rape. Building on her previous work, which looked at the rape cultures of the “exoticized other,” Sanday turned her attention to the fraternity subculture as a prime example of dangerous and sexually exploitative masculinity.

She identifies fraternities, and college campuses generally for that matter, as a vibrant breeding ground for sexual violence and one which glorifies and exalts gang rape as its weapon of choice in the ongoing terror of women. Building on previous college campus studies by Koss and others, which established that sexual coercion is “normal” sexual relations between university students, Sanday focuses her analysis specifically on gang rape and the idea of “pulling train” on women. She writes:

The male sexual bonding evident in “pulling train” is a sexual expression and display of the power of the brotherhood to control and dominate women. The discourse associated with acts of “pulling train” defines this form of control and domination as part of normal male sexual expression. Thus, this discourse operates as a strategy of knowledge that sanctions the deployment of male power in acts of sexual aggression. (Sanday 1992, 10)

She likens fraternity subculture to those of the tribal communities she explored in her previous study. The fraternal gang rape is juxtaposed to the tribal performances of ceremonial rape. Fraternities are also conceptualized as gatekeepers to campus social life and thus hold a great deal of power.

Fraternities and male groups sports also embody the kind of male social bonding that reinforces aspects of male dominance and privilege while also embodying a propensity for rape myth acceptance (Bleecker and Murnen 2005). Jozkowski and Wiersma-Mosley (2017) argue that part of the subculture’s propensity for

celebrating rape is a masculinized response to the losing of power and status in society. They argue that as more women enter into college and move up the social ladder, rape functions to exercise male domination over women in the very institutions that represent pathways to liberation, economic success, and social and cultural capital.

Fraternalities are also mythologized and romanticized as bastions of masculine rites of passage, as expressed through the sexual objectification of women, and safeguarded through ritual and tradition. Part of this safeguarding means limiting public exposure to negative press and lawsuits for fear of university administration dismantling the Greek systems at universities where fraternities are deemed to be violent (Gerstmann 2019). The in-group loyalty of fraternities functions as a cultural barrier—rapes in fraternities are protected through codes of silence—and this presents problems for addressing sexual violence (O’Sullivan 1993). Martin (2016) describes these codes of silence as part of the rape-proneness of fraternities and athletic groups that sustain a campus rape culture.

These risk narratives assemble the campus as a space for prone to male violence. The epidemiology of male subculture is further entrenched in a language of *toxic* masculinity, pointing to certain masculinities as poisonous, infectious, and malignant—a masculinity that is learned and taught through repetitive acts of misogyny (Posadas 2017). Uncovering the hidden victims of sexual violence also resulted in revealing hidden perpetrators. Those to be feared were not lurking in the bushes ready to pounce; they were the college frat boys. Often imagined as a white middle-class student, the frat boy attended to his scholarly role during the day while engaging in predatory sexual practices at

nighttime parties.

The framing of sexual violence on campus, in part, tended to be reified through terms that reduced complex problems to manageable singularities. The experiences of sexual violence must be understood in relation to how they were informed by other cultural practices. Substance use at parties, for example, can affect how acts of sex are perceived by those involved and by others around them. The cultural scripts around the use of alcohol and drugs, for example, inform how sexual violence is constituted. The line between drunken or drug-fuelled sex and incapacitated sex is not as clearly distinguishable as one might think. A survey instrument such as the Sexual Experience Survey may not be able to adequately conceptualize the limits of framing experiences in terms of sexual victimization. In the Canadian context, DeKeseredy and Kelly (1993) called the campus-based problem a form of “woman abuse.” This led to some critiques of the inflammatory nature of calling what is captured in sexual experience surveys as abusive and that framing the problems of campus-based violence in “globalized” terms tends to make the various forms and intensities of violence virtually unrecognizable (Fox 1993). As Fox argues, “Not only is forced intercourse different from an unwanted kiss in terms of damage, the questions we need to ask about an unwanted kiss are of a different nature. For example, we are probably much more concerned to determine the meaning attached to the act by both the woman and the man in the case of unwanted ‘sex play’; we cannot assume it constitutes abuse, much less intentional abuse” (1993, 322). Gartner also claims that DeKeseredy and Kelly ignore the potential problems of failing to consider the dynamic range of unwanted sexual behaviours “by asserting that these acts are abusive, notwithstanding the motives of the ‘abuser’ or the

interpretation of the ‘abused’” (Gartner 1993, 315). These criticisms also seep into contemporary conversations around rape culture in that the term is criticized for encompassing too much, including sexual activities that might be unwanted or undesired, but are nonetheless consensual (Gruber 2009). If rape culture is best understood on a continuum, and part of that continuum includes “mind rapes” or “mini-rapes,” how might that influence what we call abuse, violence, or harm?

### **Making the Campus Problem through Statistics**

The prevalence of campus rape is understood as part of the growing problem of rape culture (Brigham 2016; Lewis et al. 2018; Phipps et al. 2018; Griffin et al. 2017; Burnett et al. 2009; Buchwald et al. 1993). Statistics do not speak for themselves. They acquire their meaning-making function through discursive assemblages. As more and more studies tend to coalesce around a certain statistical representation of rape, we tend to say that our outlook on rape becomes clearer. The rape campus is constituted by and through the one-in-five statistic. That is to say, because it is commonly held that one in five women will be sexually assaulted on a university campus, it becomes much easier to imagine the university as a site of rampant sexual abuse. What gets less attention, however, is the immense volatility within the breadth of studies that focus on prevalence rates.

In popular discourse, the one-in-five claim has been subjected to public scrutiny since the 1990s. One of the most notable critiques of the use of rape statistics in fuelling a crisis around acquaintance rape was famously penned by Katie Roiphe (1993) in her cover story in the *New York Times* where she wrote, “ If I was really standing in the middle of an ‘epidemic,’ a ‘crisis’—if 25 percent of

my women friends were really being raped—wouldn't I know it?" In her book published the following year, *The Morning After: Sex, Fear, and Feminism on Campus*, Roiphe (1994) goes after sex-radical feminists such as Brownmiller and challenges the seemingly apolitical nature of the fear around acquaintance rape:

They are talking about rape as part of what is often referred to as "rape culture." Even a commonly circulated pamphlet about acquaintance rape giving practical advice includes this overtly ideological statement: "'The images we see in advertisements, on television, and in movies portray forced sex as somehow natural and permissible, especially if it involves two people who know each other. These images reflect society's tolerance of acquaintance rape—an epidemic of violent crime.'" Even in the most pragmatic of contexts, numbers are marshaled behind a cause, and statistics about rape become more than justice statistics about rape. (Roiphe 1994, 56)

More recent criticism around "alarmist" narratives have propagated around the idea of rape culture and its use alongside sexual violence statistics, which according Kipnis (2017), advance a punitive agenda while simultaneously obfuscating meaningful differences between unwanted sex and violence.

Recently, two studies have engaged in a systemic overview of rape prevalence literature in order to interrogate the veracity of the one-in-five claim (Muehlenhard et al. 2017; Fedina et al. 2018). Muehlenhard et al. (2017) set out to weigh the merits of the one-in-five statistic, arguing that it is the statistical figure most frequently cited in public and academic discourse to call attention to the immediacy of campus rape and because it has a profound influence on women's perception of campus safety. In their analysis, they acknowledge the volatility of the studies that contribute to this statistic and suggest that there are variables in definition of terms, including sliding definitions between what counts as a rape, sexual assault, sexual coercion, incapacitated rape, and so forth. Though many

studies tend to use the original Sexual Experience Survey, its revised version (see Koss et al. 2007), or some modified version of the survey instrument, some studies also tend to operationalize terms in very specific ways depending on the kinds of behaviours they are trying to capture (e.g., binge drinking in the context of rape).

In some studies (e.g., Donde et al. 2018), the definition of sexual assault is not just limited to the use of force, but also includes verbal coercion and other forms of deception or psychological manipulation. The revised Sexual Experience Survey attempts to elicit responses related to sexual coercion in the contexts of unwanted sexual touching by “telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn’t want to” (Koss et al. 2007, 368). Verbally pressuring someone into sex, which is often considered a coercive sexual tactic (Abbey et al. 2007), is conflated with telling lies that might entice someone into having sex. The intent in those two questions is fundamentally different and warrants further consideration.

Gruber (2016) argues little attention is given to problematizing studies that tend to overcount the problem of sexual violence. Gruber suggests that the survey prompts may tend to overestimate the problem. She writes:

A study could ask people to describe recent disturbing sexual incidents and simply categorize them by type (i.e., sex involving mild drinking, vomiting, violence, fear without violence, “no,” unexpressed nonconsent, deception, regret, etc.), without labeling such incidents as sexual assault. Instead, the CSA imposes its own broad substantive definitions of sexual assault. “Sexual assault” includes unwanted sex when “someone [was] holding you down with his or her body weight” or when “unable to provide consent or stop what was happening” because of “voluntarily consumed alcohol or drugs.” Thus, the study categorizes as rape drunken, but not debilitated, sex and sex when one is on top of an ambivalent

partner. (Gruber 2016, 1034)

Muehlenhard et al. (2017) argue, on the other hand, that there are studies that tend to underestimate incidences of rape because of the narrow definition of what counts as rape, failing to include factors such as non-penetrative sexual acts (such as kissing or groping), sexual violence not reported to police or university officials, and short data collection periods.

While there are methodological disparities and variance, Muehlenhard et al. (2017) contend there are key studies that support the one-in-five claim (Cantor et al. 2015; Krebs et al. 2016, 2007). They write, “There is empirical support for the claim that, on average, one in five women experience sexual assault while they are in college. This number, however, should not be treated as ‘the actual’ statistic that summarizes the risk across all college women; the risk is not uniform for all college women or for all campuses” (Muehlenhard et al. 2017, 572). They go on to note that despite the importance of contextualizing these statistics in broader trends of sexual violence and victimhood, focusing on prevalence rates tends to take attention away from the problem that sexual violence can be experienced in myriad forms and prevalence statistics only tell one part of the story.

The systematic review conducted by Fedina et al. (2018) points to similar findings, yet comes to slightly different conclusions. They highlight the high degree of variability between different prevalence studies, citing that the choices of authors and the operationalization of different kinds of sexual contact have led to a considerably uneven statistical landscape. Hines et al. (2012) find that 6.6 percent of college women experience at least one act of sexual assault during

their entire college careers, whereas Jordan et al. (2014) found that by the end of their first year, 24 percent had experience some form of sexual assault. Fedina et al. (2018) force us to consider the totality of what is captured in these studies, including a range of behaviours that include unwanted sexual contact, incapacitated rape, and forcible rape. When conducted under the auspices of “victimization surveys” these studies tend to leave very little room for sexual contact to be interpreted any differently than a form of bodily violation or harm. Fedina et al. (2018) contend when we consider the totality of what counts as a form of victimization, prevalence rates, in a general sense, tend to be overwhelmingly high.

What meaning does the one-in-five statistic carry when the rates of sexual violence vary from study to study and from context to context? Muehlenhard et al. (2017) write that using a single summary statistic tends to obfuscate the complexities and variabilities of each individual study and the context in which they emerge. Nonetheless, they argue that these statistics might be useful in providing an overall climate or temperature of rape prevalence in a general sense (Muehlenhard et al. 2017). They go on to write, “Still, any summary statistic (e.g., the risk of heart disease among various groups; the average temperature in Chicago in March) omits details but might still be useful” (Muehlenhard et al. 2017, 571).

The statistic offers support to attempts to empirically verify rape culture. When seen as a general marker for an overall climate, that claim that one in five women might in, some sense, become normalized—a natural feature of university campuses. Stewart’s notion of ordinary affects is an important theoretical tool in describing how rape culture is constituted through empirical

and phenomenological accounts of violence. Statistical models of sexual violence tend to reinforce what we know about the pervasiveness of sexual violence, offer insight into the ineffectiveness of current strategies, and give meaning to the experiences of survivors insofar as they signal that individual acts of violence are not isolated and that they are part of wider statistical trends. This is perhaps one of the most invaluable aspects of the rape culture concept. It provides meaning and lends a collective voice to those actively resisting sexual violence (Rentschler 2014). The reliance, however, on the collective voice tends to obfuscate and sometimes erase the unique experiences of victimization and sexual violence by more vulnerable groups.

Climate surveys on sexual violence tend to emphasize the need to contextualize violence rather than highlight its ubiquity. The AAU study, for example, notes that those who identify as trans and genderqueer or nonconforming experience greater rates of sexual violence than cis-gendered women. In the study, queer respondents tended to experience the highest levels of sexual victimization, be the most fearful of retaliation by assailants, and express the least positive outcome when reporting sexual violence at their respective institutions (Cantor et al. 2015). Instead, the importance of these studies is their aggregated view of sexual violence rather than their critical exploration of the dynamics of sexual violence among different populations.

The one-in-five statistic has perhaps detracted significant attention away from the ways people experience sexual violence in their own unique circumstances. As Cantor et al. note, “The wide variation across IHEs puts in stark perspective prior discussions of single-IHE rates as representing a ‘standard’ against which to compare results. For example, many news stories are

focused on figures like '1 in 5' in reporting victimization. As the researchers who generated this number have repeatedly said, the 1 in 5 number is for a few IHEs and is not representative of anything outside of this frame. The wide variation of rates across IHEs in the present study emphasizes the significance of this caveat" (Cantor et al. 2015, v). This is just one of many examples of studies that privilege the quantitative over qualitative. This is not to say that these studies are wholly inadequate or do not guide us in understanding the macro-level challenges of both addressing and counting sexual violence. Instead, we should be willing and open to critiquing how the one-in-five statistics is assembled, and perhaps more importantly, how it is deployed in public discourse.

Studies on sexual violence tend to contribute to the production of a complex assemblage of knowledges that emerge from the very institutions that seek to govern or address those problems. Rutherford's analysis is quite helpful for thinking about the study of rape, its prevalence, and ultimately its regulation as part of a complex assemblage of rape knowledge and governance. Rape surveys attempt to reveal the truth about experiences of violence. Rutherford writes, "They are constructed, acquire meaning and are deployed in and through a multifaceted scientific and sociopolitical milieu. They are, to borrow Ken Alder's Geertzian nomenclature, "thick things"—complex assemblages of ethical and political prescriptions that mobilize and coordinate the diverse sets of actors who create, use and even oppose them (Alder 2007). The fact that statistics and surveys are "thick things" does not invalidate the numbers they produce, but it does invite scrutiny into how they function in the creation of contested realities" (2017, 114). At the same time, the structuring of rape as a distinctly academic concept, one that can be measured and articulated through statistics, may not in

fact be useful at all for responding to sexual violence in a meaningful way. Rutherford (2018) writes, “The history of ‘1 in 5’ challenges us to critically examine, in the present moment, who has the power to name rape and be believed, under what conditions, and with what consequences.”

Much like the assemblage of bodies in resistance to rape culture, the one-in-five statistic also produces social meaning regarding the campus as a source of immanent risk. Despite this, sexual violence on university campuses has become part of the routine of risk avoidance. The rape culture paradigm, by virtue of its all-encompassing nature, places increased emphasis on the role of drinking culture, fraternity culture, and the need for self-defence. The omnipresence of sexual violence on university campuses has become routinized and marked by everyday risk avoidance strategies (Stanko 1990, 1997).

The one-in-five statistic is a significant part of the rape culture paradigm. It signifies a widespread problem of sexual assault and harassment. At the same time, it subsumes and eradicates any meaningful differences in the ways in which sexual violence is experienced. As the statistic gets folded into the rape culture paradigm and into everyday violence prevention strategies that have become part of the neoliberal landscape of self-responsibilization and self-awareness, the notion that sexual violence is a constitutive part of the cultural fabric of most university contexts might actually work to reinforce the ordinariness of violence rather than excite and animate resistance to it. Individualized rape prevention strategies get folded into the everyday violence prevention strategies that have become part of the neoliberal landscape of self-responsibilization and self-awareness.

The rape culture paradigm begins to unravel in its approach to addressing

cultural and systemic factors. Much of the resistance to rape culture tends to be oriented around individualized attempts to address structural change. Addressing the culture of excessive substance use tends to rely on intervening at the individual level. It requires the individual to modulate their own alcohol consumption in order to prevent against the risk of sexual assault (Testa and Livingston 2009; Testa et al. 2003; Jaffe et al. 2020). Campaigns that address masculinity, for example, fail to substantially address the complicated cultural dynamics of fraternities and male athletic subcultures and instead target individual men. These are most apparent in “don’t be that guy” campaigns, which tend to target anti-rape messaging to men, to enlist them as allies, and to have them identify signs that a woman is incapable of consent. While these are beneficial ways of intervening in proactive and preventive ways, Salter (2016) argues that these depictions tend to reinforce rather than challenge normative conceptions of masculinity. Many of these campaigns tend to reinforce notions that men are strong, rugged, and that their role is to protect vulnerable women. They offer, in Salter’s words, a two-dimensional approach to the problem that tends to reduce the complex and intersecting cultural, geographical, economic, and political powers that make some women more vulnerable to violence and some men more prone to being labelled violent. Salter challenges the effectiveness of these campaign efforts, arguing that they problematically emphasize and reaffirm the problematic gender roles they seek to disrupt in the first place and tend to overemphasize masculinity as the problem as opposed to such material inequalities as the gendered and racialized dynamics of poverty, which in effect, create and sustain the structural conditions that make violence possible. In part, calls to address campus rape culture fail to address those very

cultural and structural dynamics that make violence a defining feature of the space. Instead, they reaffirm that violence is an unavoidable and natural feature of rape spaces, which tends to create the dynamic whereby the actors within those spaces become responsible for their own risk avoidance strategies.

## Chapter 7: Exploring Rape Culture through Public Policy

Sexual violence governance on campuses has mirrored the criminal justice system in many ways (Lopes-Baker et al. 2017; Lave 2017; Anderson 2016). Universities and colleges in North America have established their own reporting mechanisms, their own adjudicative infrastructures, and their own victim support services. Alongside efforts to recognize the university campus as a governable “rape space,” criminal law was undergoing significant reforms. Specifically, the word “rape” was systematically removed from Canadian criminal law and many American jurisdictions and replaced with a sexual assault definition.

This chapter and the following chapter argue that the conditions of possibility for new responses to regulatory governance based on rape culture are products of constructing the problem of sexual violence in both cultural and regulatory terms. I argue that part of the reemergence of rape culture in Canadian campus governance has much to do with rape’s disappearance from law in 1983. Rape’s encore appearance in campus governance, in part, connects sexual violence to other forms of subjugation faced by women on campus, in the workplace, and at home. The fact that rape disappears and reemerges with a new intensity is part of its rhizomatic characteristic. At a time of significant debate about and reform of criminal law in the late 1970s and 1980s, Backhouse cautioned that the removal of “rape” from law would preclude feminists from ever having the term appear in law again, and thus would render criminal law powerless in identifying rape as a crime of sexual domination. While this might have been the case for criminal law thus far, the idea of rape culture is written

into regulatory law with the passing of Bill 132 in Ontario.

### **Rape and the Law**

Definitions of rape that had been popularized in the 1970s were extending beyond law into aspects of everyday life. Some radical feminists rejected using law as a means of obtaining equality and, instead, set out to critique the ways law entrenched patriarchal domination over women (Boyd and Sheehy 1986). Graham (1994, 164) writes, "Against the liberal feminist the radical feminist claims that abstract equality between the sexes is unattainable by mere changes in legal regulations or fashionable moral ideas. In the absence of a deeper analysis, the causes of, and hence removal of universal patriarchy remain obscure."

Rape, as a legal kind, has its own unique historicity. In the eighteenth and nineteenth centuries, rape represented a violation of a husband's property rather than a violation of a woman's right to be free from violence. Rape was seen as a physical violation of a woman, but its meaning signified a trespassing of personal property (Tang 1998; Los 1994). In the latter part of the twentieth century, rape was seen less as a violation of a man's property and more as a violation of a woman's bodily autonomy, though implicit was the idea that women could only be "violated" if they performed gendered scripts of femininity. The moral and chaste character of a complainant was the centre of many twentieth-century trials (Smart 1989). At the same time, the prosecution of rape had very strict procedural and evidentiary requirements. Victims were required to make a complaint at the first possible instance. Common law precedent required evidence of a "recent complaint" to establish the veracity of a

complainant's testimony. Any delay between the rape and the complaint often suggested to the court that the allegations were fabricated (Backhouse 2008). At the same time, the legal definition of rape in Canada and most American jurisdictions required the forcible insertion of the penis into the vagina. All other acts were either not considered rape or prosecuted under less serious criminal law statutes.

Second-wave feminists played an important role in pushing for legal reforms around rape, arguing that they often protected the offender more than the victim. In particular, many argued that the courtroom served as a theatre to discredit the lived experiences of victim-complainants (Backhouse 2008) and enabled defence lawyers to replay the traumatic details of sexual violence as pornographic vignettes of femicide (Smart 1989). The legal threshold for establishing credibility, for example, takes on new meaning when framed against the backdrop that complainants are often discredited or disbelieved for a variety of reasons, including previous sexual history or perceived immorality. The onus is placed on the complainant to establish that she did not seduce the accused in any way, as this might absolve the rapist of his legal requirement to rape unprovoked.

In 1975, Michigan was the first jurisdiction to remove the term "rape" from its penal code and replace it with a "staircasing" structure that distinguished rape, and its associated punishment, by levels of force used during an assault and were categorized under new offences of "criminal sexual conduct" (Backhouse and Schoenroth 1984). At the time, these reforms had become increasingly popular, and about half the states in the US had adopted a similar model (Backhouse and Schoenroth 1984). By distinguishing between severities of

offences as well as levels of sexual conduct, prosecutors and judges were given more discretionary tools to mete out fairer and equitable punishments. This had the effect of lending a greater legitimacy to the prosecution of rape, since not all rapes were considered the same in the eyes of the law, which also had the added benefit of increasing the conviction rate, which at the time, marked one of the central measurements of success for rape laws.

Canada also adapted to changing legal tides by exploring how reforms to rape laws could be better prosecuted while maintaining a balance for victims' rights. In 1970, the Royal Commission on the Status of Women released a report identifying and offering solutions to the issue of gender inequalities—attempting to address growing concerns about gender wage gaps, discrimination, and women in the public domain. Though its attempts to reflect the growing concerns of women across the country in political discourse were a step toward having meaningful conversations, the report fell flat in the areas related to sexual violence. With respect to the sociolegal dynamics of rape, the Royal Commission held, “On the assumption that men victimize women, the law protects women according to their age, their marital status and their moral character. We think that the law as it stands is unfair to men” (1978, 372). A few years later, Pierre Elliot Trudeau's government initiated a substantial criminal law reform. Its aim was to update criminal law by removing antiquated Victorian-era crimes, revising outdated and complicated language, and improving expediency in criminal prosecutions. The government established the Law Reform Commission (LRC), composed of Canadian judges, lawyers, and policy experts, to study and make recommendations to Parliament in order to overhaul the *Criminal Code*. The LRC was much more than a mere advisory board to the government. It was

expected that with each report submitted, the LRC would also draft preliminary legislation to replace the existing *Criminal Code* regulations (Law Reform Commission of Canada 1978a, 44).

Headed by Justices Antonio Lamer, Francis Muldoon, and Jean-Louis Baudouin, the Commission set out to recommend substantive legal reforms, including the removal of rape as its own criminal category, which would result in a tiered or staircased sexual assault structure. The push to remove “rape” was twofold. First, it aimed to remove the stigma “rape” carried for both the offender and victim. Second, the objective was to increase the conviction rates for sexual offences by lowering the high threshold needed to prove that penetrative rape had occurred. Since the only witnesses generally tend to be the complainants, the proof needed to convict on the legal requirements that non-consensual penetration had occurred was too high a burden for prosecutors. At the same time, penetrative sex tended to miss the goal of protecting bodily harm. The Commission (1978a, 12) notes, “All acts of sexual aggression regardless of form should come within the same scope of legal sanction, since they all constitute severe violations of the integrity of the person, violations which society cannot and must not tolerate.” Instead, many anti-rape advocacy groups pushed for prosecution of sexual violence under the existing criminal assault rubric (Cohen and Backhouse 1980). Part of this was in resistance to the idea of gender neutrality in sexual assault. As Sheehy writes, “In one case, the issue of whether touching a woman’s breast amounted to a sexual assault had to be litigated all the way to the highest court in the country, because lower court judges took the gender-neutral approach literally, reasoning that breasts were secondary sex characteristics, like men’s beards, and that since touching a man’s beard was not

a sexual assault, touching a woman's breast was likewise not a sexual assault" (1999, 66).

Since all assault charges are by their very nature non-consensual, it was an easier task for prosecutors to convict assailants based on the common law definitions and evidence requirements of existing physical assault provisions, which tended to focus less on the conduct of the complainant (Law Reform Commission of Canada 1978b, 16). If prosecutors could prove that non-consensual penetration had taken place, the idea was that those factors should be addressed during sentencing rather than as a constitutive element of the offence.

The 1970s legislative framework defined a number of criminal offences inked to what we might broadly term sexual violence. Under criminal law, rape was defined as an act committed by a man against a woman (who is not his spouse), involving penetration of the vagina by penis, with a fundamental requirement that the victim prove consent had never been given (Tang 1998). Rape was among the most serious of offences and was extremely strict in its scope. The *Report on Sexual Assault in Canada*, produced by the Canadian Advisory Council on the Status of Women, suggests the legislative framework of the 1970s was too heavily informed by moralistic assumptions surrounding female sexuality and its relationship to rape (Kinnon 1981). Rape was limited in its scope by only pertaining to the physical act of penetration between a man and woman who was not his spouse, and references to indecency (i.e., indecent assault) framed the issue of sexual violence as one almost exclusively related to the chasteness of the victim and her moral character.<sup>35</sup>

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<sup>35</sup> *Canadian Criminal Code* R.S.C. 1970 C-34.

Part of the feminist resistance to these legal frameworks was that the image and reputation of the victim was often called into question and her previous sexual history would often be used as evidence to suggest that because she may have had prior sexual contact with her rapist, or any other man for that matter, her legal subjectivity was constructed as one that invited such sexual contact and could be sufficient for her assailant to make an adequate legal defence that he was under the belief she had consented in the first place (Tang 1998). Generally, if a complainant had not expressed a clear refusal to sexual advances, it was sometimes implied that they had consented (Backhouse and Schoenroth 1984). To challenge this legal paradigm, the coalition of the Canadian Advisory Council on the Status of Women, their provincial counterparts, and the coalition of rape crisis centres and women's organizations across Canada lobbied to "remove the crime of rape from the *Criminal Code* as a sexual offense and create a new category of sexual offenses defined by the degree of violence and injury suffered" (Kinnon 1981, 44).

The LRC notes, however, that the removal of rape from the *Criminal Code* marks a considerable "change in the characterization of the offence" (Law Reform Commission of Canada 1978b, 18). The goal of such change offered increased potential for more convictions with the hopes of instilling public confidence in the state's response to sexual violence (Roberts and Grossman 1994). The LRC's work with anti-rape organizations, including many rape crisis centres and women's legal organizations, eventually led to the official *Report on Sexual Offences* (1978) and the introduction of Bill C-52 (given first reading on May 1, 1978) by the soon-to-be defeated Liberal government. The LRC recommended removing the term rape from the *Criminal Code* and thus "rape

would be treated as not so much different from any other form of assault, in its substantive definition” (MacDonald 1980, 3). The LRC notes:

To retain penetration as a distinct element of one of the offences would be to emphasize the sexual character of the proscribed behaviour rather than to stress the aspect of violence or threatened violence. To conserve this feature of the law would increase the risk of having the concept of “rape” reappear, albeit under a different name, and of accomplishing therefore no more than a nominal reform. Furthermore, even if penetration is invariably an aggravating element, there are other modes of sexual misbehaviour which are no less abhorrent even though penetration is not involved. Finally, elimination of the requirement of penetration would represent a step towards greater respect for the equality of the sexes and, in consequence, a more egalitarian concept of law, and contribute to the increased reporting and prosecution of sexual aggressions. (Law Reform Commission of Canada 1978a, 14)

At the same time, “The Commission has come to the conclusion that the very use of the word ‘rape’ attaches a profound moral stigma to the victims and expresses an essentially irrational folklore about them. Admittedly, little benefit can be expected from the mere substitution of one word for another” (Law Reform Commission of Canada 1978a, 12). Instead, “the purpose of these amendments is to replace the offence of rape by the offences of indecent assault and aggravated indecent assault, applicable equally in respect of both sexes.”<sup>36</sup> The bill, however, did not satisfy those calling for a comprehensive overhaul of the law. For one, rape within marriage could only be prosecuted when spouses lived apart. The “indecent” elements of the crime were still central to its prosecution (Kinnon 1981). The crimes of indecent assault and aggravated indecent assault were still housed in the section of the *Criminal Code* dealing with sexual morals rather than focusing on the violent elements of sexual violence. Women’s groups, including

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<sup>36</sup> Bill C-52, *An Act to amend the Criminal Code and to amend certain other Acts in relation thereto or in consequence thereof*, 3rd Sess, 30th Parl, 1978 (first reading).

the Advisory Council on the Status of Women (formed in 1973 as part of the Royal Commission on the Status of Women), the Association of Women and the Law, and the Canadian Association of Sexual Assault Centres called for more precise legislation that dealt with sexual violence as an assault on the bodily integrity and physical safety of women (Kinnon 1981, 43-4). Bill C-52 died on the Order Paper having only reached first reading and the Liberal government was defeated in the election later that year.

Moreover, some feminists felt that removing the term “rape” from the *Criminal Code*, and thus desexualizing rape, and dealing with sexual violence within an assault framework detached sexual violence from gender oppression. Cohen and Backhouse made the case that historically rape was “qualitatively different and treated more seriously than other forms of assault” (Cohen and Backhouse 1980, 99). They argue that what is lost is a recognition, by law, of the degree to which rape is the physical and symbolic oppression of women at the hands of men. What is gained, according to them, is nothing more than a cosmetic change to the wording of the law.

It would not be until 1982 under the reelected government of Pierre Elliot Trudeau that the Liberals would successfully pass Bill C-127, which received Royal Assent in 1983. Accordingly, the term “rape,” with all of its discursive ties to unequal relations of power, was removed from criminal law. The legislative reforms offered other liberal interventions to the common law definitions of rape and their role in the criminal trial. The 1983 amendments removed the corroboration requirement, which called for additional evidence other than the victim’s statements to enter a guilty verdict. It also removed the requirement of the “recent complaint,” which sought to characterize a complainant’s version as

untrue if some time had elapsed between the assault and the complaint. It intended to prevent judges and jurors from inferring that consent had been given and that women were simply acting out vengeance in the case where complainants fail to come forward immediately following an assault. Spousal immunity was also removed and tighter restrictions on when and how a complainant's sexual history could be entered into record were also added.

According to Cohen and Backhouse (1980), the removal of rape as a legal concept and its replacement by a tiered assault framework was implemented with virtually no public opposition. Public interest groups welcomed the changes as a way to increase the number of rape convictions without actually calling sexual assaults "rape." The broad nature of sexual assault, ranging from non-consensual sexual contact that might not involve any type of vaginal penetration (a requirement to prosecute under the previous definition of rape) to more aggravated and violent forms of sexual violence, offered prosecutors and judges a range of sentencing options and considerations that may entice them to more readily convict. The reforms did not explicitly define sexual assault. Instead, they left the interpretation of what constitutes assault of a sexual nature to the courts (Bissenthal 1990). Assault was defined in three tiers: 1) simple assault; 2) assault using a weapon or causing bodily harm; and 3) aggravated assaulting causing maiming or disfigurement.<sup>37</sup> The sexual assault provisions of the *Criminal Code*—

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<sup>37</sup> According to the 1983 version of the *Criminal Code*, assault is defined by the following provisions:

244. (1) A person commits an assault when

(a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;

(b) he attempts or threatens, by an act or gesture, to apply force to another person, if he has, or causes that other person to believe upon reasonable grounds that he has, present ability to effect his purpose; or

(c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

s. 246.1, s. 246.2, and s. 246.3—simply added the word “sexual” to the phrasing of those existing assault provisions and carried with them more severe penalties for convictions.

The sweeping reforms to criminal law ensured that sexual assault provisions exacerbated tensions between radical and liberal feminists. For one, since sexual assault was simply a legal facsimile of the existing assault, it would be easier for legal practitioners to interpret and apply existing common law principles of bodily injury and harm to assaults of a sexual nature. The court attempted to provide a clear common law definition of sexual assault in the Supreme Court of Canada ruling in *R. v. Chase*:

Sexual assault is an assault within any one of the definitions of that concept in s. 244(1) of the *Criminal Code* which is committed in circumstances of a sexual nature, such that the sexual integrity of the victim is violated. The test to be applied in determining whether the impugned conduct has the requisite sexual nature is an objective one: “Viewed in the light of all the circumstances, is the sexual or carnal context of the assault visible to a reasonable observer.”[...] The part of the body touched, the nature of the contact, the situation in which it occurred, the words and gestures accompanying the act, and all other circumstances surrounding the conduct, including threats which may or may not be accompanied by force, will be relevant.[...] The intent or purpose of the person committing the act, to the extent that this may appear from the evidence, may also be a factor in considering whether the conduct is sexual. If the motive of the accused is sexual gratification, to the extent that this may appear from the evidence, it may be a factor in determining whether the conduct is sexual. It must be emphasized, however, that the existence of such a motive is simply one of many factors to be considered,

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245.1 (1) Every one who, in committing an assault,  
(a) carries, uses or threatens to use a weapon or an imitation thereof, or  
(b) causes bodily harm to the complainant,  
is guilty of an indictable offence and is liable to imprisonment for ten years.

245.2 (1) Every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

(2) Every one who commits an aggravated assault is guilty of an indictable offence and is liable to imprisonment for fourteen years.

the importance of which will vary depending on the circumstances.<sup>38</sup>

The definition, however, was inadequate for some feminists, who argued that the desexualization of rape in favour of an assault framework sanitized the differential power relations that mark rape as an expression of male domination. In fact, the court's reference to the highly contextual and individual nature of what counts as sexual assault limits the kinds of radical principles that tend to overestimate what counts as violence (Graham 1994). The court's consideration of factors related to sexual gratification reinforced the idea that sexual assault was more about pleasure than it was about the exercise of power. For Cohen and Backhouse (1980), the removal of the term rape from the *Criminal Code* marked irreversible damage to the struggles of anti-rape advocates who had fought so hard to raise awareness of the cultural dynamics of violence, warning that "we will never have the opportunity to re-introduce the concept of rape" (Cohen and Backhouse 1980, 103).

Not all the reforms to the *Criminal Code* remained part of criminal law and some were revised in subsequent years. In 1991, the Supreme Court of Canada held in *R. v. Seaboyer* that a blanket restriction on a complainant's sexual history posed a violation to an accused's right to a fair trial. This posed a serious setback for feminist legal reforms and reintroduced the possibility for defence counsel to attack a complainant's credibility based on their previous sexual history. The government responded by amending the law to require a separate hearing for a judge to determine the admissibility of a complainant's sexual history; sexual histories were admissible if they referenced a specific sexual act, were relevant to

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<sup>38</sup> *R. v. Chase*, 1987 2 S.C.R. 293 at para 11.

an issue posed during trial, and had significant probative value as to not taint the administration of justice (Tang 1998). Gotell (2015, 57) notes that the government's response to *Seaboyer* "created a political opportunity for feminists to push for wider reforms" and to have the laws better reflect how women experience rape. In 1992, and in response to the Supreme Court's ruling in *Seaboyer*, the federal government responded with Bill C-49, which enacted a new rape shield provision that restricted a complainant's sexual history from entering into the court record. Parliament also enacted a statutory definition of consent, which had not been previously codified in Canadian law and effectively enshrined an affirmative consent standard by requiring voluntary agreement to sex acts by words or conduct (Vandervort 2012). This would be later tested in *R. v. Ewanchuk*<sup>39</sup> where the Supreme Court ruled that the absence of a complainant's express refusal to consent did not mean consent was implied and that consent must always be obtained for every sexual advance.

These amendments offered greater protections for victim-complainants and contribute to a growing network of legal reforms intended to strengthen the criminal justice system response to gender-based violence. It is important to ground these Canadian legal reforms within a broader global context that had seen an immense rise in the ways feminist organizations partnered with the state to mobilize criminal justice responses in the name of women's rights (Halley et al. 2019). In Western legal systems, the idea of gender-based violence was becoming increasingly replaced with a much broader victim's rights movement,

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<sup>39</sup> *R. v. Ewanchuk*, 1991 1 S.C.R. 330.

which attempts to increase criminal law enforcement on domestic violence, sex work, and human trafficking (Bernstein 2010).

It is not my intention to do a historical overview of rape law or consent as this has been taken up in much more technical detail elsewhere (Tang 1998; Vandervort 2012; Backhouse 2008). Rather, it is far more important to understand these liberal reforms to law in the context of the disappearance of “rape” from the *Criminal Code* in favour of a more nuanced legal approach. Critiques from radical feminists and anti-carceral feminists tended to converge around the idea that reformists had overestimated and simultaneously misidentified the role law could play in addressing sexual violence (Snider 1998). Anti-carceral feminists argued that reformists’ capitulation to the state to end violence systematically works against the systems of power that make women vulnerable to violence in the first place (Masson 2020). Critical scholars such as Snider (1998) and Gruber (2016) argue that by divesting from social welfare programming, including women’s shelters, rape crisis centres, and job training programs, for larger investments in policing and punishment, states are empowered to decide what constitutes harm or abuse, and its appropriate remedies systematically disempower those who face violence at the hands of men. At the same time, carceral approaches tend to increase focus on punishment and fail to address the broader root causes of sexual violence. Whereas radical and anti-carceral feminists might agree on the latter, many radical feminists took issue with the desexualization of rape as devaluing the significance of punishment plays in condemning violence against women. On the other hand, anti-carceral feminists reject this economy of punishment based on a number of reasons, including that it disproportionately targets Black, Indigenous, and socioeconomically

marginalized communities (Kim 2018).

### **Regulating the Rape Campus**

Part of the criticisms around the expanding regulatory reach of the state have also been raised in relation to recent trends to regulate sexual intimacy on campus. California, New York, and New Jersey have introduced legislation at the state-level to mandate that publicly funded universities adopt an affirmative consent standard when adjudicating complaints of sexual violence, which “will likely give more women the framework to understand their experiences as reportable, and theoretically allow those who are completing the majority of sexual assaults to be identified” (Aliment 2015, 212).

These amendments are situated not just on a legal trajectory aimed at increasing reporting and ultimately disciplinary and criminal sanctions; they also mark an important step to end campus rape culture. Though they specifically name rape culture as the driving force behind their intervention, many anti-rape culture advocates favour policy reform as a way to change culture. Aliment writes, “This nuance concerning action and inaction is primarily semantic. Although the adjudicatory board does not decide to push the complainant out of school, suspend her from classes, or subject her to public humiliation following its determination, those consequences follow directly from a culture that fails to hold men accountable for sexual assault on college campuses” (Aliment 2015, 222). She goes on to note that while these are largely issues related to campus culture, she argues that a campus sexual violence policy rooted in affirmative consent will likely drive the change necessary to aid survivors. Doing so, according to Aliment, will likely shift the focus of disciplinary hearings away

from scrutinizing the actions of the victim to identifying what steps the accused took to acquire consent. While these are important policy-oriented shifts, they tend to focus on the quasi-legal structure of adjudicative processes rather than the deeper systemic and cultural problems Aliment identifies in the first place.

This sentiment runs deep in the Canadian literature as well. In Canada, an affirmative consent standard applies to federally regulated criminal law. Though most universities in Canada receive public funding, a sizeable portion of their funding also comes from private donors and other revenue-generating practices. This gives universities a great deal of autonomy as to how they regulate their campuses, including how they administer programs related to student safety, misconduct, and disciplinary hearings. Since university regulation comes under provincial powers, and unlike some federally funded universities in the US under the *Clergy Act*, there is no standardized mechanism for collecting data or implementing sexual violence prevention policies for universities in Canada.

Sheehy and Gilbert (2017) note that universities have a legal obligation to protect students from sexual violence. They note that while the criminal justice system has traditionally failed to protect women from violence, “there is some evidence that universities are doing an even worse job than the criminal justice system of creating processes that encourage reporting by women” (Sheehy and Gilbert 2017, 294). Sheehy and Gilbert go on to suggest that the kinds of interventions made possible by public policy can improve upon some shortcomings of traditional criminal justice processes, but the majority of their recommendations fall back on refining the procedural and evidentiary requirements of criminal law and fail to consider some more transformative approaches. Specifically, Sheehy and Gilbert recommend that university sexual

violence policies highlight the role of the complainant and ensure they have representation to properly question the alleged offender. They also recommend clear rules as to how complainants and “defendants” will be represented, whether external lawyers could be permitted, and what standard of proof will apply in determining whether an alleged offence has occurred.

Sheehy and Gilbert’s recommendations, while important, overlook the complex dynamics of sexual assault, and instead, focus on collecting data and evidence for the purposes of reporting, or for disciplinary adjudication. While campus-based strategies to create safe spaces acknowledge the need for specific consent-based training and trauma services for students and faculty and attempts to mobilize the whole community in creating those spaces, the overarching framework fails to offer any new imaginative prospects for understanding justice.

One reason for this might be that those who closely helped shape criminal law reforms in Canada during the 1980s and 1990s are now in positions of power at universities to influence specific policy recommendations. Halley (2016) contends that feminists rallied around mobilizing state power, particularly through law, as a mechanism for responding to gender-based violence. Like Bernstein’s carceral feminist thesis, Halley contends that there is a trend toward mobilizing governing strategies that extend beyond the official capacity of the state and insert themselves in the regulation of sexual conduct.

Gotell pushes against the critiques of carceral and governance feminists, arguing that “proponents of the carceral feminism thesis overstate the influence of feminism on policy, particularly in a context in which it seems clear that feminists have so little power” (2015, 60). Despite this claim, Gotell goes on to

trace the various reform contributions by feminist researchers, legal practitioners, and organizations over the last 40 years that have contributed to the expansion of laws related to rape prosecutions. Again, Gotell downplays the carceral and punitive aspects of these interventions, instead citing that their success is measured in terms of protections offered for women rather than punishment for men. Both Gotell's vision for the role of criminal law and Sheehy and Gilbert's downplaying of the significance of expanding the role of law contain serious potential for enacting restorative justice approaches. These, however, are very seldom, if at all, in line with processes that might amount to the restoration of harm without animating those traditional carceral powers. Roach (2006) and others, for instance, have noted that while restorative approaches offer new rationales for sentencing—ones that depart from traditional principles—they are often applied scarcely and have very limited effects on the groups that are traditionally overpoliced.

Sheehy and Gilbert (2017) refer to their proposals as approaches to restorative justice. Their version of a restorative justice approach to university tribunals 1) include privacy protections for defendants and complainants, 2) restrict inquiries into complainant's sexual histories, 3) limit the use of a complainant's third-party records, 4) require written submissions from each party that are exchanged prior to any hearings as a kind of informal process of legal discovery, 5) stipulate that witnesses should only be called if they are directly relevant to meeting the tribunal's burden of proof, and 6) mediate questions through an impartial representative.

The governing strategies of universities, as they pertain to sexual violence, bear the clear influence of liberal feminist ideas. As I will discuss in the following

chapters, legal reforms tend to focus almost exclusively on legislating universities to create reporting mechanisms for students through campus regulations (e.g., codes of conduct) related to sexual violence. The *Clery Act* in the US and the subsequent affirmative consent standard laws in California and other states are no exception. These policy interventions focus almost entirely on enhancing data collection protocols (e.g., on-campus crime reporting) and strengthening disciplinary procedures (e.g., tribunals or adjudication processes). These seemingly softer forms of punishment ultimately transform the university into a quasi-judicial body tasked with determining whether consent was given, whether a person was too intoxicated to consent, and what kinds of punishments should be handed down to students who violate those codes of conduct. The legislative reforms often tend to mirror already recognized expressions of law such as a victim's bill of rights, or a charter of regulation aimed at ensuring due process for all parties involved. These developments are neither creative nor proven effective. Rather, there is evidence to suggest that some who experience sexual assault on campus are uninterested in having their assaults *recognized* and *adjudicated* by criminal justice actors, much less by university employees (Sibley and Moore 2020).

The expansion of sexual regulation into law is, to some extent, a product of the expansion of traditional carceral institutions into other public bodies, namely educational institutions. The claims that campus governance affords meaningful protections against rape culture is hedged by the understanding that legal interventions against rape have done little historically to affect rates of sexual violence, and at the same time, convictions for sexual violence in Canada are declining (Larcombe 2011). The notion of rape culture and regulation seems

inherently incompatible. If rape is a product of widespread attitudinal dispositions to rape, it seems that effecting change via law is counterintuitive. Of course, the argument for reforming law is well established, but it carries with it some critiques.

For one, the move to affirmative consent standards to protect victims has the added effect of creating a neo-liberalized understanding of sexual autonomy. For Gottell (2008), the affirmative consent standard transforms the dynamics of sexual relationships into one constituted through risks. For example, do the participants have the ability to give consent and has consent been effectively and clearly communicated? Gottell argues that these exchanges predominantly responsabilize women for engaging in “risky” behaviours that might complicate whether consent was or could be given in a sexual encounter. If ongoing consent is at the heart of legal regulation, the ability to give ongoing consent is increasingly at question and women, it would seem, bear the majority of this responsibility. In effect, Gottell argues that the focus on sexual assault in terms of potential risks that might vitiate consent tend to obfuscate the power dynamics that make some women vulnerable to predatory sexual practices, which in turn, has the potential to construct some as partly responsible for their assaults.

This liberal logic becomes apparent in the context of campus sexual encounters. The campus is assembled as a place where risky and experimental sex happens. Many campus sexual violence studies and reports tend to argue that alcohol and drug use are high factors in sexual violence. University sexual violence studies, reports, and policies have also adopted a similar approach to risk, including caveats cautioning that alcohol and drug use are among the highest risk factors in sexual violence. Proffitt and Ross argue, “When women are

held responsible for controlling the factors that place them 'at risk' in the first place, we can expect laments about why they 'choose' to put themselves at risk—by drinking too much, walking alone at night, or going to a frat party” (2017, 199). These risks are used to pose inherent obstacles not only to reporting but to adjudicating. They argue that this turn to risk has created a politicization of rape that allows for the continued victim-blaming of women under the guise that victims might not take the reasonable steps to ensure that they are able to give (or revoke) consent and that their decision-making contributes to their vulnerability. Though this notion has been sufficiently scrutinized, these kinds of logics are also framed under the rubric of a rape culture. The environmental and cultural factors of college life, as discussed in earlier chapters, pose a considerable challenge for regulation. Rape culture is said to manifest in a number of forms, including the values espoused by “frat culture” (Boswell and Spade 1996), everyday sexism that exists on university campus (Lewis et al. 2018), and a general tolerance and exercise of increased risky practices (Sutton and Simons 2015).

Governing to combat rape culture poses considerable challenges, particularly in that rape culture tends to point to a number of systemic and individualized problems. One of the inherent limitations is that it tends to reaffirm what Lewis et al. (2018) have suggested are the responsabilization of women to navigate the campus environment in ways that minimize their exposures to risk. If the potential to be raped exists at every moment of the campus experience, at frat parties and on walks home alone at night, it seems unlikely that campus policies for addressing incidence of sexual violence modelled on criminal justice statutes will provide for a transformative politics.

Instead, these approaches to campus sexual violence represent what Garland (2002) calls a culture of control. The shifting of regulatory obligations away from traditional forms of failed criminal justice to a renewed form of adjudicative rationality is grounded in an ongoing fantasy about the utility of law. This is best described in Gotell's critique of the affirmative consent standard and neo-liberalization of law, yet she remains dissuaded by attempts by anti-carceral feminists to abandon criminal law entirely. Governing through a rhetoric of rape culture is, in some sense, the merging of the two divergent politics of the 1970s. It allows for the rhetorical conception of power, exploitation, and coercion to formulate an understanding of the everyday forms of sexism on campus and the ongoing efforts of sexual conquest of men over women. At the same time, it collides with the politics of liberal feminists who remain wedded to the idea of legal reform and tend to highlight the need to maintain those regulatory structures on campus. Others, such as Del Gobbo (2020) and Sibley and Moore (2020) argue for the need to decentre adjudication and employ survivor-centred approaches. Del Gobbo refers to these as plural process models because they situate the adjudication of sexual violence as one possible choice among other alternative approaches to conflict resolution. These approaches require universities to provide a wide range of accommodation services that are radically dissimilar to those of traditional criminal justice.

If rape culture exists at the centre of campus sexual violence, and rape culture encompasses a wide range of behaviours that contribute to and sustain sexual violence, then it would stand to reason that a plural approach might be one that mobilizes a survivor-centred approach. Instead, governing through rape culture often tends to mean a heavier reliance on quasi-judicial apparatuses

such as disciplinary tribunals since those who hold influence at universities, largely senior faculty, administrators, and politicians, are seldom in favour of deemphasizing the regulation and punishment of sexual behaviours that violate policy. What we are left with is a governance strategy that merges the rhetoric of the omnipresence of a rape culture with the individualized adjudicative mechanisms of juridical processes to create a new assemblage of the rape campus.

## Chapter 8: Rape's Reemergence in Law

On March 6, 2015, the Ontario government announced its antiviolenence framework *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment*, specifically citing "rape culture" as the driving force behind the need to develop a systematic framework for ending and preventing sexual violence and harassment in many aspects of work, home, and school. The most prominent commitment of the action plan was to introduce sweeping legislation that would address and improve how sexual violence is reported and dealt with in the workplace and on university and college campuses. First tabled in October 2015 and becoming law on March 8, 2016, Bill 132 came into effect almost one year to the day of the 2015 action plan. Also known as the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, the law amends existing provincial regulations, including the *Occupational Health and Safety Act*, the *Ministry of Training, Colleges and Universities Act*, and *Residential Tenancies Act*, among others, and outlines specific measures employers, schools, and landlords can adopt to prevent sexual violence and mitigate the consequential effects that follow in the aftermath of an assault. These measures include more education for employers and employees on the harms of sexual violence, improved reporting mechanisms for universities and colleges, and clearly established protocols for addressing and investigating sexual violence.

Bill 132 adds to the laws protecting domestic life, giving tenants more freedom to give shorter notice to move from rental properties if they have experienced sexual violence. The bill also includes a number of amendments

addressing the need for more robust reporting tools for postsecondary institutions in Ontario. The legislative amendments addressing domestic life and postsecondary institutions radically redesign the province's comprehensive approach to sexual violence. The attention the bill has received focuses largely on campus sexual violence. The newly implemented law mandates postsecondary institutions to develop clear, stand-alone sexual violence policies that articulate and communicate the process for making formal complaints, the University's investigation procedures, options for the complainant after making a formal report, and support services available to the complainant in the aftermath of an assault.

The largely campus-based legislation offers a case study for the examination of rape culture governance on campus, specifically as it emerges in the context of growing fears around risky drinking, the blatant disregard for consent and physical boundaries, and the anxieties about adolescent sexuality and the activities happening behind closed doors at fraternity parties and in dorm rooms. These mark the overlapping dimensions of the rape campus, where risky, experimental, and sometimes ambiguously defined sexual encounters are met with ongoing securitization of campuses, which are seen as needing more regulation, stronger links to other regulatory apparatuses, including traditional mechanisms of policing, and a public campaign to educate young adults about need to understand consent as an openly communicated engagement that is not absolute and can be revoked at any time.

The Ontario government is among one of the first jurisdictions in North America to assign rape culture a place in law—a place reserved for the markedly sanitized, objective, rational, and seemingly calculated performances of legal

authority. Rape culture is not simply about rape, but about the dispositions and attitudes toward sexual assault, harassment, and violence. Negative attitudes toward rape and the continuum of violence that is represented by the term is enough to initiate a legal response.

Bill 132 is better understood within this power matrix as a node on a contemporary and historical network aimed at governing matters linked to crime, harm, and victimhood. Examining the political climate in which this legislation emerges requires a close history of the ways in which sexual violence is taken up in political discourse and the ways in which sexual violence, as a problem involving the above institutions, is tackled through legislative power.

Specifically, the history of sexual violence and the university is revealed in the ongoing relationship between educational and criminal justice institutions. The context in which sexual violence is discussed matters a great deal for an interrogation of how such legislation comes about. Generally, the ways in which sexual violence gets talked about is not dissimilar to other political discourse, with the exception that the context of discussion about sexual violence often intersects with other sectors of governance that fall under provincial mandates, such as education, healthcare, and so forth.

References related to sexual assault or sexual violence in the Ontario Legislature tend to focus largely on 1) declarations of sexual assault awareness or prevention months; 2) sexual harassment prevention weeks, victim of crimes awareness weeks; 3) funding for rape crisis centre services or references to their community engagement projects (i.e., “Take Back the Night”); 4) Acts of Condemnation (whether related to processes of the criminal justice system or in relation to incidents that have happened in their riding); other crime control

oriented legislative proposals and amendments (i.e., strengthening bail conditions for “sexual predators”). Many of the references are not substantively tied to any policy initiative. When mentioned, sexual violence is often discussed as a prevalent and ongoing problem that is being addressed through many provincial and intergovernmental initiatives.

This chapter focuses on the history of sexual violence governance in Ontario and considers the conditions under which the rape culture concept enters into legal discourse. This chapter focuses specifically on the Ontario government’s historical approaches to governing educational institutions as spaces in need of antiviolence regulations. Specifically, I argue that the Ontario government has taken an approach that relies heavily upon traditional understandings of punishment for offenders, and when understood as part of a history of legacy of bridging criminal justice and education systems in Ontario schools, and are evident in government policies that mandated more severe punishments for students and grant elementary and secondary school administrators the power to more readily enact punishments. Many of these interventions, and the principles behind them, closely resemble the practices of traditional criminal justice, and when considered in a broader historical context, Bill 132 represents the continued efforts of the Ontario government to expand the punitive rubric of the educational system and to galvanize the nexus between educational and carceral institutions. I end this chapter with a discussion about more recent calls to address the problem of campus-based sexual violence and concerns around campus rape culture and the context in which the conversations around campus rape culture emerge in the Canadian context.

## **Governing Sexual Violence in Ontario Schools**

In 2000, the Progressive Conservative (PC) government, under the leadership of Mike Harris, passed legislation aimed at limiting the discretionary powers of principals and educators to execute disciplinary action against students who violated codes of conduct and outlined a rubric under which educators were forced to suspend and expel students for conduct violations. Titled the *Safe Schools Act*, the Harris government implemented a “tough on students” approach that mimicked the carceral tendencies of a law-and-order agenda. Criticized as a “zero tolerance” bill and an extension of failed criminal justice policy insofar as it mimics mandatory minimum sentences, the Act, in effect, attempted to establish a class of “dangerous” students who, by virtue of the zero-tolerance mandate, were not deserving of access to education and were ultimately removed from schools across the province (Daniel and Bondy 2008). The policy contributed to the increase in suspensions and expulsions, which disproportionately affected racialized and socioeconomically marginalized students, which has long-term academic implications, creating and sustaining the very barriers to education it sought to remedy (Bhattacharjee 2003). Critics of the “educational policy,” which is more aptly characterized as a charter for student punishment, argue that the policy was often misused and that students found to have committed relatively minor offences, or “repeat offenders,” were permanently removed from school or were presented with barriers to graduation. During these years, graduation rates declined, and the policy was criticized for strengthening the school-to-prison pipeline. In fact, the policy was subject to several human rights complaints for its discriminatory practices that led to settlements with the Ministry of Education

(Ontario Human Rights Commission 2005).

In 2003, the PC Party was defeated by the Ontario Liberals, who would go on to maintain a government in the province until 2018. Then premier Dalton McGuinty had made it one of his central campaign priorities to overhaul the education system and repair the damage caused by cuts. Specifically, he promised to reduce class sizes, improve teacher training and compensation, and make investments that would increase graduation rates and improve standardized testing scores (Greenberg 2003).

Part of the strategy involved repealing elements of the *Safe School Act* and implementing a more dynamic approach to discipline. In 2007, Minister of Education Kathleen Wynne introduced and passed Bill 212, also known as the *Education Amendment Act (Progressive Discipline and School Safety)*, which offered very little in the way of a radical transformation of the disciplinary process. Instead, the bill offered more of a “due process” approach. It established, for the most part, a policy system whereby principals and teachers were stripped of their direct power to suspend and expel students and set out guidelines as to how each regional board of education could establish its own policies and guidelines on, for instance, how it would handle appeals of decisions to suspend students, investigations of principals into allegations of student misconduct, and expulsion hearings (see also Roher 2007).

At the same time, the *Education Amendment Act* (2007) expanded the definition of offences deemed punishable by the Board, adding the vaguely defined term “bullying” to the types of code of conduct infractions that might warrant a suspension. It also added a sexual assault provision to the list of offences subject to investigation by principals and teachers and thus punishable

by suspension. In 2008, Wynne's Safe Schools Action Team—a task force struck by the Liberals during their renewed efforts to reform education in the province—pivoted its focus to gender-based violence in schools, with particular attention paid to homophobic bullying and sexual violence (including harassment and inappropriate sexual behaviour). Wynne made clear that the Liberals were acting on the 2009 report<sup>40</sup> published by her ministry in her introduction to Bill 157, which made recommendations on a number of issues, including homophobic bullying, gender-based violence, and sexual harassment and assault.

The report recommended the implementation of “mandatory reporting” from teachers and staff for such incidents as assaults, sexual assaults, and violent behaviour, and it endorsed continuing the partnership with Children's Aid Society and other organizations governed under the *Child and Family Service Act*, and maintained that principals be required to report serious acts of violence directly to the police. In keeping with broader penal trends under Ontario's Liberals, Kathleen Wynne's proposals were not dissimilar to the previous Conservative government's punitive approach, and while mandatory suspensions and expulsions were removed, Wynne's proposals mandated reporting to principals, police, and Children's Aid Society (in the case of parental or guardian abuse). This new legislative approach failed to alter the penal logics of the previous Conservative government and, instead, justified school regimes of punishment in the name of gender inclusivity and as an aspect of addressing gender-based violence (Lamble 2013). I suggest that this justification is evidence

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<sup>40</sup> *Shaping a Culture of Respect in Our Schools: Promoting Safe and Healthy Relationships* (2009).

of carceral feminism creeping into the realm of education Mandating that educators either internally punish or report acts of misconduct to police signals a coalition between the carceral state and seemingly nonpunitive institutions such as schools. This historical context provides the necessary sociopolitical conditions for understanding how calls to regulate the campus intersect with ongoing—and seemingly submerged—political issues.

### **Changing Attitudes Around Sexual Violence or Maintaining Carceral Ties?**

The push to reform legislation affecting schools was not the only attempt by the Liberal government to address sexual violence. In 2011, the Ontario Liberals released their *Changing Attitudes, Changing Lives* sexual violence action plan, which claims that one in three women will experience sexual assault in their lifetime.<sup>41</sup> The action plan attempts to strategize ways for the Ontario provincial government to contribute to the overall support of victims of sexual violence while at the same time strengthening its ties to the criminal justice system.

The action plan was developed in close consultation with the Ontario Coalition of Rape Crisis Centres (OCRCC), an organization which oversees the activities of and lobbies for rape crisis centres across the province. The plan committed \$15 million in funding over four years to sexual violence prevention and awareness. Funding for rape crisis centres increased by \$3 million and \$3.7 million was invested in ensuring that women could access services in French (Ontario Women's Directorate 2011). The report also pledges to ensure that police respond to complaints of sexual violence with sensitivity and effectiveness by including a commitment by the Ministry of Community Safety and

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<sup>41</sup> No reference to any study is provided for this reference within the report.

Correctional Services to work closely with the Police Standards Advisory Committee—an offshoot of the Canadian Association of Chiefs of Police—in order to update guidelines that are victim-centred.

The action plan also recommends attempting to hold offenders accountable by influencing criminal law reform at the federal level to include the criminalization of other sex crimes, such as those related to non-consensual image distribution. By addressing this self-identified gap in the *Criminal Code*, the Ontario government is taking the steps to ensure that those who use technology to exploit or sexually harass others are exposed to the power of criminal law. The report itself suggests that this intervention should be understood within the context of a number of other antiviolence initiatives, including those by Safe Schools Action Team and other domestic violence prevention programs.

Despite being produced by the Office of Women's Issues, a department distinct from and located in a different ministerial division than Victim Services (which falls under the purview of the Ministry of the Attorney General), the report focuses heavily on the issue of human trafficking as part of a network of sexual violence and less so on other sites of sexual violence. Campus sexual violence is only mentioned once in the entire report and is made in reference to the fact "that acquaintance rape on campuses is a concern" (Ontario Women's Directorate 2011, 10).

The 2011 action plan is far less concerned with sexual violence in the context of university, college, or other educational programming and far more interested in addressing an overall lack of criminal law enforcement for sexual violence. The report repeatedly refers to the lack of prosecutorial success in cases of sexual violence. More importantly, it makes the connection between sexual

violence, exploitation, and the “growing” problem of human trafficking. The action plan suggests that the province’s renewed commitment to fighting human trafficking, including a \$1.95-million commitment to anti-trafficking initiatives, will allow the province to “vigorously prosecute alleged offenders and ensure victims have the supports and services they need” (Ontario Women’s Directorate 2011, 17).

The *Changing Attitudes, Changing Lives* action plan’s approach to combatting sexual violence through criminal law is best understood as an expression of the triad of non-governmental organizations, government, and policing agencies’ agenda to create new and inventive mechanisms and funding opportunities to institutionalize carceral approaches to addressing sexual violence. I have argued elsewhere that anti-trafficking and women’s organizations deploy a language of risk and harm to further legitimize and mobilize the structures of criminal law enforcement against sex workers in an effort to divert attention away from the unwillingness of governments to decriminalize sexual labour (see Sibley 2018; Sibley 2020). The same can be said for the Liberal government’s approach to sexual violence. In fact, there is no acknowledgement of the need to inquire more deeply into the systemic causes of exploitation and sexual violence in what is essentially a rubric for enhancing criminal enforcement.

### **Adding Campus Governance to the Agenda**

Though not included in the 2011 campaign, the Ontario Women’s Directorate released the 2013 document titled *Developing a Response to Sexual Violence: A Resource Guide for Ontario’s Colleges and Universities* which made specific

recommendations on best practices for addressing the systemic issues related to sexual violence and offered ways to remedy some barriers to reporting on campus. The guide was developed in collaboration with the Ministry of Training, Colleges and Universities and with other non-governmental agencies, including the Ontario Association of College and University Security Administrators, the Canadian Federation of Students (Ontario), METRAC, and others.

Among the recommendations is a call to develop and enhance sexual violence policies at individual institutions and create sexual violence response teams to assess the quality and effectiveness of each institution's policies and to produce training plans for campus members. The Ontario Women's Directorate resource guide was more survivor-centred and included recommendations for helping individuals in the aftermath of an assault: for instance, assisting survivors with the development of a safety plan, outlining options for survivors and making referrals to other community resources, and facilitating academic and residence accommodations (Ontario Women's Directorate 2013, 12). These recommendations address some of the most central needs of survivors in the aftermath of an assault, especially given that the complex bureaucratic design of the university often leaves students feeling abandoned or isolated (Sibley and Moore 2020).

Though the resource guide is an important step in the development of an anti-carceral and anti-rape agenda through a focus on victim support, academic accommodation, and other important options for survivors, such directives were never implemented in any meaningful way. The guide was mentioned on the House floor once in reference to a question to the Minister Responsible for Women's Issues, Laurel Broten, who states:

The guide provides tools to develop policies and response protocols, including templates to help clearly communicate to campus communities about sexual violence prevention and response, a glossary of relevant terms, applicable legislation, and provincial services available to assist victims.

Speaker, there is always more to do. As our world continues to grow in an online community, we must acknowledge the need for new approaches to tackle online sexual harassment and violence and child pornography. That's why our government has now written twice to the federal justice minister seeking an amendment to the *Criminal Code* on cyberbullying and the non-consensual distribution of intimate images. That's why, at our request, FPT officials are currently examining gaps in the *Criminal Code*.

We must also change the culture around the word "consent." Young people often do not fully understand consent and feel that consent can be implied unless there is a clear "no." This must change, Speaker. No one consents to being sexually assaulted. Consent must be unequivocal.<sup>42</sup>

It is as though campus sexual violence, and the politics surrounding its legislation, do not seem compatible with the broader law-and-order agenda of neoliberal criminal regulation. From the sole mention of the resource guide, we see the Minister's response reveals, in explicit terms, the political inadequacies of such an approach. It fails to satisfy the populist crime control agenda that readily allows the Liberal and Conservative parties to maintain a stronghold over power in Ontario. Her response quickly folds the guide back into the more robust criminal justice initiatives maintained by the government, including the need to lobby the federal government to tighten legislation related to online sexual harassment, cyberbullying, and child pornography as well as the legal interpretations around consent.

When the resource guide was released in 2013, there was no mention of "rape culture." Instead, "campus culture" was cited as driving rates of sexual violence and thus the reason for the guide's focus on postsecondary governance.

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<sup>42</sup> Ontario, Legislative Assembly, *Hansard*, 40<sup>th</sup> Parliament, 2<sup>nd</sup> Sess, No. 23 (15 Apr 2013).

In the resource guide, the word “rape” is only mentioned in reference to rape crisis centres, yet in *It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment*, where the Liberal government updated its focus on universities in 2015, the term “rape culture” appears eight times.

Defined explicitly as “a culture in which dominant ideas, social practices, media images and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing male sexual violence and by blaming survivors for their own abuse” (Government of Ontario 2015), the rape culture concept enters into political discourse as an immanent and immediate policy directive. Campus regulation was folded into the already existing regulatory and disciplinary framework. In Ontario, the school system was radically transformed into a quasi-penal institution. The launching of investigations of and disciplinary actions against teenagers and children were already part of a near 20-year expansion and strengthening of connections between education and surveillance and policing. The revamping of the public-school system to include, alongside their mandate to provide an education, a toolkit for assessing, investigating, and adjudicating offences, sometimes criminal, that happen under their watchful eye is indicative of an expanding carceral network.

Haggerty and Ericson (2000) refer to this networking, in Deleuzoguattarian terms, as the rhizomatic expansion of surveillant networks. The school is well equipped to perform this function. It already has within it a number of fairly effective surveillant and disciplinary strategies. Teachers and educators already employ disciplinary measures on students to ensure that behaviour is corrected, that movements are controlled, and that those gestures and movements tend to reflect the ongoing state production of a docile and self-

regulating citizenry. Foucault asks, “Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?” (1977, 228). The structures of hierarchical surveillance, observation, and correction are built into the disciplinary architecture of the education system. The territorializing, or ramping up, of punishment within this existent assemblage creates the conditions in which creates the conditions for imagining the ties between the carceral state and postsecondary education.

The following chapter will discuss the more immediate historical conditions that give rise to the rape culture construct, including several high-profile sexual assault cases at Canadian universities that contribute to rape culture entering into the political and legal discourse. They are often seen as the origins of a more robust disciplinary mechanism at the university level. What this chapter shows is that there has been a long history of rhizomatic expansion of carceral mechanisms through the criminal justice system and into postsecondary policy that strengthens the school-to-prison pipeline.

As expressed throughout this dissertation, rape culture lingers in the backdrop as a marker of an underlying culture of pervasive sexual violence. Though I have explored how some expressions of rape culture are related to cultural attitudes and practices that inform perceptions about rape, there is almost always a connection—at least partially—between rape culture and the growing rates of sexual violence, which are inaccurate due to the vast number of unreported crimes. The decision to include “rape culture” within a text, or especially within a government document, is a political statement; it is part of the enunciatory relations of power intended to materialize a reality of violence and arouse suspicion toward the ways in which we treat such violence. To define the

parameters of rape culture is even more politicized.

Until Bill 132, the term “rape culture” had not entered into discussion of law. The term was also seldom, if at all, used in the legislature prior to the events. Since it was so heavily ensconced in radical feminist discourse, its currency as a legal concept likely did not have much value among legal practitioners and lawmakers. Perhaps it was seen as too inflammatory, as too hyperbolic, as too controversial. The question now has shifted from how does this concept become historically situated and contextualized to how does this concept of rape culture enter into law and official state politics? In 2013, the term “rape culture” was not found in any legal document and it is not until March 2015 that the term “rape culture” is uttered on the Ontario Legislature floor.<sup>43</sup> What prompted the emergence of such language in legal and political discourse?

### **Canada’s Rape Culture**

The much more recent history of events leading up to the legislative response to rape culture must also be understood in the context of the relationship between education and punishment. A rhizomatic methodology considers the multiplicity of things, including histories. This chapter gives an account of this recent histories in the context of rape culture. Specifically, I focus on the year leading up to the passing of Bill 132 as a period of mounting intensity.

Deleuzian thinking helps us to see how these regulatory processes also have intense flare-ups within much longer temporal periods. In conducting a history of the present, Foucault provides the tools necessary to historicize and

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<sup>43</sup> It should be noted that the phrase “rape culture” is mentioned on Tuesday June 2, 2009, in reference to the book *Transforming a Rape Culture* edited by (Buchwald et al. 1993).

critique systems of knowing and how they are tethered to modes of governing. If we think about time as part of the multiplicity of assemblage, we can also begin to imagine how multiple temporal periods can coexist within a larger temporal assemblage. Thinking about these larger histories of feminist governance, we might also look at the microscopic temporalities that also give off intensity. Pairing Deleuzian thinking with Foucauldian methodology allows for the thinking about histories within histories or in Deleuzian terms, assemblages within assemblages. This chapter takes a more narrow look at the timeline leading up to Bill 132 to better situate how rape culture reemerges into law.

At the beginning of 2013, Indian news outlets reported the death of a 23-year-old physiotherapy student from New Delhi, Jyoti Singh Pandey, who was gang raped and beaten to death. The story gained international attention relatively quickly. Roychowdhury (2013) tracks Indian and international coverage of the case, arguing that much of the public commentaries tended to align heavily with a governance feminist ethic. Roychowdhury (2013) suggests that Pandey's representation in international media was shaped to the contours of an existing political project of Western governance feminists to advocate for more punitive state interventions on behalf of victims. Pandey's death was framed as part of an Indian culture characterized as patriarchal, oppressive, and extremely misogynistic. This was often challenged by the representation of her as an independent, career oriented woman who often aspired to Western aesthetics.

According to Roychowdhury (2013), Pandey was represented by global media as a distinctly "liberated" Indian woman. Her assailants, on the other hand, were characterized as slum dwellers, and "explicit condemnations of Pandey's assailants as representatives of backwards and misogynist culture

sound an all-too-familiar colonial refrain of rapacious brown men” (Roychowdhury 2013, 284). Her representation as a Westernized liberal subject constituted her as a version of a “modern, rights-bearing subject” (Roychowdhury 2013, 283), a subjectivity that made her intelligible to an increasingly popular governance feminist community.

Pandey’s death was covered extensively in the Canadian media in the early months of 2013. Naomi Wolf contributed a piece to the *Globe and Mail* titled “Ending India’s Rape Culture.” Wolf tells the tale of a society that silences women’s voices and blames victims for the violence they experience. She also notes India’s lack of prosecutions in instances of gender violence, fuelled by women’s inability to make claims against their attackers if they have been previously known to them. Wolf describes this situation as a “return to pre-feminist discourse,” delegating India a geopolitical location absent of meaningful feminist intervention.

It is no surprise that Wolf describes India as a rape culture—a Western feminist construct, couched in epidemiological terms, to diagnose India’s problem. Wolf argues, however, that despite India’s conviction rate being higher than the UK, the US, and Sweden, the fact that women are blamed for knowing their assailants is evidence of its deeply entrenched “pre-feminist” rape culture. This commentary sparked a Canadian dialogue related to the idea of rape culture. In response to this attack, Afsun Qureshi’s *National Post* article, “How India’s Rape Culture Came to Canada,” characterizes India as a dangerous country rampant with sexual violence and harassment. Based on her experiences living as a Canadian born to Indian parents, she describes India as an overtly patriarchal society where men rule over women. Qureshi (2013) writes, “The

patriarchal elements of such societies not only serve to protect criminals, but also isolate their female victims. Consider the young woman in India who committed suicide a few months back because the police refused to act on her allegations that she'd been raped during the Hindu festival of Diwali. They believed the story, oh yes, but they just didn't care, and couldn't be bothered to do anything about it."

*Globe and Mail* columnist Doug Saunders goes on to detail his personal engagements with activists online who accused him and others of perpetuating racist tropes of the *developing* world. He notes, "One Canadian activist told me, via Twitter, that Indians were wrong to describe their situation as an epidemic. 'Labelling rape culture uniquely 'Indian,' when it is ubiquitous, is unfair and ignores the real problem,' she said, arguing that Indians were overdoing it. 'Does India need to navel-gaze about how its culture treats women? Yes, but so do all countries, really'" (Saunders 2013). Saunders goes on to mark rape as an anomaly, countering the very character of a rape culture that has been so well engrained in contemporary feminist discourse:

Yet, it's not all the same. Not even close. To use the situation in New Delhi as a way to draw attention to sex crimes in Canada is akin to using the Rwandan genocide to make points about gang crime in Scarborough. Rape is a terrible crime everywhere, and it probably remains underprosecuted and all too commonplace and hidden in many places in the West, so there's plenty of room for activism. But, in part because that activism has succeeded, rape is a grotesque anomaly, universally recognized as a serious crime. That's not true at all in many parts of India. (Saunders 2013)

This position received considerable backlash for the racist overtones of Saunders's attempt to establish India as *more* misogynistic and a place where women are *more* vulnerable to sexual violence than their white, Western

counterparts. Such representations serve to essentialize India, and the rest of the developing world, of not being enlightened by a Western feminism that has characterized white women as the archetypes of women's liberation—one which is really tied to the idea that Western liberal feminism's legal reforms may not be the most effective, but offer the best model currently available. The phrase "it's not perfect, but it's the best we have" is what often comes to mind when describing the unchanging nature of deeply entrenched liberal-capitalist institutions, but it is especially common for describing the success of our contemporary legal and criminal justice system. In a letter to the editor, S. David Rosner, Professor Emeritus from the University of Western Ontario, argues, "One of the great triumphs of Western democracy is the sweeping liberation of women that has occurred so rapidly, and the accompanying heightened sensitivity to sexual assault."<sup>44</sup> Such representation was common in the characterization of Pandey's rape. Drawing on Spivak's (1988) theory that the voices of the subaltern are often drowned out or appropriated completely for the purposes of Western humanitarian efforts, Roychowdhury (2013) argues that this is the case in media coverage of Pandey's rape and has become emblematic of a system of power that allows white men and women to speak on behalf of and "protect" Brown women from Brown men.

Then *Ottawa Citizen* opinion editor Kate Heartfield attempted to provide an alternative speaking in her piece "Let's Look at Our Own Rape Culture," calling for an introspective look at North American "rape culture." Heartfield

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<sup>44</sup> S. David Rosner, letter to the editor, *Globe and Mail*, January 7, 2013, <https://www.theglobeandmail.com/opinion/letters/jan-7-the-first-nation-dream-palace-and-other-letters-to-the-editor/article6993974/>.

challenges the assumption that rape culture is a problem of “other” cultures and, instead, opines that the onslaught of criticisms toward Indian culture and the Indian legal system are not warranted, but that North Americans need to reflect more deeply on their own cultural values that promote and sustain rape. Other than the headline, the term “rape culture” does not appear in her text. But Heartfield details the countless examples found in North American romantic comedies, literature, and storytelling which romanticize the trope of the passive, vulnerable women in need of protection by a male companion who is not deterred by the absence of consent.<sup>45</sup>

Heartfield situates the horrible attack on Pandey in the context of the Steubenville high school gang rape that garnered significant media attention worldwide. At the time of writing her article in relation to the gang rape in India, the Steubenville rape trial was underway. This incident involved a young high school student who was gang raped by two of her peers while extremely intoxicated and incapacitated by alcohol. The case gained so much international attention because the alleged offenders shared video of the gang rape on social media. Heartfield notes one public commentator’s opinion that the focus on social media could in fact come to the aid of the defendants since the complainant often posted provocative photos of herself and demonstrated that she was engaged in risky behaviour. Heartfield (2013) concludes, “Whatever the outcome of the Steubenville trial, the case has already exposed that North American culture still includes some pretty messed-up ideas about rape.”

The Steubenville assailants, also high school age, were found guilty of

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<sup>45</sup> Heartfield uses examples from popular films such as *Gone with the Wind* and songs like “Baby It’s Cold Outside” to illustrate how dubious sexual practices related to the idea of consent

sexual assault and convicted as juveniles, and one of the attackers who had distributed photos of the incident online was also charged and convicted of distributing child pornography. The Steubenville case called into recent memory the death of California teenager Audrie Pott, who ended her life at the age of 15 after it became public that she had been the victim of a gang rape.

Canada experienced similar high-profile assaults that shook the nation. In October 2012, the suicide of Amanda Todd sparked national outrage after it was revealed that she had been harassed by someone online who blackmailed her into sharing photos of her breasts and ultimately shared nude images of her online via Facebook. A month prior to her suicide, Todd posted a video to YouTube titled “My Story: Struggling, Bullying, Suicide, Self-harm.” Todd recorded herself holding flash cards explaining and revealing intimate details of her experience with bullying. After her suicide, Todd’s video went viral and sparked renewed conversations about developing ways to police the problem of online sexual harassment among youth. Her death, and others very similar, were characterized as a problem of “cyberbullying”—a digitized form of violence that, while not necessarily sexualized in nature, tended to exacerbate and amplify the effects of sexual violence, especially when paired with the non-consensual distribution of nude or sexually explicit images.

After Pandey’s death in January 2013, which could only be understood in the backdrop of these recent high-profile cases related to gang rape, and more recently, the growing problem of illegal online image distribution—which also has connections to the policing of “child porn”—Canada had its own Steubenville moment. In April 2013, Rehtaeh Parsons, a 17-year-old Halifax high school student was a victim to an alleged gang rape. Photos of Parson’s assault

were shared with her classmates. She was subsequently sexually harassed online, bullied, victim-blamed, and slut-shamed. On April 4, 2013, Parsons attempted suicide and was taken off life support four days later. Her death marked Canada's first majorly publicized teenage gang rape. Stemming from the questions related to India's "rape culture," Parson's story was quickly viewed through the lens of "Canada's Steubenville" (Reese 2013).

It was only five months later that the idea of rape culture really galvanized as a Canadian problem. It began in September 2013 during frosh week. Students enrolled at Saint Mary's University (SMU) and the University of British Columbia (UBC) had engaged in rape chants during frosh week—a time when newly enrolled students are chaperoned by veteran undergraduates and introduced to "campus life." The rape chants reverberated across the country: "SMU boys we like them young," "Y is for your sister, O is for oh so tight, U is for underage, N is for no consent, G is for grab that ass" (Auld 2013); "Y-O-U-N-G at UBC, we like 'em young, Y is for your sister, O is for oh so tight, U is for underage, N is for no consent, G is for go to jail" (CBC News 2013). The chants were said to reinforce and represent rape culture (Auld 2013). In fact, students at UBC who denounced the chants spray-painted "Fuck Rape Culture" in red over the windows of the Sauder Business School. They also defaced the sign in front of the building: "Sauder School of Business Teaches Rape."

After the video of the SMU rape chants made their way across social media platforms, Canadian news media had entered into a news cycle that was focused on the idea of campus rape culture. Reports of the chant broke on September 4, 2013. By September 6 there had already been a scathing op-ed published in *Maclean's Magazine* by Todd Pettigrew, Associate Professor at Cape

Breton University, who argued that these were the actions of immature students who, by all accounts, were appropriately disciplined by the university. Pettigrew (2013) goes on to write, "Making every rape, or indeed every tasteless mention of rape, an effect of 'rape culture' is short-sighted and mean-spirited because it makes everyone guilty of everything, regardless of their particular actions or beliefs. It judges all for the actions of a few. And that, in short, is the definition of prejudice."

Perhaps the biggest critique of rape culture during September 2013 came from controversial *Globe and Mail* columnist Margaret Wentz. Known for her brash public commentaries on feminist activism and has made several criticisms of the #MeToo movement, Wentz condemned the contemporary university as a performative theatre of "social justice." In her piece "Rape on Campus—Is It an Epidemic?," Wentz accused the Canadian mediascape and politicians as covering the issue "with the sorrowful solemnity normally reserved for crimes against children." She went on to echo the criticisms of Katie Roiphe and other feminist critics of the 1990s, writing, "Of course, rape and assault are under-reported. But such an astronomical number of serious unreported sex crimes would require a near-universal conspiracy of silence. It would mean that university campuses are uniquely dangerous places—far more dangerous than Canada's most crime-ridden inner cities." Arguably, Wentz's criticisms call into question the validity of a rape culture based on a quantitative assessment and denies, or at the very least ignores, the cultural and social factors that inform how sexual violence is understood. This is one of the many limitations of the rape culture concept, which tends to collapse the complex issues of consent, risk, and pleasure into a historical consciousness that conflates a spectrum of unwanted and undesired

sexual experiences—or just the representation of them—into the (criminal) category of rape.

The following month Wente contributed a piece that lambasted advocates of the rape culture concept as those who never consider how sexual assault is inextricably linked to the use of booze culture, arguing that “the line between sexual assault and drunk sex can be very hard to establish, especially in court.[...] Advising young women to watch out for themselves at parties is not the same as saying it’s their fault if they get assaulted. It’s simply granting them the agency to stay out of harm’s way” (Wente 2013b).

September 2013 marked a month where rape culture was hotly debated, contested, and publicized. Nearly one-third of all the articles published in the Canadian media referring to or discussing the phrase “rape culture” were published in September alone, and between September and December—the first semester of 2013-14 academic year—the term “rape culture” appeared in 109 publications (of 193 that mention the phrase in 2013). For context, the term “rape culture” was used in Canadian newspapers a total of 25 times in the entire previous year.<sup>46</sup>

The Ontario government found itself rather prepared for such a turn of political climate related to sexual violence, and particularly, sexual violence among younger folks. The Ontario government had remained relatively silent on the rape chants. The silence seemed to be a departure from their normal trend to capitalize on issues related to sexual violence that could potentially help advance a project of strengthening bonds between education and traditionally punitive

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<sup>46</sup> This search was conducted in the ProQuest *Canadian Newsstream* database (duplicate publication excluded).

responses to violence. But such silence could easily be related to two factors: 1) the events that had gained media attention were not in Ontario and therefore not the Ontario government's issue; and 2) the university and college action plan developed in consultation with the Canadian Federation of Students, the OCRCC, and METRAC had no significant implementation strategy. While the resource guide provided a fruitful overview of best practices on how to structure universities and colleges with trauma-informed approaches in mind, the government never really outlined how it would implement this across all postsecondary institutions, whether the recommendations to create sexual assault response teams or sexual assault coordinator positions would have direct provincial oversight or funding.

In March 2013, the problem of rape culture that had been brewing across the nation finally intensified in Ontario. News broke of an interaction between Marie Roy, the president of the University of Ottawa's student union, and five male members of the union who had made sexually explicit remarks via Facebook that was presented in terms of virtual gang rape. Diana Mehta (2013) of *The Canadian Press* posits that such explicit remarks are evidence "that 'rape culture' is all too prevalent on Canadian campuses." Roy was quoted in the article saying, "They [the five males] should be held accountable for those actions. Actions have consequences and I think that this is certainly something that can't go unnoticed." Roy went on to say, "Rape culture is very present on our campuses...I think that it's very shameful to see that there are student leaders who are perpetuating that within their own circles" (Mehta 2013, ellipsis in original).

It was reported merely days later, on March 4, 2014, that the University of

Ottawa had made a decision to suspend its men's hockey team in light of an ongoing investigation into an alleged sexual assault that took place in Thunder Bay, Ontario, while the team had been travelling to play Lakehead University. The University of Ottawa announced that it was made aware of the investigation in late February and immediately contacted the Ottawa Police Service to assist in any investigation, though the university did not feel compelled to release that information to the university community until the day following the incident related to Marie Roy. The two incidents sparked immense scrutiny and negative publicity toward Ottawa University, and "student leaders allege the accusations involving the hockey team and the Facebook comments are both indicative of a pervasive 'rape culture' at the university" (Yogaretnam 2014).

In December 2014, it came to public attention that fourth-year students in Dalhousie University's Faculty of Dentistry had shared misogynistic and homophobic jokes that targeted other students in the program. Like the University of Ottawa incident, "male students in the group voted on which woman they'd like to have 'hate' sex with and joked about using chloroform on women" in an online Facebook group (CBC News 2014b). The Facebook group was referred to as a "secret rape club" (Tryon and Logan 2015). The problems were identified as a culture of masculinity not just among students but faculty as well. The CBC reported that in another instance, a Dalhousie dentistry faculty member showed videos of women in bikinis were used to "wake up" students during one class and that, following complaints to the faculty's dean, the professor issued an apology to the class (CBC News 2014b).

Understood within the context of these highly publicized events and reports of institutionalized violence, the problem quickly became framed as one

that required an institutional response. Each university launched investigations into the allegations and produced reports. These were not individual acts of physical violence. Instead, they involved problems of group masculinity that evoked the historical links to problematic aspects of fraternity culture. The spotlighting of the rapist athlete invokes a discursive assemblage of the rape culture Sanday outlines in her thesis on fraternities and the college campus. At the same time, this emergence of rape culture as a social problem in Ontario, and specifically for Ontario universities, is happening as the government has been systematically building a quasi-legal infrastructure for adjudicating and disciplining sexual violence. The following chapter outlines the specific ways Ontario's political agenda is transplanted and reassembled in other provincial mandates.

## **Chapter 9: Taking Universities to Task: Anti-Rape Task Forces and the Governance of the Campus**

Following the heightened media attention to the high-profile sexual violence cases at SMU, UBC, the University of Ottawa, and Dalhousie University, each school established task forces to address systemic violence. Each task force, assembled and appointed by the president of each institution, was given a mandate to investigate and publish a comprehensive report as to the circumstances surrounding the rape chants and allegations of sexual violence at each university I focus on these four institutions in order to examine both the climates on university campuses leading up to the implementation of Bill 132 and the way in which the legislation was drafted with these task force reports in the backdrop.

Each task force consisted of members of the faculty, students, and community stakeholders, including rape crisis centre directors and former politicians. In fact, Laurel Broten, former Ontario Minister of Women's Issues, was a member of both the SMU and University of Ottawa task forces. This was a clear indication that the architects of Ontario's response to regulating sexual violence were making direct impacts on university governance. Each task force provides a comprehensive overview of the current climate of sexual violence that contributes to and sustains what they all refer to as a "rape culture" on campus. The reports include an outline of how each university collected data, whether qualitative in the form of anonymous submissions, structured focus groups, or consultations with community stakeholders.

At the same time, students and faculty groups were organizing events to

draw attention to incidents of sexual violence and discuss rape culture on campus. Students and faculty of Carleton University and the University of Ottawa held public screenings of the film *The Hunting Ground*,<sup>47</sup> which was promoted as a “rape culture film” (Hodge 2015). I participated in organizing these events at Carleton, which aimed to facilitate a meaningful dialogue between students and faculty as to how to better address the needs of survivors. This chapter expands on the previous, exploring how the Ontario government faced increasing pressure to frame campus sexual violence through the rape culture framework. Much like the historical rhizomes that connect Ontario’s legacy of blurring the distinction between educational and carceral institutions, this chapter examines how the intensity around the problem of rape culture enabled the Ontario government to actualize its antiviolence framework—as outlined in their *Developing a Response to Sexual Violence: A Resource Guide for Ontario’s Colleges and Universities* action plan—which had lain dormant for many years, and created the dynamic in which its approaches to governing sexual violence on campus could be realized.

### **Naming Rape Culture as a Campus Problem**

Like much of the research landscape on campus sexual violence, reports published by each task force generally speak to a collective climate on campus and beyond. It situates the events that took place on each respective campus

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<sup>47</sup> The film was popular in the US and Canada and advanced the thesis that sexual assaults were commonplace in post-secondary institutions and that sexual violence prevention needed to become a common part of learning how to navigate university. The filmmakers presented the problem not in terms of rampant sexual abuse but, instead, as a problem of a few serial rapists who commit the overwhelming majority of assaults. This aspect of rape culture is often downplayed in favour of widespread panic that all men are potential rapists and that women can expect, with great certainty, to experience sexual violence while enrolled in university and college.

within an overarching culture of (male) violence, but one that is also specific and unique to universities. SMU was the first to release their report, and in relative speedy fashion, making the document publicly available in December 2013, only three months following the rape chants. The release of the SMU President's Council report and the act of calling out and identifying rape culture as a pervasive problem on University campuses may have affected the decision of the University of Ottawa and UBC to organize a task force and publish a report identifying systemic factors that contribute to or exacerbate sexual violence.

SMU's findings articulate a clear stance on the issue in the opening paragraph: "The Saint Mary's rape chant is one manifestation of what the Council discusses as rape culture and the failure to create university communities that are safe, respectful and inclusive" (SMU 2013, 7). It went on to suggest that "the approach of the Council was to avoid blaming as much as possible and to seize this opportunity to go forward in a positive and constructive way" (SMU 2013, 7).

The report pays special attention to the idea of campus culture as bearing a causal relationship to sexual violence and makes very little effort to distinguish between elements of campus culture and rape culture. Other than the rape chants, the report does not point to other examples of sexual violence on campus. Instead, the report highlights the need to constitute campus culture within a wider social context that takes rape culture as *a priori*. The Council maps a campus rape culture that intersects with sexual power more broadly in terms of 1) the hyper-sexualization of society; 2) sexual escapades and the risky sexual experiences of young adults; 3) alcohol use as a contributing factor; 4) digitized sexual violence and cyberbullying; 5) issues of gender equality; and 6) sexualized

violence.

The focus on these issues is emblematic of the corpus of sexual violence research that takes the university as its research subject. The report cites the Nova Scotia Department of Health, which had identified the hyper-sexualization of women as a “public health issue.” According to SMU’s framework, the relatively easy access to pornography, the sexualized clothing of girls, and the use of alcohol to “numb the pain of being a victim of sexual violence” form the underbelly of an oversexed society, to which the Council suggests there have been no “proven practices to counter the harmful effects of hyper-sexualization” (SMU 2013, 20). As one submission to the Council states:

Prior to coming on our campus students are immersed in a culture that hyper-sexualizes women, consent is misunderstood, influenced by alcohol, responded to through social media and students sometimes act with minimal boundaries or guidance. The chant represents a huge problem in society where young people can be divorced from the meaning of words and the impact of those words on others. I think it also represents a culture where it is ok to speak about women in such a derogatory way—I can’t believe that our student leaders would have participated in the chant if the words had been racist, for example. Somewhere they have learned that raping women is just part of accepted culture and it’s ok to make light of the issue of consent. To change our culture we must first decide what we want our culture at the University to be, and I might suggest this around civility, alcohol, consent and sexual assault. If the University does not define our culture for our students, they will bring and create their own reflecting what society says it acceptable. (SMU 2013, 19)

The links to increased alcohol consumption reflect research on the use of intoxicants and the capacity to negotiate consent (Foubert et al. 2020). Though the report does not directly link alcohol as a cause of sexual violence, the Council noted that “unplanned sexual activity” while consuming drugs or alcohol was a major concern (SMU 2013, 22).

Sexual cyberbullying is also cited as another foundational element of campus and rape culture. Drawing attention to the recent death of Rehtaeh Parsons earlier that year, the Council holds that many youths and, in fact, many SMU students have experienced some form of “sexualized cyberbullying” and for many in Nova Scotia, the rape chant at Saint Mary’s is especially problematic given the recent death of Parsons. The Council notes a clear link to the lack of consent in sexualized cyberbullying (including the distribution of images) and the lack of consent in what can only be assumed to be a broader culture of “sexualized violence,” though the council is unclear in its use of the phrase.

UBC also contextualizes its task force as a “response to chants promoting rape culture and Aboriginal stereotypes” (UBC’s President’s Task Force on Gender-Based Violence and Aboriginal Stereotypes 2014, 2) and in light of the ongoing political climate around sexual violence on university campuses, including the call by President Obama and the striking of an American task force aimed at investigating campus sexual violence on a national level. What is striking is that UBC acknowledges its complicity in anti-Indigenous racism, though does not describe the problem as one of a settler or colonial culture. The use of culture is either reserved for aspiring to a culture of equality and rights, which is an attempt to address—or at least acknowledge—the unique rights held by Indigenous peoples in Canada or referenced in relation to rape culture.

When we consider the words of the SMU community member who states that they would not think that racist chants would be tolerated, we tend to see a fundamental disconnect. The fact that students participated in both rape chants and racist chants could be said to reflect a culture of discriminatory attitudes and practices. Having the media and UBC administrators label the problem “rape

culture” and not the broader “discriminatory culture,” “oppressive culture,” or “hate culture,” however, is telling of the wider cultural appeal to the rape culture concept. It also demonstrates the way sexual violence and gender-based harms were, at least in that moment, discursively eclipsing settler-colonial oppression.

The University of Ottawa similarly contextualized their report, referring to the broader context under which these events could be understood: “The Task Force undertook its work in the context of a broader, ongoing discussion about rape culture on North American campuses that had been fuelled by rape chants at both UBC and SMU during frosh week in September 2013, a campaign by US students carrying their mattresses out of their dorm rooms and into classrooms in a national effort to support survivors of sexual assault and US President Obama’s decision to call public attention to American universities under investigation over their sexual assault policies” (University of Ottawa 2015, 5).

Dalhousie University took an approach distinct from the others in terms of the ways it sought to identify the problems and repair harms. Part of its unique approach to the problem of misogyny and homophobia was rooted in a restorative justice approach (Backhouse et al. 2015, 1). The report concluded that Dalhousie’s existing policy infrastructure was “as good as or better than other Canadian Universities” (Backhouse et al. 2015, 3). The task force focused on assessing the cultural dynamics of the Faculty of Dentistry. They found that two distinct views emerged. On the one hand, “Faculty, and occasionally students, saw the dental school as a happy, well-functioning place with no indication of misogyny or sexism. In this view, the Facebook incident was an isolated, totally unexpected event that reflected the individuals in a particular year and not the dental school as a whole” (Backhouse et al. 2015, 33). On the other hand, “Staff

and many students had a different view, in which sexism, misogyny, racism, and homophobia were present, and at times rampant, in the school” (Backhouse et al. 2015, 33). The task force found that the comments shared in the Facebook group were emblematic of “the reality and pervasiveness of campus rape culture, the pornification of culture in our broader society, and the glorification of sexual violence” (Backhouse et al. 2015, 36). The task force goes on to note that this culture is not unique to the school of dentistry and “could have happened in any department or faculty at any Canadian university” (Backhouse et al. 2015, 26-7).

All four reports draw heavily on the existing methodological approaches for studying the prevalence of and attitudes toward sexual violence, noting that the data collection process and community consultations are constituted as a part of the research objective of charting a campus “climate.” We might be able to differentiate climate from culture in that a culture might signal the ongoing institutionalized practices of members of the university community. These actions, practices, and behaviours are what Foucault might refer to as the undercurrent of power that structures and informs the actions of perpetrators, the institutional reactions and processes that universities undertake—including disciplinary hearings for offenders or more trauma-informed, survivor-centred responses.

Culture also refers to the kind of public-facing representations these institutions attempt to control and convey—a triangulated orientation between universities, their approach to rape, and their continued effort to gain and secure public confidence. Climate surveys should be understood as part of the lineage of the empirical project of social psychology to say, with great certainty, how cultural attitudes affect behaviour. Martha Burt (1980) and other social

psychologists during the latter part of the twentieth century aimed at producing a discourse around sexual attitudes toward rape and sexual assault. The second trajectory might best be characterized as a collaboration between governments and academic inquiry. Climate surveys of how students feel about sexual violence is a central part of the research data produced by these studies.

In SMU's report, the focus is less on the incidents of sexual violence and more so on the surrounding risky behaviours. The report points to a heavy-drinking culture in the province, and especially among youth. It also references a "sexual hookup culture" among SMU students that prompted the Council to "dig a little deeper into this evolving aspect of popular culture." When asked, "Does the Frosh Week Chant incident tell us anything about the culture and climate at SMU?," one respondent replied:

It tells us about the culture at large and how words can have so little meaning to this generation. It also tells us that on some level we have failed these upper-level orientation leaders by not making them aware of the importance of what they are saying, the impact of their words in life, the reality of sexual assault and the impact on women, what consent actually means and their responsibility to lead by example on and off campus. It tells us that women are viewed as sexual objects and this is considered humorous. (SMU 2013, 14)

Another remarked, "I don't believe the chant reflects the true culture of SMU but speaks about a failure to educate our students on their rights, their responsibility as a SMU student, to say 'no' to something (sex or a chant) and feel good about themselves and their choices" (SMU 2013, 15).

The University of Ottawa's study collected more robust data related to its campus climate; its survey, in part, mimics the Rape Myth Acceptance protocols. It found that 15 percent agreed that women who engage in risky behaviour are partly responsible for rape; 12 percent agreed that women slow the speed of

sexual relationships while men pressure women into sex; and 14 percent agreed that “when women wear low-cut tops or short skirts, they are sending men mixed messages” (University of Ottawa 2015, 11). Men tended to hold more prejudicial views toward sexual violence than women.

The University of Ottawa survey contained similar questions to those found on the ATR scale developed by Feild (1978) and popularized by Burt (1980). When posed with the scenario “When they are sexually aroused, men cannot physically stop themselves and it is unreasonable for women to ask them to stop,” 97 percent of respondents disagreed (University of Ottawa 2015, 50). Ninety-five percent of respondents also disagreed with the statement “A man cannot be held responsible for what happens when he is drunk” (University of Ottawa 2015, 50). In attempting to map the culture at the University of Ottawa, we are left with some puzzling results. Clearly, the community consultations did not reveal a normalization of negative sexual attitudes through the survey instrument. What they did reveal, however, were feelings of distrust with the university administration due to a “lack of transparency” with how the university addresses and responds to complaints of sexual violence (University of Ottawa 2015, 17). Many stakeholders expressed dissatisfactions with the existing sexual harassment policy framework at the University of Ottawa, noting that the policies have been under review for a number of years, the policy is seldom mentioned or acknowledged by administrators as a tool for combatting harassment, and an absence clear measures to address the needs of complainants while investigations are being conducted (University of Ottawa 2015, 19).

## **Policy Recommendations: Drawing from Ontario's Framework**

The policy recommendations for SMU, UBC, and the University of Ottawa tend to be organized according to the ongoing study and investigation of campus issues, the development of an entailed action team aimed at continued oversight, the implementation of a sexual assault policy, and the funding of new research projects and curriculum redesigns, both as ongoing training initiatives for campus members and built into undergraduate degree programs.

Other than citing the Obama Administration's push to study and respond to the problem of sexual violence on university campuses, UBC made little attempt to draw on external influence. Its report also differentiated itself from those of SMU and the University of Ottawa in that it focused largely on issues related to the intersection of gender-based and colonial violence as evidenced in racist comments related to orientation at Sauder Business School. Media attention to the problem at UBC was centred on the rape chants as opposed to the racist chants, though the university was actively addressing claims of racist behaviour by its students. The university was said to suffer from a rape culture (Bramham 2016) rather than a culture of settler-colonial racism.

SMU and the University of Ottawa, on the other hand, make clear and explicit reference to the Ontario government's resource guide, *Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities*, which until then had not been actualized in any meaningful way by any postsecondary institution. In fact, I cannot find any reference to the document by any group other than the Ontario government between its publication in January 2013 and the SMU report in December 2013. SMU's report, however, brought the

report to life when it was cited as the framework on which institutional reforms would be built. This is revealed largely in SMU's recommendations to: 1) develop an action plan to create a sexual violence response team dedicated to providing resources and training to members of the university community; 2) conduct annual reviews of their sexual violence policy (implemented in 2008); 3) create and clarify the role of university personnel who will serve as liaisons to on- and off-campus resources; 4) implement educational campaigns to promote understandings of consent; 5) develop an alcohol policy that includes alcohol-free spaces on campus; and 6) foster a culture of equality and respect. The Council draws on Ontario's recommendations to implement and design an infrastructure for investigating and adjudicating allegations of sexual violence, though it makes the vague deference to other unnamed or unknown institutions that may be better suited to deal with such matters. The report notes, "The University needs to formally investigate and adjudicate allegations of sexualized violence involving members of the university community. While the current University structure or personnel may not be equipped to investigate or adjudicate allegations of sexual assault, there are other ways of potentially handling the situations including the use of external resources with the right skills and competencies" (SMU 2013, 11).

Clearly, SMU's response is based largely on the recommendations of the Ontario Women's Directorate and their collaborators, but it is also interesting that this SMU's policy recommendations provide very little in terms of actually mapping how to implement such policies, which administrative units will oversee the development of such strategies, and so forth. Instead, the Council's report is, at best, a call to action, rather than a concrete action plan, which is not

surprising given that the report was released a mere three months following the incident.

Dalhousie was the only institution to explicitly take a restorative justice approach. Twelve of the 13 men who voluntarily participated in the restorative approach attended 150 hours of sessions to work collectively with other community members to discuss the impact of their actions and the harms they caused not only to those subjected to the abusive behaviour but the wider university community. This involved meetings between January and April 2015, including collaborative sessions with those directly impacted by the Facebook posts. The approach also “included educational and training modules and workshops supported by experts in the fields of public safety and security, sexualized and gendered violence and trauma, victim services, psychology and counselling, law, education, human rights, public opinion/ confidence, religion, conflict resolution, and behavioural science” (Llewellyn et al. 2015, 36).

Though the restorative approach offered a nonpunitive path to reconciliation, it was criticized by some as a resolution that did not reflect the severity of the problem. In an interview with *Flare* magazine, Dalhousie University professor Francoise Baylis details how and why she lodged a formal complaint in an attempt to stonewall the restorative justice process. She stated, “Later on, I learned along with everyone else that he [Dalhousie University President Richard Florizone] had made a final commitment to a response that would be grounded in restorative justice. At that point, I began to have a number of concerns along with some colleagues who are amongst those who issued the public statement that’s up on the Impact Ethics web page and [then] went beyond that to register a formal complaint” (Dean 2015). When asked why she

lodged a formal complaint as opposed to letting the restorative justice process play out, Baylis replied, “We had credible evidence that while some people might wish to pursue this option of restorative justice, there were a number of other students who wanted a formal process. In that context, we tried to initiate a formal process” (Dean 2015). Ultimately, the formal complaint was denied and the university went through with its restorative justice approach. Others considered the process to be an easy way out of facing administrative and disciplinary consequence. One student who was mentioned in the Facebook posts was quoted saying, “It feels shocking to be asked to discipline my own peers. That’s not my job. It’s good that they’re asking for our input but [...] we don’t know all the facts. How can we be asked to make a decision based on partial information about our peers? It’s very, very hard” (CBC News 2014a). In their report, Backhouse et al. describe the restorative approach as an overall success “ and nothing like the “kumbaya sing-song” its critics claimed it was” (2015, 22).

The criticisms around the restorative justice approach and its perceived inability to address the systemic rape culture at Dalhousie University through less punitive measures is an indicator that its critics believe is best addressed through “formal” channels. These often tend to be processes that directly reflect or closely resemble populist criminal justice processes, including the use of formal administrative tribunals, investigations, and punishment (Phillips and Chagnon 2020).

The issue of rape culture is further politicized as a matter of carceral politics when we consider the influence of political actors in the formal responses to sexual violence on campus. Specifically, SMU consulted with two key political

actors as members of the task force. The first was Marilyn More, Nova Scotia's former Minister Responsible for the Advisory Council on the Status of Women, who was tasked with developing and leading an investigation and response following the death of Rehtaeh Parsons.

The other major political influence comes from the inclusion of former Ontario Minister Responsible for Women's Issues Laurel Broten, who, along with the Minister of Training, Colleges, and Universities, oversaw the development of Ontario's sexual violence resource guide. Though the resource guide developed by the Ontario government was never implemented in Ontario during 2013, it was first acknowledged as a framework worth exploring and implementing in SMU's task force findings. As part of its recommendations on developing a sexual violence policy, the report stated that "the University should review and update the University's policy framework relating to sexualized violence, bearing in mind the *Resource Guide for Ontario's Universities and Colleges* and the specific issues and challenges faced by international students. The Policy must make it clear that sexualized violence will be taken seriously and perpetrators will be held accountable" (Saint Mary's University 2013, 11). The University of Ottawa also adopts many of the recommendations and calls to action outlined in the resource guide. It highlights the need to create an action team and the implementation of a stand-alone sexual violence policy that should be aimed at addressing the underlying causes of sexual violence, particularly a culture of sexual violence on university campuses. The University of Ottawa (2015, 33) report notes, "The new policy must also be able to identify a systemic problem that may become evident through an accumulation of incidents or complaints, and to respond with systemic remedies, in addition to or in place of individual

sanctions, where appropriate” (University of Ottawa 2015, 33).

The University of Ottawa acknowledged that community consultations did not include a robust discussion related to the development of a sexual violence policy, but it assures the community that it will be drawing from the recent report submitted by Ontario government:

We were not able to consult with members of our community on the details of a sexual violence policy, but in the context of rapidly evolving events in Ontario, our provincial government has taken the position that such policies are an urgent priority. Its recent report, *Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities*, outlines the major components that it is urging postsecondary institutions to adopt. Currently, all Ontario colleges have agreed to work together to develop their response, and Ontario universities are now also collaborating to achieve similar results. (University of Ottawa 2015, 44)

The task forces used the Ontario government and its provincial antiviolence strategy as a guide to how each university should develop their own sexual violence frameworks. The events that led to a national conversation around rape culture—and framed as one that required universities and governments to act swiftly—created the conditions on which Ontario’s provincial strategy gained legitimacy and political force. This affirmation of Ontario’s antiviolence strategy by universities in other provinces would pave the way for Ontario to legislate many of the recommendation it had designed since 2011.

### **Locating Rape Culture in Policy: The Emergence of Bill 132 and the Legislative Force of Ontario’s Antiviolence Framework**

The rapidly intensifying social climate around sexual violence in Ontario, and in Canada more broadly, gave rise to the rebirthing of the resource guide into the action plan *It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment*, which was eventually released in March 2015. While universities received much

of the backlash for their failure to protect students from sexual violence, Canadian radio host Jian Ghomeshi had been the centre of one of Canada's most notable sexual violence allegations. A number of women, some of whom had worked with Ghomeshi at the CBC, including Canadian television actress Lucy DeCoutere, came forward with allegations that he had violently assaulted them over the course of their intimate relationship.

Public commenters attempted to impeach the credibility of these complaints. Even Ghomeshi's lawyer, Marie Heinen, received immense criticisms for taking on the case of an alleged sexual predator (D. Phillips 2017). The Ghomeshi story deserves its own analysis, one which I will not engage with here. The attention to Ghomeshi made worldwide headlines when the Twitter hashtag #BeenRapedNeverReported went viral. The hashtag was created by two Canadian Journalists, Antonia Zerbisias and Sue Montgomery, as an act of solidarity with Ghomeshi's accusers. As a way of drawing one's focus to the prevalence of rape myths and the fact that complaints often fail to disclose sexual violence for a number of reasons, Zerbisias and Montgomery shared their personal experience of sexual violence and that they did not report (at least immediately following). The hashtag grew in Canada and worldwide, almost as a precursor to the #MeToo movement, which offered those who had experienced sexual violence a platform to share their stories.

In early November 2014, and alongside growing national attention to the Ghomeshi allegations, members of the Ontario Legislature passed a motion to strike a Select Committee on Sexual Violence and Harassment. Interestingly, the decision to assemble this committee was a response to the problem of workplace and institutionalized forms of sexual violence and less so about the allegations of

sexual violence at the University of Ottawa.

On November 3, 2014, Conservative MP Laurie Scott asked whether the Premier would support a motion to strike a committee investigating how such rampant workplace sexual harassment could be possible. She cited recent accusations of sexual harassment within the government itself, pointing to recent accusations of ongoing sexual harassment within a branch of the Attorney General's office.<sup>48</sup> The response from the Premier was lukewarm and noncommittal. The following day, Scott pressed the issue further, stating, "Premier, this is a serious issue. We don't want you to play politics with it. Today, I did send letters to the House leaders to stress the importance of the issue and to formally request that we move forward with the all-party select committee to study sexual harassment in the workplace."<sup>49</sup> Again, the Premier would not commit to a committee. The Premier did not even mention that she would consider adding workplace sexual harassment to the ongoing work of the Ontario Women's Directorate. It demonstrated very little inter-ministerial communication. On November 25, 2014, during the Opposition Day segment of the Parliamentary session where the opposition party controls the agenda and often makes oppositional party motions, Scott presented her colleagues with a motion to strike a committee dedicated to sexual violence. After some debate on some logistical concerns of the committee (i.e., whether it should be a permanent standing committee or a select committee), the motion carried.

Yasir Naqvi, Minister of Community Safety and Correctional Services and

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<sup>48</sup> Ontario, Legislative Assembly, *Hansard*, 41<sup>st</sup> Parliament, 1<sup>st</sup> Sess, No. 23 (3 Nov 2014).

<sup>49</sup> Ontario, Legislative Assembly, *Hansard*, 41<sup>st</sup> Parliament, 1<sup>st</sup> Sess, No. 24 (4 Nov 2014) at 983.

Member of Parliament for Ottawa Centre, added that the motion was important but too limited in scope. The select committee's focus, for him, should include a governance strategy for university campuses to address sexual violence. The University of Ottawa was located in his riding, and as the minister responsible for protocols related to criminal justice, it was fitting that he included universities within the committee's scope. The Select Committee on Sexual Violence and Harassment met 23 times between February and December 2015. Since the 2015 action plan was released in March, it was obvious that the government had already enacted its existing framework and had tailored its rhetoric to the growing concerns over rape culture. It is difficult to assess the impact witnesses had on the development of the action plan or what kinds of influence happened behind closed doors. However, the action plan notes that the Ontario government would draw upon community consultations from its Select Committee on Sexual Violence and Harassment to shape future legislation (Government of Ontario 2015, 32).

From a policy perspective, very little had changed between the 2011 policy framework, the 2013 resource guide, and the more recent 2015 action plan. The most glaring change, from a political standpoint, was that the idea of rape culture was at the centre of policy discussions. Ontario legislators, in consultation with community stakeholders, seemingly folded rape culture into the already existing action plans. These action plans were considering ways to implement both more robust reporting mechanisms to better reflect the prevalence of sexual violence on campus and recommendations to improve the lives of survivors following an assault. With Bill 132, the government was able to frame those policy developments as a direct response to rape culture. Despite the

fact that a new sexual violence policy and support infrastructure was under development since at least 2011 and that the confluence of high-profile cases in Ontario—and nationwide— offered an opportunity to impose a new regulatory apparatus on universities, the conversation and debates around Bill 132 tended to be centred on the contested use of the term “rape culture” in regulating campuses. This was a reflection of the heightened intensity around the rape culture paradigm.

The 2011 *Changing Attitudes, Changing Lives* action plan centred on increasing funding for rape crisis centres, investing \$5.2 million in public awareness campaigns around sexual violence, clarifying the process of receiving sexual violence support in the wake of an assault, and increasing the bonds to the criminal justice system by asking the federal government to expand the provisions of the *Criminal Code* to “make it an offence to distribute intimate visual recordings of a person without that person’s consent. This includes the distribution of photos via mobile telephones, the Internet, social networking sites and other electronic media” (Ontario Women’s Directorate 2011, 20).

The 2015 action plan is virtually identical, except in three ways. for three major influences. The first way in which the 2015 action plan diverges from that of 2011 is in its commitment to legislation. The second is in its identification of “rape culture” as the root problem of sexual violence. In the 2011 version, public awareness and education were given highest priority in terms of attention to strategy and in funding allocation. In the 2015 version, public awareness is framed in terms of its relationship to rape culture. The government aimed to “launch a public education and awareness campaign across Ontario to challenge attitudes, promote immediate change in rape culture behaviour, and encourage a

longer-term generational shift to end deep-rooted attitudes and behaviours” (Government of Ontario 2015, 11). And the third way in which the 2015 action plan departs from that of 2011 is in its focus on the workplace, promising to legislate workplace guidelines for employees to report sexual violence and harassment in the workplace and to include a new “Code of Practice” for employers under the *Occupational Health and Safety Act* to ensure that employers make reasonable efforts to ensure that their workplaces are safe. This addition is influenced by both the Ghomeshi case and the allegations of sexual harassment within the Ministry of the Attorney General. Other 2015 recommendations are similar to those in 2011 insofar as they were survivor-centred, offering an improved prosecution model that is focused on the training of police investigators and the Crown attorney to be more sensitive to the needs of survivors and to ensure that cases are resolved expediently.

The notion of rape culture became inextricably linked to the new framework in two major ways. First, it was the first action plan to cite rape culture as the driving thrust for legislative reforms. The government defines rape culture as “a culture in which dominant ideas, social practices, media images and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing male sexual violence and by blaming survivors for their own abuse” (Government of Ontario 2015, 9). The term “rape culture” is attached to campus culture and the action plan goes on to note, “For many students, university or college marks an important milestone in their lives. As students become part of a new campus community, we know that far too often adapting to life on campus includes navigating rape culture or surviving an experience of sexual violence or harassment” (Government of Ontario 2015, 26).

The report goes on to state, “We want to eliminate rape culture on campus. We want school environments to be safe and respectful. We want every student, in every university and college in Ontario, to be able to learn and study and experience campus life at its finest, free from sexual violence and harassment. And we know that to get there, we must work together to find solutions” (Government of Ontario 2015, 27).

Second, the introduction of Bill 132 galvanized university and college campuses as sites of rape culture. This claim garnered significant backlash and gained national attention. Members of the Carleton University community had pushed to include the use of the term “rape culture” within their own sexual violence policy, citing the need for the university to acknowledge the systemic forms of violence that often get concealed on campus. Other than the requirements to have clear protocols as to how universities would deal with complaints of sexual assault, Ontario universities were given a great degree of discretion as to how they could draft and implement those protocols.

The debate on campus at Carleton University between those who demanded rape culture be included in the university’s sexual violence policy and those who argued that it was a hyperbolic and mystifying concept that provides no utility from a policy perspective made waves. A 2016 article published in *Inside Higher Ed* titled “Defining Rape Culture” placed Carleton University—the institution where I study and teach—at the epicentre of campus debates over whether or not postsecondary institutions should include “rape culture” in their sexual violence policies (New 2016). Madeline Ashby (2016) writes, “Rape culture exists. These are the three little words that administrators at Carleton University are having such trouble including in their sexual violence policy.”

Representatives from Carleton University's Graduate Student Association—in partnership with the Canadian Federation of Students—demanded Carleton University include the term “rape culture” as a way of acknowledging the broader social context in which sexual violence occurs and is normalized. At Carleton University, members of CUPE 4600, the labour union representing teaching assistants and contract instructors, formed a coalition with some faculty members, including representatives of the faculty's union, the Carleton University Academic Staff Association (CUASA), to persuade senior administrators and those tasked with penning the policy to explicitly mention rape culture as the underlying cause of sexual violence. In the coverage of the battle over recognizing rape culture, Espoir Manirambona (2016) notes, “One of the students, Lauren Montgomery, doctoral student and Women's Caucus Chair of CUPE 4600, eloquently spoke about how student activists have been asking the university administration for a survivor-centred policy that recognizes rape culture.” Montgomery went on to tell the *Leveller*, “They are refusing to implement what we are asking them for.[...] They do not acknowledge rape culture” (Manirambona 2016).

This ignited a discussion around the policy implications of adding the term “rape culture” to disciplinary policies, including the possibility that 1) the phrase is so inflammatory and did not reflect the reality of how sexual violence is committed on campus and 2) it is an action rooted in hyperbole and should remain relegated to the silos of “social justice warriors” and not policy. Carleton University Professor and contributor to the *Ottawa Citizen* Robert Sibley suggested that the pressures for universities to include the term “rape culture” was akin to a form of ideological extortion. He writes, “Nevertheless, the

ideologues denounce administrators for being in denial about the ‘problem with campus rape,’ as one pundit recently put it. The charge is intellectually fraudulent and tantamount to moral blackmail. If the administration denies the ‘rape culture’ label, it will be accused of putting the university’s reputation ahead of student safety. If it includes the label in its sexual violence policy, well, what parent would send a child to a school that effectively admits students aren’t safe?” (Sibley 2016).

Tensions seemed to run high among faculty. Though many faculty members – including feminist faculty -- were against using the term “rape culture,” the face of this movement quickly became masculine. Stuart Chambers (2016), a professor at the University of Ottawa, argued that the rape culture claims lack rigour, pointing to an inherent schism between what is invoked by the term and what can be empirically established. He takes aim at professors who sided with student groups that were spearheading the call to include rape culture as part of informed policy. The conversations around the material strategies that would improve the lives of survivors devolved into a discussion around the use of the phrase itself. Professor Dawn Moore, equity chair of CUASA, noted the resistance by senior administrators to incorporate the terms “rape culture” and “survivor-centric” in their sexual assault policies. Crawford and Sandstrom (2016) note:

Consultations on the policy began more than a year ago and the university brought in an outside consultant to oversee the meetings and write a draft policy. That draft was unveiled at a March 23 meeting that quickly turned confrontational.

“It was incredibly combative. Basically we couldn’t even get past the preamble,” Moore said. “People were extremely upset. There were a lot of survivors in the room who were triggered.”

While Moore, the students and union representatives argued to include the terms “rape culture” and “survivor-centric” in the preamble, most of the stakeholders from the administration were opposed and voted to remove the only mention of “rape culture” in the draft, where it was included in a list of definitions.

“The university is in complete denial that sexual violence happens on campus,” Moore said. “They’ve been repeatedly telling us that if there are sexual assault survivors on campus, those incidents predate their arrival on campus and that actual instances of sexual violence are few and far between.”

The use of the term garnered a life of its own. In the words of Kathleen Stewart, “Big social shifts float by on distant, cloudy discourses and scandals. The conditions of life assemble themselves into something and then morph into something else. Sometimes extreme trajectories take root and then take off with a life of their own (2007, 64-5). Months later, and after making very little progress with university administrators in terms of coming to an agreement on how to best incorporate and reflect the needs of survivors in their policy, student and faculty representatives attempted to shift focus away from the term and back onto real policy changes:

Using “rape culture” to describe campus atmosphere has been contentious. Moore believes the term doesn’t have to be used in the body of the policy. “I think terms are only useful as far as helping to forward the debate. The term itself has become a distraction,” she said. “We can achieve the ends we want without using a politically-loaded term.”

[Montgomery] shares many of Moore’s concerns and wants funding designated to prevention programs. Meanwhile, she says she doesn’t need to see the term “rape culture” used as long as the university acknowledges that universities are part of a culture that perpetuates sexual violence. (Laucius 2016)

Though calls to acknowledge the existence of a rape culture tend also to focus on victim-oriented policies and garner public attention for victims, it should be recognized that the call to end rape culture has, in some sense, merged with the

Ontario government continued agenda to expand investment in carceral mechanisms. This is not the direct consequence of campus sexual violence policy, but as discussed in the previous chapter, the renewed attention to rape culture as a growing problem has made the enactment of these provincial policies possible. In a way, the discussions and controversies around rape culture created a political environment that allowed for a new language through which violence prevention takes hold. The idea of rape culture offered the rhizomatic offshoot needed for Ontario's antiviolence initiatives to break through and gain political traction. Like living things, the rhizome thrives in a climate conducive to its genetic make-up. In this case, the ongoing expansion of carceral systems intersect with the ongoing expansion of carceral institutions in education, the need to support victims, and the overall distrust in the ways public institutions deal with sexual violence.

### **Contested Meanings and Limitations of Rape Culture Research**

The shifting climates around sexual violence in Ontario have raised interesting questions as to what kinds of interventions are possible through law. In 2016, the Ontario Ministry of Community Safety and Correctional Services (MCSCS), headed by Minister Naqvi, commissioned and funded a study into mapping the ways Ontario universities handle reports of sexual violence. Though the Ministry of Colleges and Universities had already released the *It's Never Okay* action plan in March 2015, and Bill 132 received royal assent in March 2016, researchers from Carleton University and the University of Waterloo conducted the study between February and May of 2016. The study interviewed survivors, university administrators, and policing personnel (including campus security) at three

Ontario universities<sup>50</sup> to better understand how sexual violence disclosures and reports are handled. Focus groups with students were also conducted to better understand the perceptions around university processes and whether they thought universities were responding appropriately. The study's resultant report, *The Response to Sexual Violence at Ontario University Campuses*, showed that survivors of sexual violence experience many barriers to reporting, including limited access to academic accommodations, relocating residences, or avoiding their assailants on campus following an assault. The study highlighted students' perceptions of rape culture as intimately linked to frat culture and the celebration of misogyny and sexual conquest. The researchers noted that while many university administrators attempted to act in good faith and allow survivors to dictate how their disclosures would be handled, this ultimately left survivors feeling overly burdened and absolved university officials from actively ensuring that survivors' needs were met:

Almost without exception, administrators, police and other campus service providers have adopted a 'victim-centred' approach, ostensibly in support of victim empowerment, and the desire not to impose outcomes or mandate survivors to proceed with university or criminal justice investigations. Indeed, survivors should not be forced to proceed in the investigations of their cases. Yet, this approach has also had the convenient institutional effect of largely absolving universities of providing a guided, fulsome, multi-level intervention for survivors. A survivor's path to redress, accommodation, recovery, justice and support is largely her own individual journey, and her concerns should remain front and center of the process. However, reporting, disclosure and resourcing are unclear and rife with pitfalls. Survivors are warned about keeping their stories consistent just as they are tasked with repeating their stories in sufficient detail to warrant institutional intervention. They are made to feel responsible for their own safety. They are also told to take the same precautionary measures most survivors are encouraged to take – such as changing their schedules, carrying a panic alarm or whistle,

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<sup>50</sup> The study focused on Carleton University (Ottawa, Ontario), the University of Waterloo (Waterloo, Ontario), and Lakehead University (Thunder Bay, Ontario).

moving dorms or apartments while they feel their assailants' lives go unchanged. (Buss et al. 2016, 51)

The authors hold that while these responses were “held in good faith by many university administrators and staff, itself constitutes a barrier to getting at the more fundamental issues that contribute to rape culture on Ontario university campuses. It contributes to a minimization of the problem and complacency about what needs to be done” (Buss et al. 2016, 51). The findings also suggest that survivors rarely prioritized or actively sought to report their experiences of sexual violence; instead, they opted to disclose to some university employees in order to receive academic accommodations or mental health treatment (Sibley and Moore 2020). Ultimately, the report was never released by the Ontario government. In fact, it was revealed by the research team that Minister Naqvi was not aware of the Ministry of Colleges and Universities’ plans to introduce Bill 132, despite it being under development for nearly a year (Sibley and Moore 2020). Though we can never be fully sure why these governmental ministries failed to communicate with one another or why the report was ultimately never published, we can speculate that given the three-month time frame to complete the study, the MCSCS had responded largely out of pressure to address the backlash related to rape culture. We might also conclude that since the centre of these rape culture debates happened in Ottawa, and specifically within the political riding Minister Naqvi represented, the study represented a call to address rape culture.

The funding of this study, and the geographic context in which it gets taken up, is part of the intersection of expert academic knowledge, political gesturing, and the discursive production of rape culture as a reality. More

recently, the *Student Voices on Sexual Violence Climate Survey*, commissioned by the Council of Ontario Universities—a special interest group representing 20 Ontario universities—concluded that the vast majority of students experienced some form of sexual violence on university campuses. The report held “23% of university students responding to the survey indicated that they experienced sexual assault since the start of the 2017-2018 academic year” (Council of Ontario Universities 2020, 4). The study, however, raises some methodological concerns with what counts as assault. The authors include many of the standard prompts found in other similar studies, such as the AAU study (Cantor et al. 2015), which asks if respondents have ever been taken advantage of while intoxicated, asleep, or unconscious or whether assailants had used force—by use of body weight or a weapon—to commit an assault. The survey also included ambivalently defined forms of coercion, such as a person “Catching you off guard or ignoring your body language or non-verbal signals,” “Showing displeasure, criticizing your sexuality or attractiveness, getting angry but not using physical force, after you said you didn’t want to,” and “Telling lies, threatening to end the relationship, threatening to spread rumours about you, making promises you knew were untrue, or continually pressuring you after you said you didn’t want to” (Council of Ontario Universities 2020, 5).

Similarly, what counts as harassment includes experiences in which a person “treated you differently because of your gender identity or sexual orientation,” “tried to talk to you about sexual matters when you didn’t want to,” or “repeatedly told sexual stories or jokes that were offensive to you.”<sup>51</sup>

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<sup>51</sup> Prompts related to harassment were not included in the summary of the report and can be found in the

Ambiguities in the wordings raise some concerns as the survey instrument may capture such a wide array of unwanted sexual conduct that, in the words of Gruber (2009), it may be a problem related to sexual communication and education versus a problem of violence. Conflating all aspects of unwanted sexual behaviours has the potential to animate criminal justice responses rather than educational and preventive responses to harm.

While these studies tend to affirm the existence of rape culture, there is evidence to suggest that rape culture may not be an adequate framework for capturing the experiences of sexual violence or sexual misconduct on campus. A recent campus study by Crocker and Sibley (2020) reveal that students tend to associate rape culture with spectacles of sexual violence that circulate in the media rather than individual experiences of harm. When asked specifically about rape culture, students did not describe instances of sexual violence that would likely be captured by the metrics given above. Instead, students opted to describe grand gestures of sexually inappropriate conduct, such as those orientation week “rape chants” at universities, or sexual harassment and lewd remarks during interpersonal encounters (Crocker and Sibley 2020). As one respondent in the study notes, “On Halloween a man untied a belt I was wearing and proceeded to grab both ends of the belt and re-tie it! He got incredibly close to me and put his hands on my waist. He seemed to be intoxicated but I did not want him to touch me” (Crocker and Sibley 2020, 38). Another respondent commented, “There have been times at the campus bar where people joke about rape which is wrong. One

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full questions report: <https://ontariosuniversities.ca/wp-content/uploads/2020/02/Institution-All-Question-Report-Universities-FN.xlsx>

time specifically I recall hearing a group of men (university students) were talking about the rape chant (from four years ago) and were laughing about it and didn't see why it was such a big deal" (Crocker and Sibley 2020, 38). Other responses included stories about sexual innuendo being hurled at respondents or overhearing students discussing the kinds of "hot sex" they would have with others at their school.

In fact, respondents were more likely to describe experiences that closely resemble the legal definition of sexual assault when prompted to discuss issues related to consent rather than rape culture. Rape culture is most often associated with public displays of harassment, especially those experienced on campus or spectacles covered in the news. Crocker and Sibley (2020, 39) write, "Encounters between intimates, or even acquaintances, are also not the examples that came to students' minds when asked to tell a story about rape culture. Rape culture, for these students, is more about public events or encounters with strangers than experiences that happen behind closed doors. The latter tended to be flagged as stories about consent, not rape culture. Students distinguish these experiences in particular ways. Strangers are responsible for rape culture, which exists in public spaces or mediated spaces (like Facebook)." This, as the authors suggest, is a departure from the way in which second-wave feminists deployed the term, which was most closely associated with intimate displays of aggression or power in the broader context of unequal relations of power. The sense of rape culture present in the responses to this study are is more like mini or little rapes, which tend to focus more on the spatial dynamics of being subjected to unwanted comments, leers, or stares. In context of this study, rape culture has more to do with sexual harassment or jokes than it does with sexual assault, and thus it is

much more akin to the theoretical contributions of radical feminists who expanded the definition of rape from the physical act of harm to a potential woven into the fabric of social engagements between men and women.

If we think of rape culture as the subsuming of all sexual violations, including those that carry with them the potential criminal charge of sexual assault and those that may be less serious (and much harder to define in terms of criminality), but still unwanted, we see that everything, regardless of context is subsumed under rape culture. Khan (2016b) suggests the punchiness and effectiveness of rape culture in garnering polarizing public attention “simply shows that on some level, many still adhere to traditional notions of rape, tacitly believing that forced intercourse is the worst form of sexual violence; that men wield dangerous lustful penises, while women are burdened with vulnerable vaginas; that no worse fate could ever befall a woman; and that the victim of rape is forever ruined.”

This poses an inherent challenge to survivors who, statistically speaking, tend not to report sexual violence to the police for many reasons, including that they might think police will either not believe them or that their experiences are not deemed “serious” enough to warrant criminal investigation (Sable et al. 2006). Framing all unwanted sexual behaviours under the umbrella of rape culture may further dissuade survivors from coming forward insofar as they may feel that their complaints contribute to a growing rape culture, despite not always identifying with the phrase. We can see how statistics are informed through a cultural analysis of rape and simultaneously produce it. Rape spaces are assembled through both the movements (and restrictions) of bodies and through a discourse of the fear of rape, which continues to be sustained and

constituted empirically.

### **Consent Culture and the Canadian Student Anti-Rape Movement**

While rape crisis centres and women's organizations have had a long-standing political influence in Ontario, student unions and organizations are also having considerable influence over rape culture activism. Student organizations and unions have placed immense pressure on universities to conduct audits of sexual violence. In 2007, York University's student union, the York Federation of Students, demanded that the university conduct an external safety audit after two students were sexually assaulted in an area adjacent to the campus (MacKay et al. 2017). In 2012, the University of Saskatchewan's Coalition Against Sexual Assault, a student-led anti-rape organization, also demanded that their university conduct an external audit of safety measures on campus (Quinlan 2017). The extent to which these organizations have been successful in persuading governments to take on their politics is less known.

The embers of the fiery debates around rape culture smouldered at the end of the 2016 academic year. As part of Bill 132's requirement that universities consult with community stakeholders, especially student representatives, every three years to ensure that policies are updated with the needs of survivors and students in mind, the Carleton University Graduate Student Association formed a Consent Culture Committee to evaluate Carleton's policy. The committee spent much of the 2019-20 academic year making plans to amend and replace provisions to Carleton University's sexual violence policy that would make it more robust. For example, a central focus of the committee's work was on pushing the university administration to adopt an immunity clause that would

protect survivors of sexual violence from potential exposure to punitive action from the university if they had engaged in behaviour that violated the university student of code of conduct in the context of their assault. This tended to focus on students who engaged in underage drinking, drug use, and sex work.

Admittedly, there is no evidence to suggest that this practice was part of the university's approach to sexual violence investigations and hearings, but nonetheless, it would offer an explicit message to potential survivors that their voices would be heard and not undermined if they had engaged in conduct that was in breach of existing university policy. Next, it substantively offered a change in composition to the university's Sexual Violence Review Committee, noting that members of the Carleton University administration assigned to this committee had failed to support survivors and thus should be removed from adjudicating or reviewing any complaints.

Accordingly, the Consent Culture Committee stressed the need to instill a consent culture without ever discussing consent. Instead, the focus remained immutably attached to the tentacles of the sexual violence policy. In a joint letter with the Teaching Assistant and Contract Instructor local union, CUPE 4600, they offer the following definition of consent culture:

Consent culture refers to the fostering and maintenance of a campus culture that promotes consent as a necessary standard of interpersonal relationships. Consent culture is a "culture in which the prevailing narrative of sex is centered on mutual consent. It is a culture that does not force anyone into anything, respects bodily autonomy and is based on the belief that a person is always the best judge of their own wants and needs. Consent to any activity is ongoing, freely given, informed and enthusiastic." We assert the policy should explicitly define "consent culture" and "coercion" as well as substantively embody consent culture

throughout the policy by mobilizing survivor-centric language.<sup>52</sup>

The definition seems to be drawn from the CFS's working definition, though as Tuerkheimer (2015) notes, similar versions of the definition have appeared on the *Urban Dictionary* webpage.<sup>53</sup>

Despite this definition, the Consent Culture Committee made little attempt to engage in meaningful dialogue as to how to make consent a priority nor did we consider strategies for ensuring students are engaged, aware, and willing to learn about consent. Instead, the committee stuck in a policy sinkhole whereby making proposed amendment to the university's sexual violence policy became the central focus of our engagement.

This definition was specifically adopted from the Canadian Federation of Students (CFS), a national union of students at 64 postsecondary students across Canada, each with a respective representative body in each province. The CFS also lobbies provincial governments on issues related to education and campus safety. In March 2015, amid the rumblings of the ongoing debates around campus "rape culture," the CFS held a national Consent Culture Forum in Ottawa at which delegates initiated a national conversation about pivoting away from rape culture to embracing consent culture:

Consent culture is the aspiring alternative to rape culture. It is a culture in which giving and receiving consent is normalized and practiced universally. Consent culture is one in which the prevailing narratives of sexual activity, interpersonal relationships, and bodily autonomy are centred around mutual consent. The fight to end sexualized violence is central to working towards consent culture; however, consent culture is more than just the absence of rape culture. It represents a fundamental re-imagining of current cultural norms and narratives. (Canadian Federation

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<sup>52</sup> This definition is adopted from the Canadian Federation of Students:  
<https://carleton.ca/studentsupport/wp-content/uploads/Consent-Culture-Committee-SVP-Letter-Final.pdf>

<sup>53</sup> See footnote 10 in (Tuerkheimer 2015).

of Students-Nova Scotia 2016, 3)

Each year, many of the delegates of the national CFS union hold their own provincial Consent Culture forum. Much in the way rape culture is mobilized as part of a political assemblage, it seems that in practice, the rhetorical move to “consent culture” offers little in the way of actually teaching consent.

The CFS published a short video outlining how their members defined consent culture. Staceyann Chin, an artist, activist, and the forum’s keynote speaker said, “Consent culture is a culture in which people aren’t afraid to ask for what they need and people are okay if people can’t show up when they want.”<sup>54</sup> CFS National Deputy Chairperson Bilan Arte characterizes consent culture as “the freedom to be a human being, to be respected and to be able to live and to be able to really express yourself without fear of reprisal or fear of being judged.”<sup>55</sup> Anne-Marie Roy was the only one featured in the video to have a more concrete definition of consent culture, relating consent back to boundaries over the personal: “For me, consent culture is a culture that teaches us as a society to respect each other. So, we respect each other as individuals, we respect that we each have autonomy, and 100 percent control over our bodies, and we respect each other’s limits. For me that is consent culture” (translated from French).<sup>56</sup>

In 2017, the Students’ Society of McGill University (SSMU) published a report titled *Our Turn: A National, Student-Led Action Plan to End Campus Sexual*

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<sup>54</sup> Canadian Federation of Students, “Consent Culture: Let’s End Sexual Violence on Campus,” published on April 17, 2015, YouTube Video, 03:04,

[https://www.youtube.com/watch?v=IC48DJ1K800&feature=youtu.be&ab\\_channel=CFSFCEE](https://www.youtube.com/watch?v=IC48DJ1K800&feature=youtu.be&ab_channel=CFSFCEE)

<sup>55</sup> “Consent Culture: Let’s End Sexual Violence on Campus”

<sup>56</sup> “Consent Culture: Let’s End Sexual Violence on Campus”

*Violence*, which outlined the need to develop and strengthen policy-oriented approaches to replacing rape culture with consent culture. They write, “It’s our turn to change our campus to make it safer for all members of the community. It’s our turn to shift our campus culture from one that facilitates rape culture to one that actively promotes a culture of consent. This is our plan to address the issue of sexual violence on our campuses” (SSMU 2017, 4). Though the mandate of the organization is to move beyond rape culture as the defining feature of measuring campus climates, rape culture remains firmly intact as the driving force behind policy change. In their report, the SSMU created a grading rubric to evaluate universities and their approaches to sexual violence. Points were awarded for provisions that would be beneficial to complainants, increase the likelihood of reporting, and protect against reprisal or punishment from university administration. A positive score was given if a university had a stand-alone sexual violence policy, if they had an immunity clause for a complainant’s use of drugs or alcohol, or if they allowed complainants to submit reports anonymously. Points were also awarded for mentioning of the term “rape culture” (SSMU 2017, 21). This shift toward consent culture, however, is best understood as an effort to include a positive outlook on addressing systemic barriers to sexual violence. This approach foregrounds the fight towards consent rather than against a sometimes ambiguously defined and shifting definition of rape culture. Though rape culture continues to inform how consent culture is mobilized, part of organizing around consent culture is an effort to persuade legislators to institute a legislative framework that would mandate stand-alone sexual violence policy.

Testifying in front of Ontario’s Subcommittee on Sexual Violence and

Harassment, Bilan Arte stated that organizing around a consent culture is “to not only challenge rape culture but to build a meaningful dialogue, a meaningful alternative about what consent means, what consent education can look like and should look like, and how that can, hopefully, affect and combat the issue of rape culture on our campuses, so that we’re not just moving away from one specific subculture but we’re moving towards something that is much more celebratory of all of our identities and all of our experiences, and that can actually enhance the quality of the education that we are receiving.”<sup>57</sup> Arte went on to link the need to formulate a consent culture to the importance of mandating a stand-alone sexual violence policy, stating, “In Ontario, students have been working with their institutions, have lobbied for a very long time and are excited with the newly presented action plan to see the development of stand-alone and rigorous policies to address the issue of sexual violence on campus in a preventive manner, not just reacting to incidents as they happen and as they are reported by the media, but actually taking a stance towards developing structures and strategies on campus to prevent those issues from happening and to build a consent culture on campus.”<sup>58</sup>

Reframing the problem of rape culture with the need to foster and expand a consent culture offers a new orientation toward sexual violence. Focusing on positive and affirmative consent, rather than negative attitudes toward rape, arguably fosters a more positive outlook. Despite this shift in language, the underlying governance strategy remains the same. The need for a stand-alone sexual violence policy is prioritized as the quintessential legislative driving force.

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<sup>57</sup> Ontario, Legislative Assembly, Hansard, 41st Parliament, 1st Sess, SV-19 (22 May 2015).

<sup>58</sup> Ontario, Legislative Assembly, Hansard, 41st Parliament, 1st Sess, SV-19 (22 May 2015).

Both Arte Bilan and Anna Goldfinch, the Ontario representative of CFS, praised the Ontario Liberals for their approach in mandating that universities draft sexual violence policies in consultation with student groups and unions. The Select Committee on Sexual Violence and Harassment readily recognized this shift in language and maintained that it would consider this when drafting legislation. The committee interim report notes, “The Committee heard that education about consent is vital to any strategy to reduce sexual violence and harassment. A number of presenters stressed that to end the rape culture that is prevalent throughout our society, we need to teach both children and adults what consent looks like—a voluntary and enthusiastic ‘yes’ to engage in sexual activity, not the absence of ‘no.’ As the Canadian Federation of Students—Ontario succinctly put it, through education, ‘rape culture’ can be transformed into ‘consent culture.’”<sup>59</sup> The notion of consent and consent culture is absent from Bill 132. Mandatory consent training was never included in the legislative mandate set out by the Ontario government. Accordingly, universities are under no legal obligation to provide students with adequate resources explaining how a consent culture might actually be fostered. This is in part explained by consent culture’s lack of meaningful engagement with substantive issues pertaining to consent. Like the rape in a “rape culture,” consent is also abstracted.

The push to a consent culture raises those same critiques about carceral feminist approaches to sexual violence. Leary (2016) makes a case for a consent culture by advocating for the need to expand affirmative consent laws in the United States. Leary’s thesis rests on replacing rape culture with consent culture.

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<sup>59</sup> Ontario, Select Committee on Sexual Violence and Harassment, Interim Report, 41st Parliament, 1st Sess, (June 2015) at 36.

As with much of the literature on rape culture, the term itself is never fully operationalized. Consent culture sits adjacent to rape culture. Consent culture is in fact legal culture. Although Leary argues for a consent culture that is “multidisciplinary” yet still deeply rooted in legal approaches.

Ontario’s multidisciplinary approach legislates on the basis of university regulation, but also directs money to many organizations with deep carceral ties. The government’s action plan focuses primarily on funding victim services, strengthening bonds to criminalization, and mandating universities have stand-alone sexual violence policies. The issue of consent is virtually non-present in any of the reports published by the Ontario government.<sup>60</sup> Whether universities are adopting their own approaches to consent culture is yet to be seen. Consent culture is primarily driven by student-led organizations who want to shift the discourse away from the polarizing and tumultuous landscape established by rape culture to a less divisive consent-based framework.

The law, which abandoned the term “rape” some years ago, seems to have embraced its return, at least for now. Thinking about how rape reemerges in legal discourse forces us to consider the potential for criminal justice expansion. The discursive framing of rape culture, as expressed through Bill 132, cannot be fully recognizable if not for the assemblage of rape knowledges, anti-rape movements, and historical approaches to governance. The law tends to usher in concepts and give them the juridical force to create new possibilities of governance and different ways of regulating violence. Ahmed writes, “After all, institutions are meeting points, and they are also where different ‘lines’ intersect

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<sup>60</sup> Consent is referenced once in the 2011 *Changing Attitudes, Changing Lives* report. Consent is only referenced three times in the 2013 progress report.

and where lines cross with other lines to create and divide spaces” (2006, 136). The home, the workplace, and, most importantly, the university campus, are now part of a regulatory and discursive assemblage that constructs the reality of rape culture. The intensities around campus sexual violence and the resistance to normalization of sexual violence has forged a political paradigm that animates traditional criminal justice and legal responses but also creates new possibilities in terms of what can be done to address the problem of campus sexual violence.

## Conclusion

What counts as rape culture is bound to shift in different sociopolitical and historic contexts. The conceptualizations of rape culture put forth in this dissertation are mapped through a historical approach—one that seeks to examine and explore sites of intense social and political engagement with ideas around sexual violence. Simply put, rape culture is not a monolith. If we learn anything from the theoretical frameworks of Foucault, Deleuze and Guattari, and others it is that rape culture exists in multiplicities. For one, theorizing rape culture requires a certain set of institutional knowledges that make inscriptions on bodies and spaces. These knowledges also require a set of institutional practices to animate into existence. As seen in the case of Ontario's governance strategy, rape culture fits within an already established network of governance and is folded into existing carceral institutions and practices. Yet how it gets deployed, implemented through policy, or rejected is highly contingent on the intensity and the social and geographic context in which it circulates. The ideas of rape culture are never static; they are constantly in flux. Rape culture is not reducible to a singular origin story, but rather, a set of converging and diverging lines of flight.

The rhizome offers an interesting methodological and theoretical tool with which to explore various iterations of rape culture. The rhizome is an organic, living thing. Beneath the surface, there are numerous offshoots but they remain intact through the mother plant. Thinking rhizomatically, we might think of radical feminism as that parent organism and rape culture as one of its many offshoots. Though word "radical" refers to a kind of rootedness—one that tends

to describe its proliferation as a grassroots movement—the ideological schematics of a rape culture, the paradigm does not necessarily take hold until it is shaped by varying knowledge systems.

How concepts travel through time and space, how they breakthrough the surface, are circulated and take hold, depends on the social and political climates. Whether the sedimentation below the surface is firm, rigid, unmoving, and impervious to eruptions (or disruption) informs what kinds of knowledges are made possible and what kinds of conceptual frameworks are made intelligible or recognizable—the ones that make their way to the surface of public discourse. I am interested not only in what emerges but what lurks below. At the outset, I considered how rape gets put onto the public agenda through forums of consciousness-raising. The rape culture framework, emerging in the 1970s, has remained largely intact. It forms a significant part of the genetic make-up and structure of advocating against and, at the same time, theorizing rape culture. The conditions of the sedimentation beneath that make possible the emergence of new rhizomatic nodes is what makes the method of genealogy worth doing. While rape culture has its foundational structure, it is by no means fixed. The rape culture paradigm continues to advance the claim that sexual violence is a normalized aspect of North American society, highlighting the structural and systemic barriers to “justice.” It is a source and a product of multiple intersecting and competing knowledge systems around violence, psychology, trauma, and governance. The arch of rape culture begins with radical feminist thought, though radical feminists do not have exclusive proprietorship. Like the rhizome, the rape culture concept has offshoots. These offshoots emerge and die at different times in different locations. Sometimes the offshoots do not necessarily

resemble the mother structure. They mutate, degrade, and are subject to infection. They can and sometimes do die before they ever reach the surface.

An antiracist notion of rape culture, for instance, never fully forms. It buds, only to wither away. The potential for organizing through a lexicon of rape culture that also mobilizes an antiracist politics is something that never fully emerged. Some writing about rape culture used the images and tropes of Black men to advance a radical feminist politics that was staunchly grounded in racism. The antiracist, antisexist, and anticapitalist lessons taught by PAR were never fully realized. The histories of Black women in the anti-rape movement have largely been erased in the popular lexicon. Seldom are the voices of racialized people included. To fully contextualize the political project of members of PAR is a political act. At the same time, the footing on which rape culture is built does not hide its racism. It is quite evident in the “original” texts and the primary sources of rape culture. Racism does not hide in the archives. To mobilize the idioms and tools of a feminist politics that so readily reaches out to rape culture as its explanatory rubric must also remember that such theorizations are built (at least in part) upon the disenfranchisement of racialized people. Specifically, the links to rape culture and the subjection to sexual violence as a parallel to slavery (Kim 2012), most notably in the works of feminists so eager to condemn Black men as the perpetrators of violence and to cast them into the warehouses of the carceral system are often too quickly erased from the cultural imagination of fighting against “rape culture.”

The unpredictability of how assemblages form and under what conditions is also telling of the way the development of rape culture emerges out of a resistance to professionalized knowledges, only to resurface as part of the

epistemic contingencies of social psychology, which suggests that the process of making a rape culture is largely out of the control of its creators. Even though some academics, like Cossman (2019), argue that millennial feminists have inherited and used rape culture as a politically tumultuous instrument, there is evidence to suggest that rape culture might not be an adequate or even favourable term for describing certain experiences of sexual violence (e.g., Crocker and Sibley 2020) and that there is a growing push to replace the rape culture concept with a consent culture framework.

The development of rape culture through the epistemic tools, metrics, and languages of psychologists and sociologists is, to some extent, part of its genetically mutating process. The concept, though generally seen as grown from the grassroots, is to some extent, hacked in the research laboratory of the academy. While radical feminists sought to challenge the gendered dynamics of knowledge production by emphasizing women's personal experiences with sexual violence, they also created a systematic feedback loop between those very same structures they sought to challenge. The project of moving away from professionalized knowledge is never fully complete. Particularly, the problematic studies of Menachem Amir effectively shaped a discourse around rape culture that radically shifted how we talk about the rapist. The rapist moves from the clinical to the ordinary, but in ways that normalize and blur how this analysis gets articulated through a discourse of the hypersexual rapist. In fact, the thesis that the rapist is nothing exceptional cannot be disentangled from a history of anti-Black racism in the formulation of a rape culture theory. Authors like Brownmiller, Griffin, and Herman rejected clinical psychology's claims about the deviant nature of sexual offenders in favour of constituting rape as a normal part

of the performance of masculinity. Amir's (1971) work proved to be the scaffolding for an entire movement toward establishing rape culture. Those who supported his thesis to advance the claims of rape culture failed to consider how almost all parts of his study reinforced tropes of racism and victim-blaming. Perhaps through convenience, Amir's work is heralded as proof that the rapist was not abnormal. Conveniently left out of their analyses are the parts of his work that tend to place women at the centre of culpability for many rapes. Even the legacy of rape culture is complicit in perpetuating the very rape myths it seeks to challenge.

Social psychologists took note of these feminist engagements with psychology and criminology and set out to test the hypotheses of radical feminism. Rape culture emerged in social psychology not just as a problem of rape prevalence but as a problem of attitudes toward rape. Burt and others established a field of social psychology that centred on the attitudinal orientations to rape. That some people held prejudicial attitudes toward rape and, specifically, believed in pervasive and popular myths surrounding rape, rape victims, and rapists made possible a new form of academic inquiry that attempted to formulate predictors of rape myth acceptance. This was in turn taken up as "rape-supportive attitudes" and ultimately reproduced and cited as evidence of a rape culture. With the empirical tools and epistemic authority of the psy disciplines, rape culture was produced as a verifiable fact of life that is embedded into the cultural attitudes and orientations toward rape, the acceptance of sexual violence, and the negative treatment of victims (Williams 2007).

The ways statistics are assembled also matter a great deal in that they

produce affects and orientations to sexual violence, and particularly campus sexual violence. The one-in-five statistic compels us to act out against rape but, at the same time, to internalize its pervasiveness and let it inform our movements both as people who might fear rape and those that might fear accusations of rape. The one-in-five statistic has also been weaponized as a political instrument. In turn, despite the methodological and statistical variabilities of studies that cite the one-in-five statistic, these studies use the statistic as a benchmark, which perpetuates it as such for future studies. When a study's findings are in alignment with the statistic, the authors will use the benchmark to confirm the empirical validity of their data; if their data deviates from the benchmark statistic, they are compelled to explain that deviation. In this sense, the one-in-five statistic has become the gold standard for evaluating rates of sexual violence.

This is not to say that these statistics are not useful, in fact, they often provide a rather interesting outlook on how campus sexual violence is defined and what kinds of activities and behaviours are closely linked to sexual assaults. At the same time, these studies, and more specifically these metrics, have become fashioned into concepts in their own right. They are taken up in ways that are sometimes divorced from the contexts and settings they are intended to represent. And since they become part of a language of anti-rape that is severed from their original context and mapped onto new ones, they are mobilized as concepts of anti-sexual violence praxis. As Robbins (2000, 25) writes, "When we conceive something, we are involved in an active process. A concept is what we produce in the process of conceiving or conceptualization which is retrospectively called conception. Concepts, therefore, are objects. They are thrown out in the process of conceiving and they acquire an existence which is

independent of the process.”

Rape culture extends beyond its original articulation and is shaped by the discursive practices that take it up. In terms of campus governance in Ontario, the use of rape culture has shifted attention away from the material conditions that promote violence and, instead, has entrenched divisiveness around the issue of campus-based governance. Though the events that led to Bill 132 can be seen as spectacles of a “rape culture,” their deployment is almost always constituted within a broader understanding of the pervasiveness of sexual violence within society. This, however, was not wholly supported by the data put forth by the universities and their task forces. Universities were not pointing to a problem of prevalence on their campus, nor were they pointing to negative attitudes toward rape; instead, the spectacles of violence that surrounded campus violence at the time allowed for some community groups to frame those specific problem of sexual violence within a larger culture that accepts and tolerates sexual violence. Those advocating for reforms to campus sexual violence policies did not frame the need to reform in terms of prevalence rates since universities had done such poor a job of counting sexual violence. The lack of reliable statistics by universities was seen as the problem. And while activists and organizers on campus advocated for more robust victim-centred approaches and support services, the Ontario government enacted legislation that simply mandated that universities strengthen their sexual violence policies and to make sexual assault statistics publicly available. To date, more research on the statistical prevalence of rape in a post-Bill 132 climate is needed. Some evidence suggests that the number of reports made to universities are still relatively low and the problem continues to be framed as one linked to underreporting (Takagi 2019).

Irrespective of the numbers, Bill 132 has enacted positive changes toward addressing campus sexual assault. The creation of sexual violence response centres on university campuses and the hiring of sexual violence coordinators and staff to help students navigate the processes of filing formal complaints or accessing support and mental health services will likely improve the lives of many students.

While there are many students who express a lack of interest in the formal reporting process (see Sibley and Moore 2020), there are many who find comfort and meaning in having their experiences validated by formal mechanisms of law and policy (D. Phillips 2017). The term “rape culture” provides a meaningful way for many to explain their own experiences, to give meaning to others, and to provide a rationale as to how a society might be so incapable of responding to the needs of survivors. The importance of this cannot be understated, but it must be understood as part of the assemblage that uses that very same rhetoric to justify sweeping criminal justice responses. As evidenced in the political rhetoric around Bill 132, rape culture has justified the expansion of other carceral institutions, including more funding for policing services and investment in anti-trafficking programs, which often tend to disproportionately target sex workers and racialized people and expand processes of criminalization (De Shalit et al. 2020). Sociolegal scholars and criminologists have mapped how these seemingly benevolent projects expand criminal justice enforcement, which tends to disproportionately and negatively affect racialized students (Kim et al. 2010).

In January 2021, the Ontario government has announced a pledge to amend and expand Bill 132. The proposed changes seek to provide rape shield provisions to protect complainants from unfair or irrelevant questioning about

their sexual history and to provide immunity to complainants who violate an institution's alcohol or drug policy.<sup>61</sup> As part of the ongoing strengthening of Bill 132, the Ontario government has established the Campus Safety Grant, and in 2020, it invested \$6 million to promote sexual violence prevention. It is unclear exactly how these funds are being directed, but the Ontario government notes, "The grant can be used to support a variety of student focused programs and services, including safe walk programs, awareness programs, safety training, staff salaries, equipment and for third-party organizations providing safety-related supports to students, such as counselling services from local sexual assault centres." More research as to how these funds are used and whether they are invested in comprehensive approaches to addressing the physical and mental health of student survivors or whether they are appropriated by campus securitization and crime prevention initiatives is yet to be seen.

How the language and knowledges attached to rape culture are used is an important project for sociolegal scholars and criminologists because of its potential to inform public policy. It is a concept that harnesses immense affective potential. Massumi writes, "A concept is a brick. It can be used to build the courthouse of reason. Or it can be thrown through the window" (1992, 5). How rape culture is mobilized and what people do with the concept requires ongoing interrogation because the concept is being made and remade in various contexts. Additionally, those contexts are important in giving meaning and force to rape

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<sup>61</sup> "Ontario Strengthens Sexual Violence and Harassment Policies at Postsecondary Institutions," Ontario Ministry of Colleges and Universities, news release, January 27, 2021, <https://news.ontario.ca/en/release/60131/ontario-strengthens-sexual-violence-and-harassment-policies-at-postsecondary-institutions>.

culture. How that brick is thrown and at what speed and intensity is also contingent on the dynamics of power. Whether consent culture, for example, is taken up as the new building block with the power to be transformative rather than maintain the legal status quo is yet to be seen. It seems as though the pivot to consent culture, for now, is closely guarded by those who have a vested interest in maintaining law's function as the decider of what counts as, and who can suffer, harm.

A history of the present reveals these power dynamics and maps, on the one hand, how certain orientations to the concept of rape culture are formed and, on the other, the kinds of orientations to rape that are created by invoking and labelling social practices as part of a rape culture. Rape culture is not just an unfettered invention of radical feminism but, instead, must be understood in a historical context that is assembled through academic, political, and activist discourse. Future research on rape culture should not take rape culture as an uncontested and universal truth. Instead, researchers must consider the historical and social contingencies that produce sexual violence as a cultural problem. The messy actualities and the way knowledges are assembled often reveal the underlying configurations of power that inform how concepts are made and how they are used.

# Appendix



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## Consent Form

**Study Title: Interrogating a 'rape culture': Exploring sexual violence in the legal, political, and institutional imaginary**

**Researcher:** Marcus A. Sibley, Ph.D. Candidate (marcus.sibley@carleton.ca)

**Supervisors:** Dr. Dawn Moore (dawn.moore@carleton.ca)  
Dr. Dale Spencer (dale.spencer@carleton.ca)

**Sponsor:** Carleton Research Ethics Board

### **Project Description:**

The purpose of this study is to explore how the notion of 'rape culture' develops from 1970 anti-rape activism and how the articulation of this concept has developed over time. This study is concerned with your involvement in anti-rape activism in feminist and/or legal communities and your observations of developments of the ways in which popular discussions of rape have developed and changed over time, specifically in relation to whether we live in a "rape culture". This research aims at contributing to a more robust historical understanding of developments of how we articulate the issue of sexual violence and the ways scholars and feminists articulate this.

Your participation will involve a semi-structured interview where you will be asked open-ended questions related to your involvement and/or your observations of the feminist and legal developments related to changes around sexual violence.

Participation in this project is voluntary and you may decline to answer any question or withdraw from the study without any negative consequence. You may withdraw from the study up to 30 days following your interview. To do so please send an email to [marcus.sibley@carleton.ca](mailto:marcus.sibley@carleton.ca) requesting your withdrawal.

### **Location and Time Requirement:**

The interview will take place at a time convenient to you and a place that is mutually agreeable. Preferably, interviews will take place in an office at either Carleton University or the university/institution to which you belong. If an in-person interview cannot be arranged, a phone or Skype interview may be requested. Interviews will last between 90-120 minutes.

**Confidentiality:**

Since the nature of this study may overlap with your own academic, activist, or professional work on sexual violence, the *option* of confidentiality will be extended to all participants. For example, participants may choose to have their real name and institutional/organizational affiliations accompany their interview data within the project. In this case, the data you contribute to this project will be attributable to your name and professional work.

Participants also have the option to request that their identifying information remain confidential. Participants will be given a pseudonym and all information related to your real name and professional work will be changed as to reduce the chance that your contributions to this study are attributable to your real name and professional work. ***It should be noted, however, that given the small nature of feminist and legal activists involved in the anti-rape movement from the 1970s onward, I cannot guarantee confidentiality. This means that although the necessary steps will be taken to ensure your information remain confidential to the best of my abilities, the possibility that your identity will remain anonymous cannot be given an absolute guarantee.***

All information relating to the study, including audio recordings, consent forms, etc. will be destroyed within one year following the completion of the study. Transcripts of the interviews will be kept for up to 10 years following the completion of the study. You may review the transcript of your interview with the researcher at any time following your interview.

Please initial **ONE** of the following options:

**Option 1:**

- 1) The participant would like to have their contributions to this study associated with their name, affiliations, and work associated within the anti-rape movement.

Participant's initials: \_\_\_\_\_

**Option 2:**

- 2) The participant would like their identifying information to remain *confidential*. The participant acknowledges that given the close-knit relationship of anti-rape activists in Canada in the 1970s, 1980s and 1990s, the researcher **cannot guarantee** complete anonymity.

Participant's initials: \_\_\_\_\_

**Risks and Benefit:**

There are no risks to your participation in this study. There are no direct benefits to participation in this study, though participation may help enrich the literature on feminist activism and rape reform in Canada.

**Consent:**

Your signature on this consent form indicates that you understand the purpose of this study and that you acknowledge your rights and obligations as a participant. You may withdraw from the study within 30 days following your interview without consequence by emailing [marcus.sibley@carleton.ca](mailto:marcus.sibley@carleton.ca).

If the researcher and participant are unable to meet in-person and conduct an interview via telephone or Skype, this consent form is to be signed and sent electronically directly to the researcher via the email address above.

Your participation in this study should be as informed as your initial consent. Should you have any questions related to your involvement in this project or should you require clarification, please do not hesitate to contact the researcher for further information.

**Do you agree to be audio recorded?                      YES**

**NO**

**Name of participant:** \_\_\_\_\_

**Signature of participant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signature of researcher:** \_\_\_\_\_

**Date:** \_\_\_\_\_

If you have any ethical concerns with the study, please contact  
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Chair, Carleton University Research Ethics Board-A  
613-520-2600 ext. 2517  
[ethics@carleton.ca](mailto:ethics@carleton.ca)

## References

- Abbey, Antonia, Michele R. Parkhill, A. Monique Clinton-Sherrod, and Tina Zawacki. 2007. "A Comparison of Men Who Committed Different Types of Sexual Assault in a Community Sample." *Journal of Interpersonal Violence* 22 (12): 1567–80.
- Abrams, Kathryn. 1995. "Sex Wars Redux: Agency and Coercion in Feminist Legal Theory." *Columbia Law Review* 95 (2): 304–76.
- Adams, Paul. "Do Canadian Universities Foster a 'Rape Culture?'" *University Affairs*, March, 12, 2014. <https://www.universityaffairs.ca/opinion/in-my-opinion/do-canadian-universities-foster-a-rape-culture/>.
- Ahmed, Sara. 2004. "Affective Economies." *Social text* 22 (2): 117–39.
- . 2006. *Queer Phenomenology*. Durham, NC: Duke University Press.
- . 2014. *Willful Subjects*. Durham, NC: Duke University Press.
- Alder, Ken. 2007. "Introduction." *Isis* 98 (1): 80–83.
- Aliment, Ruby. 2015. "Saying Yes: How California's Affirmative Consent Policy Can Transform Rape Culture." *Seattle Journal for Social Justice* 14 (1): 187–227.
- Allard, Sharon Angella. 1991. "Rethinking Battered Woman Syndrome: A Black Feminist Perspective." *UCLA Women's Law Journal* 1:191–207.
- Amir, Menachem. 1971. *Patterns in Forcible Rape*. Chicago: University of Chicago Press.
- Anderson, Kathryn B., Harris Cooper, and Linda Okamura. 1997. "Individual Differences and Attitudes Toward Rape: A Meta-Analytic Review." *Personality and Social Psychology Bulletin* 23 (3): 295–315.
- Anderson, Michelle J. 2016. "Campus Sexual Assault Adjudication and Resistance to Reform." *Yale Law Journal* 125 (7): 1940–2005.
- Armstrong, Elizabeth A., Laura Hamilton, and Brian Sweeney. 2006. "Sexual Assault on Campus: A Multilevel, Integrative Approach to Party Rape." *Social Problems* 53 (4): 483–99.
- Ashby, Madeline. 2016. "Carleton University Must Acknowledge Rape Culture." *Ottawa Citizen*, August 24, 2016. <https://ottawacitizen.com/opinion/columnists/ashby-carleton-must-acknowledge-rape-culture>.
- Atkinson, Ti-Grace. 1970a. "The Institution of Sexual Intercourse." In *Notes from the Second Year: Women's Liberation: Major Writings of the Radical Feminists*, edited by Shulamith Firestone, and Anne Koedt, 42–47. New York: Radical Feminism.
- . 1970b. "Radical Feminism." In *Notes from the Second Year: Women's Liberation: Major Writings of the Radical Feminists*, edited by Shulamith Firestone, and Anne Koedt, 32–36. New York: Radical Feminism.

- Auld, Alison. 2013. "Saint Mary's University Student Leader Sorry for Sexual Assault Chant." News1130, September 5, 2013.  
<https://www.citynews1130.com/2013/09/05/nova-scotia-minister-disappointed-after-student-video-on-non-consensual-sex/>.
- Backhouse, Constance. 1991. *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada*. Toronto: Women's Press.
- . 1996. "The White Women's Labor Laws: Anti-Chinese Racism in Early Twentieth-Century Canada." *Law and History Review* 14 (2): 315–68.
- . 2008. *Carnal Crimes: Sexual Assault Law in Canada, 1900-1975*. Toronto: Irwin Law.
- Backhouse, Constance, Donald McRae, and Nitya Iyer. 2015. *Report of the Task Force on Misogyny, Sexism and Homophobia in Dalhousie University Faculty of Dentistry*. June 26, 2015.  
<https://cdn.dal.ca/content/dam/dalhousie/pdf/cultureofrespect/DalhousieDentistry-TaskForceReport-June2015.pdf>.
- Backhouse, Constance, and Lorna Schoenroth. 1984. "A Comparative Study of Canadian and American Rape Law." *Canada-United States Law Journal* 7:173–214.
- Banyard, Victoria L., Mary M. Moynihan, and Maria T. Crossman. 2009. "Reducing Sexual Violence on Campus: The Role of Student Leaders as Empowered Bystanders." *Journal of College Student Development* 50 (4): 446–57.
- Barbaree, Howard E., William L. Marshall, and R. D. Lanthier. 1979. "Deviant Sexual Arousal in Rapists." *Behaviour Research and Therapy* 17 (3): 215–22.
- Barnes, Gordon E., Neil M. Malamuth, and James V. P. Check. 1984. "Psychoticism and Sexual Arousal to Rape Depictions." *Personality and Individual Differences* 5 (3): 273–79.
- Barry, Andrew, Thomas Osborne, and Nikolas Rose. 1993. "Liberalism, Neo-Liberalism and Governmentality: Introduction." *Economy and Society* 22 (3): 265–66.
- Barry, Kathleen. 1979. *Female Sexual Slavery*. Englewood Cliffs, NJ: Prentice Hall.
- Baxi, Pratiksha. 2014. "Sexual Violence and Its Discontents." *Annual Review of Anthropology* 43 139–54.
- Baxter, D. J., Howard E. Barbaree, and William L. Marshall. 1986. "Sexual Responses to Consenting and Forced Sex in a Large Sample of Rapists and Nonrapists." *Behaviour Research and Therapy* 24 (5): 513–20.
- Benedict, Helen. 1993. *Virgin or Vamp: How the Press Covers Sex Crimes*. Oxford: Oxford University Press.
- Benoit, Cecilia, Leah Shumka, Rachel Phillips, Mary Clare Kennedy, and Lynne Belle-Isle. 2015. *Issue Brief: Sexual Violence Against Women in Canada*. Ottawa, ON: Status of Women Canada.
- Benson, Dennis, Catherine Charlton, and Fem Goodhart. 1992. "Acquaintance

- Rape on Campus: A Literature Review." *Journal of American College Health* 40 (4): 157–65.
- Berlant, Lauren. 2011. *Cruel Optimism*. Durham, NC: Duke University Press.
- Bernat, Jeffrey A., Karen S. Calhoun, and Henry E. Adams. 1999. "Sexually Aggressive and Nonaggressive Men: Sexual Arousal and Judgments in Response to Acquaintance Rape and Consensual Analogues." *Journal of Abnormal Psychology* 108 (4): 662.
- Bernstein, Elizabeth. 2010. "Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Antitrafficking Campaigns." *Signs* 36 (1): 45–71.
- Bevacqua, Maria. 2000. *Rape on the Public Agenda: Feminism and the Politics of Sexual Assault*. Boston: Northeastern University Press.
- Bhattacharjee, Ken. 2003. *The Ontario Safe Schools Act: School Discipline and Discrimination*. <http://www.ohrc.on.ca/en/ontario-safe-schools-act-school-discipline-and-discrimination>.
- Bissenthal, Lorri. 1990. *Sexual Assault Legislation in Canada: An Evaluation*. Report No. 5. Ottawa, ON: Department of Justice Canada.
- Blandy, Sarah, and David Sibley. 2010. "Law, Boundaries and the Production of Space." *Social & Legal Studies* 19 (3): 275–84.
- Bleecker, E. Timothy, and Sarah K. Murnen. 2005. "Fraternity Membership, the Display of Degrading Sexual Images of Women, and Rape Myth Acceptance." *Sex Roles* 53 (7-8): 487–93.
- Bliss, Janet. 1979. "Lady Beware—This Pamphlet is Not About Rape." *Branching Out* 6 (3): 5.
- Blomley, Nicholas K. 1994. *Law, Space, and the Geographies of Power*. New York: Guilford Press.
- Borges, Angela M., Victoria L. Banyard, and Mary M. Moynihan. 2008. "Clarifying Consent: Primary Prevention of Sexual Assault on a College Campus." *Journal of Prevention and Intervention Community* 36 (1-2): 75–88.
- Boswell, A. Ayres, and Joan Z. Spade. 1996. "Fraternities and Collegiate Rape Culture: Why Are Some Fraternities More Dangerous Places for Women." *Gender & Society* 10 (2): 133–47.
- Boyd, Susan B., and Elizabeth A. Sheehy. 1986. "Canadian Feminist Perspectives on Law." *Journal of Law and Society* 13 (3): 283–320.
- Bradshaw, James. 2014. "University of Ottawa Men's Hockey Team Suspended Over Alleged Sex Assault." *Globe and Mail*, March 3, 2014. <https://www.theglobeandmail.com/news/national/university-of-ottawa-suspends-hockey-team-over-serious-misconduct/article17201525/>.
- Bramham, Daphne. "Daphne Bramham: Little Things Show How Difficult it is for Universities to Ditch Rape Culture." *Vancouver Sun*, September 18, 2016. <https://vancouver.sun.com/news/local-news/daphne-bramham->

little-things-show-how-difficult-it-is-for-universities-to-ditch-rape-culture  
Daphne Bramham: Little things show how difficult it is for universities to ditch rape culture.

- Brigham, John. 2016. "'Rape Culture' Narrative, State Feminism, and the Presumption of Guilt." In *Wrongful Allegations of Sexual and Child Abuse*, edited by Ros Burnett, 66–81. Oxford: Oxford University Press.
- Britt, Stuart Henderson. 1937. "Past and Present Trends in the Methods and Subject Matter of Social Psychology." *Social Forces* 15 (4): 462–69.
- Brown, Martha. 1979. "Biggest 'Take Back the Night' Yet." *New Women's Times* 5 (21): 12.
- Brownmiller, Susan. 1969. "Everywoman's Abortions: 'The Oppressor is Man'." *The Village Voice*, March 27, 1969.
- . 1975. *Against Our Will: Men, Women, and Rape*. New York: Ballantine Books.
- . 1999. *In Our Time: Memoir of a Revolution*. New York: Dell Publishing.
- Buchanan, Ian. 2020. *Assemblage Theory and Method*. London: Bloomsbury Publishing.
- Buchwald, Emilie, Pamela R. Fletcher, Martha Roth, eds. 1993. *Transforming a Rape Culture*. Minneapolis: Milkweed Editions.
- Burgess, Ann C., and Lynda Lytle Holmstrom. 1973. "The Rape Victim in the Emergency Ward." *American Journal of Nursing* 73 (10): 1740.
- Burgess, Ann Wolbert, and Lynda Lytle Holmstrom. 1974a. "Rape Trauma Syndrome." *American journal of Psychiatry* 131 (9): 981–86.
- . 1974b. *Rape: Victims of Crisis*. Bowie, MD: R.J. Brady.
- Burnett, Ann, Jody L. Mattern, Liliana L. Herakova, David H. Kahl, Cloy Tobola, and Susan E. Bornsen. 2009. "Communicating / muting Date Rape: A Co-Cultural Theoretical Analysis of Communication Factors Related to Rape Culture on a College Campus." *Journal of Applied Communication Research* 37 (4): 465–85.
- Burt, Martha R. 1980. "Cultural Myths and Supports for Rape." *Journal of Personality and Social Psychology* 38 (2): 217–30.
- Buss, Doris, Diana Majury, Dawn Moore, George S. Rigakos, and Rashmee Singh. 2016. *The Response to Sexual Violence at Ontario University Campuses. Report Submitted to Ontario Ministry of Community Safety and Correctional Services*. Ontario Ministry of Community Safety and Correctional Services.
- Butters, Brian. 1978. "Women Dub Edmonton 'Rape City' as Sexual Assaults Rise Sharply: Alberta." *Globe and Mail*, November 25, 1978. ProQuest.
- Cahill, Ann J. 2000. "Foucault, Rape, and the Construction of the Feminine Body." *Hypatia* 15 (1): 43–63.
- Canadian Federation of Students-Nova Scotia. 2016. *Consent Culture: A Provincial Forum to End Sexual Violence on Campus (Forum Report)*. December 15, 2016.

- [https://cfs-fcee.ca/wp-content/uploads/2019/01/2016.CC\\_.ForumReport-1.pdf](https://cfs-fcee.ca/wp-content/uploads/2019/01/2016.CC_.ForumReport-1.pdf).
- Cannon, Larry, and William Fuller. 1974. "Prisoners Against Rape." *Feminist Alliance Against Rape Newsletter*, September/October, 1974: 5-8.
- Cantor, David, Bonnie Fisher, Susan Chibnall, and Reanne Townsend. 2015. *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct*. September 21, 2015. [https://www.aau.edu/sites/default/files/%40%20Files/Climate%20Survey/AAU\\_Campus\\_Climate\\_Survey\\_12\\_14\\_15.pdf](https://www.aau.edu/sites/default/files/%40%20Files/Climate%20Survey/AAU_Campus_Climate_Survey_12_14_15.pdf).
- Carline, Anna, Clare Gunby, and Jamie Murray. 2020. *Rape and the Criminal Trial*. London: Palgrave Macmillan.
- CBC News. 2013. "UBC Investigates Frosh Students' Pro-Rape Chant." September 7, 2013. <https://www.cbc.ca/news/canada/british-columbia/ubc-investigates-frosh-students-pro-rape-chant-1.1699589>.
- . 2014a. "Dalhousie Dentistry Student Calls Restorative Justice Plan 'Shocking.'" December 18, 2014. <https://www.cbc.ca/news/canada/nova-scotia/dalhousie-dentistry-student-calls-restorative-justice-plan-shocking-1.2877922>.
- . 2014b. "Dalhousie Dentistry Student Speaks Out About Sexism in Faculty." December 17, 2014. <https://www.cbc.ca/news/canada/nova-scotia/dalhousie-dentistry-student-speaks-out-about-sexism-in-faculty-1.2876591>.
- Centre for Free Expression. 2016. "Is There a 'Rape Culture' in Canada? A Critical Conversation." Video Podcast. November 9, 2016. <https://cfe.ryerson.ca/key-resources/podcasts/there-rape-culture-canada-critical-conversation/>.
- Chambers, Stuart. 2016. "Rape Culture Claim Needs Rigour." *Winnipeg Free Press*, August 29, 2016. <https://www.winnipegfreepress.com/opinion/analysis/rape-culture-claim-needs-rigour-391572641.html>.
- Charmaz, Kathy. 2014. *Constructing Grounded Theory*. London: Sage.
- Chase, Gillean. 1983. "An Analysis of the New Sexual-Assault Laws." *Canadian Woman Studies* 4 (4): 53-54.
- Check, James V., and Neil M. Malamuth. 1983. "Sex Role Stereotyping and Reactions to Depictions of Stranger Versus Acquaintance Rape." *Journal of Personality and Social Psychology* 45 (2): 344.
- Clark, Lorenne, and Debra Lewis. 1977. *Rape: The Price of Coercive Sexuality*. Toronto: The Women's Press.
- Clements, Julie A. 2003. "Participatory Democracy: The Bridge from Civil Rights to Women's Liberation." Paper presented at the Annual Meeting of the American Political Science Association, 5-24. Philadelphia, August 2003.
- Cohen, Leah, and Constance Backhouse. 1980. "Desexualizing Rape: Dissenting

- View on the Proposed Rape Amendments." *Canadian Woman's Studies* 2 (4): 99–103.
- Cohen, Murray, Theoharis Seghorn, and Wilfred Calmas. 1969. "Sociometric Study of the Sex Offender." *Journal of Abnormal Psychology* 74 (2): 249.
- Cohen, Sascha. 2015. "How a Book Changed the Way We Talk About Rape." *Time Magazine*, October 7, 2015. <https://time.com/4062637/against-our-will-40/>.
- Coker, Ann L., Heather M. Bush, Bonnie S. Fisher, Suzanne C. Swan, Corrine M. Williams, Emily R. Clear, and Sarah DeGue. 2016. "Multi-College Bystander Intervention Evaluation for Violence Prevention." *American Journal of Preventive Medicine* 50 (3): 295–302.
- Connell, Noreen, and Cassandra Wilson. 1974. *Rape: The First Sourcebook for Women*. New York: New American Library.
- Corne, Shawn, John Briere, and Lillian M. Esses. 1992. "Women's Attitudes and Fantasies About Rape as a Function of Early Exposure to Pornography." *Journal of Interpersonal Violence* 7 (4): 454–61.
- Cossmann, Brenda. 2019. "#MeToo, Sex Wars 2.0 and the Power of Law." In *Asian Yearbook of Human Rights and Humanitarian Law*, edited by Javan Rehman, Ayesha Shahid, and Steve Foster, 18–37. Leiden: Brill Nijhoff.
- Council of Ontario Universities. 2020. *Student Voices on Sexual Violence: Overview of Selected Survey Results from the University Sector*. Executive Summary. [https://ontariosuniversities.ca/wp-content/uploads/2020/02/COU-Student-Voices-Survey-Results\\_Overview-Feb-27-2020-FINAL.pdf](https://ontariosuniversities.ca/wp-content/uploads/2020/02/COU-Student-Voices-Survey-Results_Overview-Feb-27-2020-FINAL.pdf).
- Crawford, Blair, and Alison Sandstrom. 2016. "Battle Lines Drawn Over 'Rape Culture' At Carleton University." *Ottawa Citizen*, April 28, 2016. <https://ottawacitizen.com/news/local-news/battle-lines-drawn-over-rape-culture-at-carleton-university>.
- Crocker, Diane, and Marcus A. Sibley. 2020. "Transforming Campus Rape Culture: Lessons from Complexity Theory." In *Collaborating for Change: Transforming Cultures to End Gender Based Violence in Higher Education*, edited by Ruth Lewis and Susan Maine, 23–46. Oxford: Oxford University Press.
- D.C. Rape Crisis Center. 1972. "How to Start a Rape Crisis Center: Looking Back." Washington, DC. <https://files.eric.ed.gov/fulltext/ED108060.pdf>.
- Daly, Mary. 1985. *Beyond God the Father: Toward a Philosophy of Women's Liberation*. Boston: Beacon Press.
- Daniel, Yvette, and Karla Bondy. 2008. "Safe Schools and Zero Tolerance: Policy, Program and Practice in Ontario." *Canadian Journal of Educational Administration and Policy*, no. 70, 1-20.
- Davis, Angela Y. 1981. "Rape, Racism and the Myth of the Black Rapist." In *Women, Race, and Class*, 172–201. New York: Random House.
- De Shalit, Ann, Emily van der Meulen, and Adrian Guta. 2020. "Social Service

- Responses to Human Trafficking: The Making of a Public Health Problem." *Culture, Health & Sexuality*, 1–16. Published online September 8, 2020. <https://doi.org/10.1080/13691058.2020.1802670>.
- Dean, Flannery. 2015. "Dal Prof Speaks Out Against Campus Rape Culture." *Flare*, January 23, 2015. <https://www.flare.com/tv-movies/dalhousie-university-professor-speaks-out-against-campus-rape-culture/>.
- DeKeseredy, Walter S., and Katharine Kelly. 1993a. "The Incidence and Prevalence of Woman Abuse in Canadian University and College Dating Relationships." *Canadian Journal of Sociology / Cahiers canadiens de sociologie* 18 (2): 137–59.
- . 1993b. "Woman Abuse in University and College Dating Relationships: The Contribution of the Ideology of Familial Patriarchy." *Journal of Human Justice* 4 (2): 25–52.
- . 1995. "Sexual Abuse in Canadian University and College Dating Relationships: The Contribution of Male Peer Support." *Journal of Family Violence* 10 (1): 41–53.
- DeKeseredy, Walter S., Martin D. Schwartz, and Shahid Alvi. 2000. "The Role of Profeminist Men in Dealing with Woman Abuse on the Canadian College Campus." *Violence Against Women* 6 (9): 918–35.
- Del Gobbo, Daniel. 2020. "The Return of the Sex Wars: Contesting Rights and Interests in Campus Sexual Violence Reform." In *Violence Interrupted*, edited by Diane Crocker, Joanne Minaker, and Amanda Neland, 87–116. Montreal: McGill-Queen's University Press.
- Delanda, Manuel. 2016. *Assemblage Theory*. Edinburgh: Edinburgh University Press.
- Deleuze, Gilles. 1988. *Bergsonism*. New York: Zone Books.
- . 2007. *Two Regimes of Madness*. Los Angeles: Semiotext(e).
- Deleuze, Gilles, and Félix Guattari. 1987. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: The University of Minnesota Press.
- . 1994. *What is Philosophy?* New York: Columbia University Press.
- . 2004. *Anti-Oedipus*. Minneapolis: University of Minnesota Press.
- Deleuze, Gilles, and Claire Parnet. 2007. *Dialogues II*. New York: Columbia University Press.
- Dinovitzer, Ronit. 1997. "The Myth of Rapists and Other Normal Men: The Impact of Psychiatric Considerations on the Sentencing of Sexual Assault Offenders." *Canadian Journal of Law & Society/La Revue Canadienne Droit et Société* 12 (1): 147–69.
- Dodge, Alexa. 2016. "Digitizing Rape Culture: Online Sexual Violence and the Power of the Digital Photograph." *Crime, Media, Culture: An International Journal* 12 (1): 65–82.
- Donde, Sapana D., Sally K.A. Ragsdale, Mary P. Koss, and Alyssa N. Zucker.

2018. "If It Wasn't Rape, Was It Sexual Assault? Comparing Rape and Sexual Assault Acknowledgment in College Women Who Have Experienced Rape." *Violence Against Women* 24 (14): 1718–38.
- Dowler, Ken, Thomas Fleming, and Stephen L. Muzzatti. 2006. "Constructing Crime: Media, Crime, and Popular Culture." *Canadian Journal of Criminology and Criminal Justice* 48 (6): 837–50.
- Downs, Donald Alexander. 1989. *Why the Effort to Minimize Rape Culture Only Proves That It Does Exist*. Chicago: University of Chicago Press.
- Dreyfus, Hubert L., Paul Rabinow, and Michel Foucault. 1983. *Michel Foucault: Beyond Structuralism and Hermeneutic*. Chicago: University of Chicago Press.
- Dubriwny, Tasha N. 2005. "Consciousness-Raising as Collective Rhetoric: The Articulation of Experience in the Redstockings' Abortion Speak-Out of 1969." *Quarterly Journal of Speech* 91 (4): 395–422.
- Duru, N. Jeremi. 2003. "The Central Park Five, the Scottsboro Boys, and the Myth of the Bestial Black Man." *Cardozo Law Review* 25 (4): 1315–65.
- Dworkin, Andrea. 1987. *Intercourse*. New York: Free Press.
- . 1993. *Letters from a War Zone*. Lawrence Hill Books.
- Echols, Alice. 1989. *Daring to be Bad*. Minneapolis: University of Minnesota Press.
- Eisenman, Russell. 1991. *From Crime to Creativity: Psychological and Social Factors in Deviance*. Dubuque, IA: Kendall Hunt Publishing Company.
- England, Mary A. 1974. "Against Rape: A Survival Manual for Women." *Women's Press*, October 1974, 16.
- Estabrook, Barbara, Ruth Fessenden, Mary Dumas, and Thomas C. McBride. 1978. "Rape on Campus: Community Education and Services for Victims." *Journal of American College Health Association* 27 (2): 72–74.
- Farrow, Lynne. 1974. "That's All She Wrote: Popular Rape Fiction by Women." In *Rape: The First Sourcebook for Women*, edited by Noreen Connell, and Cassandra Wilson, 94–105. New York: New American Library.
- Faye, Cathy. 2012. "American Social Psychology: Examining the Contours of the 1970s Crisis." *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences* 43 (2): 514–21.
- Fedina, Lisa, Jennifer L. Holmes, and Bethany L. Backes. 2018. "Campus Sexual Assault: A Systematic Review of Prevalence Research From 2000 to 2015." *Trauma Violence Abuse* 19 (1): 76–93.
- Feild, Hubert S. 1978. "Attitudes Toward Rape: A Comparative Analysis of Police, Rapists, Crisis Counselors, and Citizens." *Journal of Personality and Social Psychology* 36 (2): 156–79.
- Feminist Alliance Against Rape. 1977. "Progress Marked by Pennsylvania Coalition." *FAAR News*, July / August 1977, 12-13.
- Ferraro, Kenneth. F. 1996. "Women's Fear of Victimization: Shadow of Sexual

- Assault." *Social Forces* 75 (2): 667–90.
- Finley, Colleen, and Eric Corty. 1993. "Rape on the Campus: The Prevalence of Sexual Assault While Enrolled in College." *Journal of College Student Development* 34 (2): 113–117.
- Firestone, Shulamith. 1968. "The Women's Rights Movement in the U.S.: A New View." In *Notes from the First Year*, edited by New York Radical Women, 1–7. New York: New York Radical Women.
- Fisher, Bonnie S., and Francis T. Cullen. 2000. "Measuring the Sexual Victimization of Women: Evolution, Current Controversies, and Future Research." *Criminal Justice* 4:317–90.
- Fisher, Bonnie S., Francis T. Cullen, and Michael G. Turner. 2000. *The Sexual Victimization of College Women*. Research Report. US Department of Justice. <https://files.eric.ed.gov/fulltext/ED449712.pdf>.
- Fisher, Gary, and Ephraim Rivlin. 1971. "Psychological Needs of Rapists." *British Journal of Criminology* 11 (2): 182–85.
- Fitzgerald, Robin T., and Peter J. Carrington. 2011. "Disproportionate Minority Contact in Canada: Police and Visible Minority Youth." *Canadian Journal of Criminology and Criminal Justice* 53 (4): 449–86.
- Foubert, John D., Angela Clark-Taylor, and Andrew F. Wall. 2020. "Is Campus Rape Primarily a Serial or One-Time Problem? Evidence from a Multicampus Study." *Violence Against Women* 26 (3-4): 296–311.
- Foucault, Michel. 1972. *The Archaeology of Knowledge: And the Discourse on Language*. New York: Pantheon Books.
- . 1977. *Discipline and Punish*. New York: Pantheon.
- . 1980a. *Language, Counter-Memory, Practice*. Cornell University Press.
- . 1980b. *Power/knowledge*. Edited by Colin Gordon. New York: Pantheon.
- . 1990. *The History of Sexuality*. New York: Vintage.
- . 1994. *The Order of Things: An Archaeology of the Human Sciences*. New York: Vintage.
- . 2003. *Society Must be Defended: Lectures at the College De France, 1975-76*. London: Macmillan.
- Fox, Bonnie J. 1993. "On Violent Men and Female Victims: A Comment on Dekeseredy and Kelly." *Canadian Journal of Sociology / Cahiers canadiens de sociologie* 18 (3): 321–24.
- Frazier, Patricia A., and Eugene Borgida. 1992. "Rape Trauma Syndrome." *Law and Human Behavior* 16 (3): 293–311.
- Gallo, Marcia M. 2015. "No One Helped": *Kitty Genovese, New York City, and the Myth of Urban Apathy*. Ithaca, NY: Cornell University Press.
- Garland, David. 2002. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.

- . 2014. "What is a "History of the Present"? On Foucault's Genealogies and Their Critical Preconditions." *Punishment & Society* 16 (4): 365–84.
- Garrett-Gooding, Joy, and Richard Senter Jr. 1987. "Attitudes and Acts of Sexual Aggression on a University Campus." *Sociological Inquiry* 57 (4): 348–71.
- Gartner, Rosemary. 1993. "Studying Woman Abuse: A Comment on DeKeseredy and Kelly." *The Canadian Journal of Sociology / Cahiers canadiens de sociologie* 18 (3): 313–20.
- Gavey, Nicola. 2013. *Just Sex? The Cultural Scaffolding of Rape*. London: Routledge.
- Gerstmann, Evan. 2019. "Understanding the Dueling Lawsuits Against Yale and Harvard Over Fraternities and Sororities." *Forbes*, February 19, 2019. <https://www.forbes.com/sites/evangerstmann/2019/02/19/understanding-the-dueling-lawsuits-against-yale-and-harvard-over-fraternities-and-sororities/#10f3f74f3516>.
- Gilchrist, Elizabeth, and Jacqueline Blissett. 2002. "Magistrates' Attitudes to Domestic Violence and Sentencing Options." *Howard Journal of Criminal Justice* 41 (4): 348–63.
- Gittos, Luke. 2015. *Why Rape Culture is a Dangerous Myth*. Bedfordshire, UK: Andrews.
- Globe and Mail*. 1978. "Women Plan March to Reclaim Streets After Wave of Rapes." November 16, 1978. ProQuest.
- Gotell, Lise. 2008. "Rethinking Affirmative Consent in Canadian Sexual Assault Law: Neoliberal Sexual Subjects and Risky Women." *Akron Law Review* 41 (4): 865–98.
- . 2015. "Reassessing the Place of Criminal Law Reform in the Struggle Against Sexual Violence: A Critique of Carceral Feminism." In *Rape Justice*, edited by Anastasia Powell, Nicola Henry, and Asher Flynn, 53–71. London: Palgrave Macmillan.
- Government of Ontario. 2015. *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment*. March 2015. <http://docs.files.ontario.ca/documents/4136/mi-2003-svhap-report-en-for-tagging-final-2-up-s.pdf>.
- Graham, Gordon. 1994. "Liberal vs Radical Feminism Revisited." *Journal of Applied Philosophy* 11 (2): 155–70.
- Greenberg, Lee. "Liberals Will Wait to Act on Promise to Cap Class Size." *National Post*, November 1, 2003.
- Griffin, Susan. 1971. "Rape: The All-American Crime." *Ramparts*, September 1971: 26-35.
- . 1979. *Rape: The Power of Consciousness*. New York: Harper and Row.
- Griffin, Vanessa Woodward, Dylan Pelletier, O. Hayden Griffin, and John J. Sloan. 2017. "Campus Sexual Violence Elimination Act: Saving Lives or Saving Face." *American Journal of Criminal Justice* 42 (2): 401–25.

- Grosz, Elizabeth. 1994. *Volatile Bodies*. Indiana University Press.
- . 2003. "Deleuze, Theory, and Space." *Log*, no. 1, 77–86.
- Groth, A. Nicholas. 1978. "Psychology of the Rapist: Theory and Case Material." Paper Presented at the Faces of Rape Conference, Philadelphia, PA, January 1978.
- . 2001. *Men Who Rape: The Psychology of the Offender*. Basic Books.
- Groth, A. Nicholas, Ann Wolbert Burgess, and Lynda Lytle Holmstrom. 1977. "Rape: Power, Anger, and Sexuality." *American Journal of Psychiatry* 134 (11): 1239–43.
- Gruber, Aya. 2009. "Rape, Feminism, and the War on Crime." *Washington Law Review* 84 (4): 581–660.
- . 2016. "Anti-Rape Culture." *University of Kansas Law Review* 64 (4): 1027–53.
- Gruden, Jennifer. "Rape Culture in Canada and Why You Should Care." *Canadian Living*, March 6, 2014. <https://www.canadianliving.com/life-and-relationships/culture-and-entertainment/article/rape-culture-in-canada-and-why-you-should-care>.
- Hacking, Ian. 1995. *Rewriting the Soul*. Princeton, NJ: Princeton University Press.
- Haggerty, Kevin D., and Richard V. Ericson. 2000. "The Surveillant Assemblage." *British Journal of Sociology* 51 (4): 605–22.
- Halley, Janet. 2008. "Rape in Berlin: Reconsidering the Criminalisation of Rape in the International Law of Armed Conflict." *Melbourne Journal of International Law* 9 (1): 78–124.
- . 2016. "The Move to Affirmative Consent." *Signs: Journal of Women in Culture and Society* 42 (1): 257–79.
- Halley, Janet, Prabha Kotiswaran, Rachel Rebouche, and Hila Shamir. 2019. *Governance Feminism*. Minneapolis: University of Minnesota Press.
- Hanisch, Carol. 1970. "The Personal is Political." In *Notes from the Second Year: Women's Liberation: Major Writings of the Radical Feminists*, edited by Shulamith Firestone, and Anne Koedt, 76–77. New York: Radical Feminism.
- Harris, Anthony R., and Gary D. Hill. 1982. "The Social Psychology of Deviance: Toward a Reconciliation with Social Structure." *Annual Review of Sociology* 8 (1): 161–84.
- Heartfield, Kate. 2013. "Let's Look at Our Own Rape Culture." *Ottawa Citizen*, January 9, 2013, A11.
- Hemmings, Clare. 2011. *Why Stories Matter*. Durham, NC: Duke University Press.
- Henry, Nicola, and Anastasia Powell. 2016. "Sexual Violence in the Digital Age." *Social & Legal Studies* 25 (4): 397–418.
- Herman, Dianne. 1980. "The Rape Culture." In *Women: A Feminist Perspective*,

- edited by Jo Freeman, 20–44. Mountain View, CA: Mayfield.
- Hine, Darlene Clark. 1989. "Rape and the Inner Lives of Black Women in the Middle West." *Signs: Journal of Women in Culture and Society* 14 (4): 912–20.
- Hines, D. A., J. L. Armstrong, K. P. Reed, and A. Y. Cameron. 2012. "Gender Differences in Sexual Assault Victimization Among College Students." *Violence and Victims* 27 (6): 922–40.
- Hodell, Melinda. 1989. "Attitudes Toward the Rape Survivor: An Exploration of Accountability Attributions." PhD. diss., Stanford University.
- Hodge, Nicholas. "U of O to Screen Rape Culture Film." *Metro*, March 20-22, 2015.  
<https://www.readmetro.com/en/canada/ottawa/20150320/2/#book/7>.
- Holmes, Martha R., and Janet S. St. Lawrence. 1983. "Treatment of Rape-Induced Trauma: Proposed Behavioral Conceptualization and Review of the Literature." *Clinical Psychology Review* 3 (4): 417–33.
- hooks, bell. 1984. *Feminist Theory: From Margin to Center*. Boston: South End Press.
- Horeck, Tanya. 2013. *Public Rape*. London: Routledge.
- . 2014. "#AskThicke: 'Blurred Lines,' Rape Culture, and the Feminist Hashtag Takeover." *Feminist Media Studies* 14 (6): 1105–7.
- Howells, Kevin, and Eric Wright. 1978. "The Sexual Attitudes of Aggressive Sexual Offenders." *British Journal of Criminology* 18 (2): 170–74.
- Hutchison, Brian. "Is There an Epidemic of 'Rape Culture' At Canadian Universities?" *National Post*, March 7, 2014.  
<https://nationalpost.com/news/is-there-an-epidemic-of-rape-culture-at-canadian-universities>.
- Jaffe, Anna E., Jessica A. Blayney, Melissa A. Lewis, and Debra Kaysen. 2020. "Prospective Risk for Incapacitated Rape Among Sexual Minority Women: Hookups and Drinking." *Journal of Sex Research* 57 (7): 922–32.
- Jiwani, Yasmin, and Mary Lynn Young. 2006. "Missing and Murdered Women: Reproducing Marginality in News Discourse." *Canadian Journal of Communication* 31 (4): 895–917.
- Johnson, Allan Griswold. 1980. "On the Prevalence of Rape in the United States." *Signs: Journal of Women in Culture and Society* 6 (1): 136–46.
- Jordan, Carol E., Jessica L. Combs, and Gregory T. Smith. 2014. "An Exploration of Sexual Victimization and Academic Performance Among College Women." *Trauma Violence Abuse* 15 (3): 191–200.
- Jozkowski, Kristen N., and Jacquelyn D. Wiersma-Mosley. 2017. "The Greek System: How Gender Inequality and Class Privilege Perpetuate Rape Culture." *Family Relations* 66 (1): 89–103.
- Karaian, Lara, and Dillon Brady. 2020. "Revisiting the 'Private Use Exception' to Canada's Child Pornography Laws: Teenage Sexting, Sex-Positivity, Pleasure, and Control in the Digital Age." *Osgoode Hall Law Journal* 56 (2):

301–49.

- Kay, Barbara. "Barbara Kay: Rape Culture and the Problem With Numbers." *National Post*, November 26, 2015.  
<https://nationalpost.com/opinion/barbara-kay-rape-culture-and-the-problem-with-numbers>.
- Kaye, Julie, John Winterdyk, and Lara Quarterman. 2014. "Beyond Criminal Justice: A Case Study of Responding to Human Trafficking in Canada." *Canadian Journal of Criminology and Criminal Justice* 56 (1): 23–48.
- Kelling, George L., and James Q. Wilson. 1982. "Broken Windows." *Atlantic Monthly* 249 (3): 29–38.
- Khan, Ummni. 2016a. "An Incitement to Rapey Discourse: Blurred Lines and the Erotics of Protest." In *Synesthetic Legalities: Sensory Dimensions of Law and Jurisprudence*, edited by Sarah Marusek, 200–213. New York: Routledge.
- . 2016b. "The Rhetoric of Rape Culture." *Centre for Free Expression (Ryerson University)*. December 5, 2016.  
<https://cfe.ryerson.ca/blog/2016/12/rhetoric-rape-culture>.
- . 2017a. "Fetishizing Music as Rape Culture." *Studies in Gender and Sexuality* 18 (1): 19–30.
- . 2017b. "Let's Get it on: Some Reflections on Sex-Positive Feminism." *Women's Rights Law Reporter* 38 (3–4): 346–54.
- Khan, Ummni, and Maggie FitzGerald. "We Do Have Nice Tits; Thank You for Noticing! (or, an Intersectional Pleasure-Positive Defence of Catcalling)." *Centre for Free Expression*. August 30, 2018.  
<https://cfe.ryerson.ca/blog/2018/08/we-do-have-nice-tits-thank-you-noticing-or-intersectional-pleasure-positive-defence>.
- Kim, Jane. 2012. "Taking Rape Seriously: Rape as Slavery." *Harvard Journal of Law & Gender* 35 (1): 263–310.
- Kim, Mimi E. 2018. "From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration." *Journal of Ethnic & Cultural Diversity in Social Work* 27 (3): 219–33.
- Kinnon, Dianne. 1981. *Report on Sexual Assault in Canada*. Ottawa: Canadian Advisory Council on the Status of Women.
- Kipnis, Laura. 2017. *Unwanted Advances: Sexual Paranoia Comes to Campus*. New York: Harper Collins.
- Klaw, Elena L., Kimberly A. Lonsway, Dianne R. Berg, Craig R. Waldo, Chevon Kothari, Christopher J. Mazurek, and Kurt E. Hegeman. 2005. "Challenging Rape Culture: Awareness, Emotion and Action Through Campus Acquaintance Rape Education." *Women & Therapy* 28 (2): 47–63.
- Klein, John F. 1976. "The Dangerousness of Dangerous Offender Legislation: Forensic Folklore Revisited." *Canadian Journal of Criminology & Corrections* 18 (2): 109–22.
- Koopman, Colin. 2013. *Genealogy as Critique*. Bloomington: Indiana University

Press.

- Koss, Mary P. 1985. "The Hidden Rape Victim: Personality, Attitudinal, and Situational Characteristics." *Psychology of Women Quarterly* 9 (2): 193–212.
- . 1992. "The Underdetection of Rape: Methodological Choices Influence Incidence Estimates." *Journal of Social Issues* 48 (1): 61–75.
- . 1993. "Detecting the Scope of Rape: A Review of Prevalence Research Methods." *Journal of Interpersonal Violence* 8 (2): 198–222.
- Koss, Mary P., Antonia Abbey, Rebecca Campbell, Sarah Cook, Jeanette Norris, Maria Testa, Sarah Ullman, Carolyn West, and Jacquelyn White. 2007. "Revising the SES: A Collaborative Process to Improve Assessment of Sexual Aggression and Victimization." *Psychology of Women Quarterly* 31 (4): 357–70.
- Koss, Mary P., Thomas E. Dinero, Cynthia a. Seibel, and Susan L. Cox. 1988. "Stranger and Acquaintance Rape: Are There Differences in the Victim's Experience." *Psychology of Women Quarterly* 12 (1): 1–24.
- Koss, Mary P., Christine A. Gidycz, and Nadine Wisniewski. 1987. "The Scope of Rape: Incidence and Prevalence of Sexual Aggression and Victimization in a National Sample of Higher Education Students." *Journal of Consulting and Clinical Psychology* 55 (2): 162-170.
- Koss, Mary P., and Cheryl J. Oros. 1980. "Hidden Rape: A Survey of the Incidence of Sexual Aggression and Victimization on a University Campus." Paper presented at the Midwestern Psychological Association, St. Louis, MO, 1980. <https://files.eric.ed.gov/fulltext/ED188095.pdf>.
- Krebs, Christopher, Christine Lindquist, Marcus Berzofsky, Bonnie Shook-Sa, Kimberly Peterson, Michael Planty, Lynn Langton, and Jessica Stroop. 2016. *Campus Climate Survey Validation Study: Final Technical Report*. Bureau of Justice Statistics, Office of Justice Programs. <https://rvap.uiowa.edu/assets/Uploads/Campus-Climate-Survey-2016.pdf>.
- Krebs, Christopher P., Christine H. Lindquist, Tara D. Warner, Bonnie S. Fisher, and Sandra L. Martin. 2007. "The Campus Sexual Assault (CSA) Study." Washington, DC: National Institute of Justice, US Department of Justice.
- Lamble, Sarah. 2013. "Queer Necropolitics and the Expanding Carceral State: Interrogating Sexual Investments in Punishment." *Law and Critique* 24 (3): 229–53.
- Larcombe, Wendy. 2011. "Falling Rape Conviction Rates: (Some) Feminist Aims and Measures for Rape Law." *Feminist Legal Studies* 19 (1): 27–45.
- Laucius, Joanne E. "'Rape Culture': Carleton University Posts Draft of Sexual Violence Prevention Policy." *Ottawa Sun*, October 7, 2016. <https://ottawasun.com/2016/10/07/rape-culture-carleton-university-posts-draft-of-sexual-violence-prevention-policy>.
- Lave, Tamara Rice. 2017. "A Critical Look at How Top Colleges and Universities Are Adjudicating Sexual Assault." *University of Miami Law Review* 71 (2):

377–427.

- Law Reform Commission of Canada. 1978a. *Report on Sexual Offences*. Catalogue No. J31-28/1978, Ottawa, ON.  
<https://ia800300.us.archive.org/31/items/reportonsexualof00lawr/reportonsexualof00lawr.pdf>
- . 1978b. *Working Paper 22: Sexual Offences (Criminal Law)*. Catalogue No. J32-1/22-1978, Ottawa, ON.  
<https://ia800604.us.archive.org/29/items/sexualoffences00lawr/sexualoffences00lawr.pdf>
- Leary, Mary Graw. 2016. "Affirmatively Replacing Rape Culture with Consent Culture." *Texas Tech Law Review* 49 (1): 1–56.
- Lease, Carol. 1975. "Against Our Will: Men, Women and Rape (Review)." *Big Mama Rag* 3-A (12): 10.
- Lenaerts, Sue, and Deb Friedman. 1979. "Can Rapists be Changed? The Case of William Fuller." *Aegis*, July/August, 18–22.
- Lewis, Ruth, Susan Marine, and Kathryn Kenney. 2018. "I Get Together with My Friends and Try to Change it'. Young Feminist Students Resist 'Laddism', 'Rape Culture' and 'Everyday Sexism.'" *Journal of Gender Studies* 27 (1): 56–72.
- Llewellyn, Jennifer, Jacob Macisaac, and MeLissa MacKay. 2015. *Report from the Restorative Justice Process at the Dalhousie University Faculty of Dentistry*.  
<https://cdn.dal.ca/content/dam/dalhousie/pdf/cultureofrespect/RJ2015-Report.pdf>.
- Lopes-Baker, Aliza, Mathew McDonald, Jessica Schissler, and Victor Pirone. 2017. "Canada and United States: Campus Sexual Assault Law & Policy Comparative Analysis." *Canada-United States Law Journal* 41 (1): 156–66.
- Los, Maria. 1994. "The Struggle to Redefine Rape in the Early 1980s." In *Confronting Sexual Assault*, edited by Julian V. Roberts, and Renate M. Mohr, 20–57. Toronto: University of Toronto Press.
- Love, Barbara J. 2006. *Feminists Who Changed America, 1963-1975*. Urbana: University of Illinois Press.
- Low, Setha M. 1996. "Spatializing Culture: The Social Production and Social Construction of Public Space in Costa Rica." *American Ethnologist* 23 (4): 861–79.
- Lowenstein, L. F. 1977. "Who is the Rapist?" *Journal of Criminal Law* 41 (2): 137–48.
- MacDonald, Donald. 1980. *Sexual Offences*. Ottawa, ON: Government of Canada, Library of Parliament (Research Branch).
- MacKay, Jenna M., Ursula Wolfe, and Alexandra Rutherford. 2017. "Collective Conversations, Collective Action: York University's Sexual Assault Survivors' Support Line and Student Organizing for Campus Safety." In *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and*

- Strategies for Change*, edited by Elizabeth Quinlan, Curtis Fogel, Andrea Quinlan, and Gail Taylor, 237–53. Waterloo, ON: Wilfred Laurier University Press.
- Mackinnon, Catharine A. 1985. "Pornography, Civil Rights, and Speech." *Harvard Civil Rights-Civil Liberties Law Review* 20 (1): 1–70.
- . 1989a. "Sexuality, Pornography, and Method: 'Pleasure Under Patriarchy'." *Ethics* 99 (2): 314–46.
- . 1989b. *Toward a Feminist Theory of the State*. Cambridge, MA: Harvard University Press.
- MacLure, Maggie. 2013. "Classification or Wonder? Coding as an Analytic Practice in Qualitative Research." In *Deleuze and Research Methodologies*, edited by Rebecca Coleman, and Jessica Ringrose, 164–83. Edinburgh: Edinburgh University Press.
- Macpherson, Alice. 1978. "Wen Do." *Kinesis* 7 (9): 6.
- Malamuth, Neil M. 1981. "Rape Proclivity Among Males." *Journal of Social Issues* 37 (4): 138–57.
- Manhart, Mary Ann, and Florence Rush. 1974. "New York Radical Feminists Manifesto." In *Rape: The First Sourcebook for Women*, edited by Noreen Connell and Cassandra Wilson, 1–2. New York: New American Library.
- Manirambona, Espoir. 2016. "Students Demand Runte Address Carleton's Rape Culture." *The Leveller*, March 21, 2016. <https://leveller.ca/2016/03/carletons-rape-culture/>.
- Mann, Coramae Richey, and Lance H. Selva. 1979. "The Sexualization of Racism: The Black as Rapist and White Justice." *Western Journal of Black Studies* 3 (3): 168–77.
- Marcus, Sharon. 1992. "Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention." In *Feminists Theorize the Political*, edited by Judith Butler and Joan W. Scott, 385–403. London: Routledge.
- Marshall, William L., and Howard E. Barbaree. 1978. "The Reduction of Deviant Arousal: Satiation Treatment for Sexual Aggressors." *Correctional Psychologist* 5 (4): 294–303.
- Martin, Patricia Yancey. 2016. "The Rape Prone Culture of Academic Contexts." *Gender & Society* 30 (1): 30–43.
- Masson, Amy. 2020. "A Critique of Anti-Carceral Feminism." *Journal of International Women's Studies* 21 (3): 64–76.
- Massumi, Brian. 1992. *A User's Guide to Capitalism and Schizophrenia*. Cambridge, MA: MIT Press.
- . 2002. *Parables for the Virtual*. Durham, NC: Duke University Press.
- McAfee, Noëlle, and Katie B. Howard. 2018. "Feminist Political Philosophy." In *Stanford Encyclopedia of Philosophy*, edited by Edward Zalta, 1–42. Stanford, CA: The Metaphysics Research Lab (Stanford University).

- McCauley, Jenna, Kenneth J. Ruggiero, Heidi S. Resnick, Lauren M. Conoscenti, and Dean G. Kilpatrick. 2009. "Forcible, Drug-Facilitated, and Incapacitated Rape in Relation to Substance Use Problems: Results From a National Sample of College Women." *Addictive Behaviors* 34 (5): 458–62.
- Mcduff, Robin, Deanne Pernell, and Karen (Santa Cruz Women Against Rape) Saunders. 1977. "Feminists Critique Anti-Rape Movement." *Feminist Alliance Against Rape Newsletter*, January/February, 1977, 2–5.
- McGarry, Ross, and Sandra Walklate. 2015. *Victims: Trauma, Testimony and Justice*. London: Routledge.
- McGuire, Danielle L. 2010. *At the Dark End of the Street: Black Women, Rape, and Resistance—A New History of the Civil Rights Movement From Rosa Parks to the Rise of Black Power*. New York: Vintage.
- Mead, Margaret. 1935. *Sex and Temperament*. New York: Morrow.
- Medea, Andra, and Kathleen Thompson. 1975. *Against Rape*. London: Peter Owen.
- Mehta, Diana. 2014. "Ottawa Student Leader Denounces 'Rape Culture' on Canadian Campuses." *CTV News*, March 2, 2014. <https://www.ctvnews.ca/canada/ottawa-student-leader-denounces-rape-culture-on-canadian-campuses-1.1710403>.
- Mendes, Kaitlynn. 2015. *Slutwalk: Feminism, Activism and Media*. London: Palgrave Macmillan.
- Mendes, Kaitlynn, Jessalynn Keller, and Jessica Ringrose. 2019. "Digitized Narratives of Sexual Violence: Making Sexual Violence Felt and Known Through Digital Disclosures." *New Media & Society* 21 (6): 1290–1310.
- Mendes, Kaitlynn, Jessica Ringrose, and Jessalynn Keller. 2018. "#MeToo and the Promise and Pitfalls of Challenging Rape Culture Through Digital Feminist Activism." *European Journal of Women's Studies* 25 (2): 236–46.
- Miller, Peter, and Nikolas Rose. 1994. "On Therapeutic Authority: Psychoanalytical Expertise Under Advanced Liberalism." *History of the Human Sciences* 7 (3): 29–64.
- Mohler-Kuo, Meichun, George W. Dowdall, Mary P. Koss, and Henry Wechsler. 2004. "Correlates of Rape While Intoxicated in a National Sample of College Women." *Journal of Studies on Alcohol* 65 (1): 37–45.
- Moon, Dreama G., and Michelle A. Holling. 2020. "White Supremacy in Heels": (White) Feminism, White Supremacy, and Discursive Violence." *Communication and Critical/Cultural Studies* 17 (2): 253–60.
- Moore, Dawn. 2016. "A Galvanizing Process: Unpacking Ontario's New Postsecondary Sexual Violence Policies." *Academic Matters*, December 7, 2016. <https://academicmatters.ca/galvanizing-process-unpacking-ontarios-new-postsecondary-sexual-violence-policies/>.
- Morgan, Robin. 1980. "Theory and Practice: Pornography and Rape." In *Take Back the Night: Women on Pornography*, edited by Laura Lederer, 134–40.

- New York: William Morrow.
- Mosher, Donald L., and Ronald D. Anderson. 1986. "Macho Personality, Sexual Aggression, and Reactions to Guided Imagery of Realistic Rape." *Journal of Research in Personality* 20 (1): 77–94.
- Muehlenhard, Charlene L., Zoë D. Peterson, Terry P. Humphreys, and Kristen N. Jozkowski. 2017. "Evaluating the One-in-five Statistic: Women's Risk of Sexual Assault While in College." *Journal of Sex Research* 54 (4-5): 549–76.
- Murphy, Lindsay, and Jonathan Livingstone. 1985. "Racism and the Limits of Radical Feminism." *Race & Class* 26 (4): 61–70.
- Nail, Thomas. 2017. "What is an Assemblage." *SubStance* 46 (1): 21–37.
- New York Radical Women. 1968. *Notes from the First Year*. New York: New York Radical Women.
- New, Jake. "Defining Rape Culture." *Inside Higher Ed*, November 7, 2016. <https://www.insidehighered.com/news/2016/11/07/students-urge-colleges-define-rape-culture-their-sexual-assault-policies>.
- O'Doherty, Tamara. 2011. "Criminalization and Off-Street Sex Work in Canada." *Canadian Journal of Criminology and Criminal Justice* 53 (2): 217–45.
- O'Malley, Pat, Lorna Weir, and Clifford Shearing. 1997. "Governmentality, Criticism, Politics." *Economy and Society* 26 (4): 501–17.
- O'Sullivan, Chris. 1993. "Fraternities and the Rape Culture." In *Transforming a Rape Culture*, edited by Emilie Buchwald, Pamela R. Fletcher, and Martha Roth, 23–30. Minneapolis: Milkweed Editions.
- O'Sullivan, Elizabeth Ann. 1978. "What Has Happened to Rape Crisis Centers? A Look at Their Structures, Members, and Funding." *Victimology* 3 (1-2): 45–62.
- Ontario Human Rights Commission. 2005. "Human Rights Settlement Reached with Ministry of Education on Safe Schools." <http://www.ohrc.on.ca/en/human-rights-settlement-reached-ministry-education-safe-schools/>.
- Ontario Women's Directorate. 2011. *Changing Attitudes, Changing Lives: Ontario's Sexual Violence Action Plan*. March 2011. <http://theactioncommittee.ca/wp-content/uploads/Changing-attitudes-changing-lives.pdf>.
- . 2013. *Developing a Response to Sexual Violence*. January 2013. <https://collections.ola.org/mon/27002/320873.pdf>.
- Paglia, Camille. 1995. *Vamps & Tramps. New Essays*. New York: Vintage
- Pardue, Angela, and Bruce A. Arrigo. 2008. "Power, Anger, and Sadistic Rapists: Toward a Differentiated Model of Offender Personality." *International Journal of Offender Therapy and Comparative Criminology* 52 (4): 378–400.
- Pasquino, Pasquale. 1991. "Theatrum Politicum: The Genealogy of Capital - Police and the State of Prosperity." In *The Foucault Effect*, edited by

- Graham Burchell, Colin Gordon, and Peter Miller, 105–19. Chicago: University of Chicago Press.
- Patton, Tracey Owens, and Julie Snyder-Yuly. 2007. "Any Four Black Men Will Do: Rape, Race, and the Ultimate Scapegoat." *Journal of Black Studies* 37 (6): 859–95.
- Payne, Brian K., Deeanna Button, and Laura Rapp. 2008. "Challenges to Doing Sexual Violence Work." *Journal of Aggression, Maltreatment & Trauma* 17 (3): 374–93.
- Pelvin, Holly. 2019. "Remand as a Cross-Institutional System: Examining the Process of Punishment Before Conviction." *Canadian Journal of Criminology and Criminal Justice* 61 (2): 66–87.
- Perry, Imani. 2007. "Let Me Holler at You: African-American Culture, Postmodern Feminism, and Revisiting the Law of Sexual Harassment." *Georgetown Journal of Gender and the Law* 8 (1): 111–27.
- Petrunik, Michael. 2003. "The Hare and the Tortoise: Dangerousness and Sex Offender Policy in the United States and Canada." *Canadian Journal of Criminology and Criminal Justice* 45 (1): 43–72.
- Pettigrew, Todd. "Don't Blame Me for Appalling Saint Mary's Chant." *Macleans's*, September 6, 2013.  
<https://www.macleans.ca/education/uniandcollege/dont-blame-me-for-appalling-saint-marys-chant/>.
- Phillips, Dana. 2017. "Let's Talk About Sexual Assault: Survivor Stories and the Law in the Jian Ghomeshi Media Discourse." *Osgoode Hall Law Journal* 54 (4): 1133–80.
- Phillips, Nickie D. 2017. *Beyond Blurred Lines: Rape Culture in Popular Media*. London: Rowman and Littlefield.
- Phillips, Nickie D., and Nicholas Chagnon. 2020. "Six Months is a Joke": Carceral Feminism and Penal Populism in the Wake of the Stanford Sexual Assault Case." *Feminist Criminology* 15 (1): 47–69.
- Phipps, Alison, Jessica Ringrose, Emma Renold, and Carolyn Jackson. 2018. "Rape Culture, Lad Culture and Everyday Sexism: Researching, Conceptualizing and Politicizing New Mediations of Gender and Sexual Violence." *Journal of Gender Studies* 27 (1): 1–8.
- Pipyrrou, Stavroula. 2018. "#MeToo is Little More Than Mob Rule / / vs / / #MeToo is a Legitimate Form of Social Justice." *HAU: Journal of Ethnographic Theory* 8 (3): 415–19.
- Plummer, Ken. 1994. *Telling Sexual Stories: Power, Change and Social Worlds*. London: Routledge.
- Posadas, Jeremy. 2017. "Teaching the Cause of Rape Culture: Toxic Masculinity." *Journal of Feminist Studies in Religion* 33 (1): 177.
- Powell, Anastasia, and Nicola Henry. 2017. *Sexual Violence in a Digital Age*. London: Palgrave Macmillan.

- Pride, Anna. 1977. "Women Take Back the Night." *FAAR News*, November/December 1977, 18-19.
- Profitt, Norma Jean, and Nancy Ross. 2017. "A Critical Analysis of the Report Student Safety in Nova Scotia: Co-Creating a Vision and Language for Safer and Social Just Campus Communities." In *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*, edited by Elizabeth Quinlan, Curtis Fogel, Andrea Quinlan, and Gail Taylor, 193–220. Waterloo, ON: Wilfrid Laurier University Press.
- Quackenbush, Robert L. 1989. "A Comparison of Androgynous, Masculine Sex-Typed, and Undifferentiated Males on Dimensions of Attitudes Toward Rape." *Journal of Research in Personality* 23 (3): 318–42.
- Quinlan, Elizabeth. 2017. "Institutional Betrayal and Sexual Violence in the Corporate University." In *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*, edited by Elizabeth Quinlan, Curtis Fogel, Andrea Quinlan, and Gail Taylor, 61–75. Waterloo, ON: Wilfrid Laurier University Press.
- Quinlan, Judith. 1983. "The Dialectics of Plunder." *Broadside* 4 (8): 5.
- Qureshi, Afsun. 2013. "How India's Rape Culture Came to Canada." *National Post*, January 3, 2013. <https://nationalpost.com/opinion/afsun-qureshi-how-indias-rape-culture-came-to-canada>.
- "Rape and Patriarchy." 1977. *Prairie Woman* 1 (5): 13-14.
- Razack, Sherene H. 2000. "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George." *Canadian Journal of Law and Society* 15 (2): 91–130.
- Reese, Diana. 2013. "The Case of Rehtaeh Parsons: Canada's Steubenville?" *Washington Post*, April 10, 2013. <https://www.washingtonpost.com/blogs/she-the-people/wp/2013/04/10/the-case-of-rehtaeh-parsons-canadas-steubenville/>.
- Reger, Jo. 2004. "Organizational "Emotion Work" Through Consciousness-Raising: An Analysis of a Feminist Organization." *Qualitative Sociology* 27 (2): 205–22.
- Renner, K. Edward, and Suresh Sahjapaul. 1986. "The New Sexual Assault Law: What Has Been Its Effect." *Canadian Journal of Criminology* 28 (4): 407–14.
- Rentschler, Carrie A. 2011. "An Urban Physiognomy of the 1964 Kitty Genovese Murder." *Space and Culture* 14 (3): 310–29.
- . 2014. "Rape Culture and the Feminist Politics of Social Media." *Girlhood Studies* 7 (1): 65–82.
- Rhodes, Jacqueline. 2012. *Radical Feminism, Writing, and Critical Agency: From Manifesto to Modem*. New York: SUNY Press.
- Riger, Stephanie, and Margaret T Gordon. 1981. "The Fear of Rape: A Study in Social Control." *Journal of Social Issues* 37 (4): 71–92.

- Ringrose, Jessica, and Rebecca Coleman. 2013. "Looking and Desiring Machines: A Feminist Deleuzian Mapping of Bodies and Affects." In *Deleuze and Research Methodologies*, edited by Rebecca Coleman, and Jessica Ringrose, 125-144. Edinburgh: Edinburgh University Press.
- Roach, Kent. 2006. "The Institutionalization of Restorative Justice in Canada: Effective Reform or Limited and Limiting Add-on?" In *Institutionalizing Restorative Justice*, edited by Ivo Aertsen, Tom Daems, and Luc Robert, 167-93. Portland, OR: Willan Publishing.
- Robbins, Derek. 2000. *Bourdieu and Culture*. London: Sage.
- Roberts, Julian V., and Michelle G. Grossman. 1994. "Changing Definitions of Sexual Assault: An Analysis of Police Statistics." In *Confronting Sexual Assault*, edited by Julian V. Roberts, and Renate M. Mohr, 57-83. Toronto: University of Toronto Press.
- Roberts, Julian V., and Renate M. Mohr. 1994. *Confronting Sexual Assault*. Toronto: University of Toronto Press.
- Roher, Eric M. 2007. "Will the New Safe Schools Legislation Make Ontario Schools Safer." *Education Law Journal* 17 (2): 203.
- Roiphe, Katie. 1993. "Date Rape's Other Victim." *New York Times*, June 13, 1993. <https://www.nytimes.com/1993/06/13/magazine/date-rape-s-other-victim.html>.
- . 1994. *The Morning After*. New York: Back Bay Books.
- Rose, Nikolas. 1996. "Psychiatry as a Political Science: Advanced Liberalism and the Administration of Risk." *History of the Human Sciences* 9 (2): 1-23.
- . 1998. *Inventing Ourselves: Psychology, Power and Personhood*. Cambridge: Cambridge University Press.
- . 1999. *Governing the Soul*. London: Free Association Books.
- Ross, Alison. 2010. "Psychoanalysis – Family, Freud, and Unconscious." In *The Deleuze Dictionary*, edited by Adrian Parr, 217-21. Edinburgh: Edinburgh University Press.
- Royal Commission on the Status of Women. 1978. *Report of the Royal Commission on the Status of Women*.
- Roychowdhury, Poulami. 2013. "'The Delhi Gang Rape': The Making of International Causes." *Feminist Studies* 39 (1): 282-92.
- Russell, Diana E. H. 1974. *The Politics of Rape: The Victim's Perspective*. New York: Stein & Day.
- . 1984. *Sexual Exploitation: Rape, Child Sexual Abuse, and Workplace Harassment*. Thousand Oaks, CA: Sage.
- Russell, Diana E.H., and Nancy Howell. 1983. "The Prevalence of Rape in the United States Revisited." *Signs: Journal of Women in Culture and Society* 8 (4): 688-95.
- Rutherford, Alexandra. 2017. "Surveying Rape: Feminist Social Science and the

- Ontological Politics of Sexual Assault." *History of the Human Sciences* 30 (4): 100–23.
- . 2018. "What the Origins of the '1 in 5' Statistic Teaches Us About Sexual Assault Policy." *Behavioral Scientist*, September 17, 2018. <https://behavioralscientist.org/what-the-origins-of-the-1-in-5-statistic-teaches-us-about-sexual-assault-policy/>.
- Sable, Majorie R., Fran Danis, Denise L. Mauzy, and Sarah K. Gallagher. 2006. "Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students." *Journal of American College Health* 55 (3): 157–62.
- Salter, Michael. 2016. "'Real Men Don't Hit Women': Constructing Masculinity in the Prevention of Violence Against Women." *Australian & New Zealand Journal of Criminology* 49 (4): 463–79.
- Sanday, Peggy Reeves. 1981. "The Socio-cultural Context of Rape: A Cross-cultural Study." *Journal of Social Issues* 37 (4): 5–27.
- . 1992. *Fraternity Gang Rape*. New York: New York University Press.
- Sarachild, Kathie. 1970. "A Program for Feminist "Consciousness-Raising"." In *Notes from the Second Year: Women's Liberation: Major Writings of the Radical Feminists*, edited by Shulamith Firestone, and Anne Koedt, 78–80. New York: Radical Feminism.
- . 1978. "Consciousness-Raising: A Radical Weapon." In *Feminist Revolution*, edited by Redstockings, 144–50. New York: Random House.
- Saunders, Doug. 2013. "Rape is a Crime Everywhere, But India's Crisis is Unique." *Globe and Mail*, January 5, 2013. <https://www.theglobeandmail.com/opinion/rape-is-a-crime-everywhere-but-indias-crisis-is-unique/article6931835/>.
- Schulhofer, Stephen J. 1998. *Unwanted Sex: The Culture of Intimidation and the Failure of Law*. Cambridge, MA: Harvard University Press.
- Schwendinger, Julia R., and Herman Schwendinger. 1976. "A Review of Rape Literature." *Crime and Social Justice*, no. 6, 79–85.
- Scott, Joan W. 1991. "The Evidence of Experience." *Critical Inquiry* 17 (4): 773–97.
- Seabrook, Rita C., L. Monique Ward, and Soraya Giaccardi. 2018. "Why is Fraternity Membership Associated with Sexual Assault? Exploring the Roles of Conformity to Masculine Norms, Pressure to Uphold Masculinity, and Objectification of Women." *Psychology of Men & Masculinity* 19 (1): 3–13.
- Sellen, Betty-Carol, and Patricia A. Young. 1987. *Feminists, Pornography & the Law*. Hamden, CT: Library Professional Publications.
- Sengstock, Mary C. 1976. "The Culpable Victim in Mendelsohn's Typology." Paper presented at the Annual Meeting of the Midwest Sociological Society, St. Louis, MO, April 1976. <https://files.eric.ed.gov/fulltext/ED140138.pdf>.
- Senn, Charlene Y., Misha Eliasziw, Paula C. Barata, Wilfreda E. Thurston, Ian R.

- Newby-Clark, H. Lorraine Radtke, Karen L. Hobden, and Sare Study Team. 2014. "Sexual Violence in the Lives of First-Year University Women in Canada: No Improvements in the 21st Century." *BMC Women's Health* 14 (1): 135.
- Serisier, Tanya. 2018a. "Speaking Out, and Beginning to be Heard: Feminism, Survivor Narratives and Representations of Rape in the 1980s." *Continuum* 32 (1): 52–61.
- . 2018b. *Speaking Out: Feminism, Rape, and Narrative Politics*. London: Palgrave.
- Seymour, Lee, and Sharon Gray. 1978. "Rape: A Critique of Susan Brownmiller's 'Against Our Will.'" *The National Newsletter*, April 1978, 40–45.
- Sheehy, Elizabeth, and Daphne Gilbert. 2017. "Responding to Sexual Assault on Campus: What Can Canadian Universities Learn from U.S. Law and Policy?" In *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*, edited by Elizabeth Quinlan, Andrea Quinlan, Curtis Fogel, and Gail Taylor, 291–327. Waterloo, ON: Wilfred Laurier University Press.
- Sheehy, Elizabeth A. 1999. "Legal Responses to Violence Against Women in Canada." *Canadian Woman Studies* 19 (1-2): 62–73.
- Sheridan, Alan. 1990. *Michel Foucault: The Will to Truth*. London: Routledge.
- Sibley, Marcus A. 2018. "Owning Risk: Sex Worker Subjectivities and the Reimagining of Vulnerability and Victimhood." *British Journal of Criminology* 58 (6): 1462–79.
- . 2020. "Attachments to Victimhood: Anti-Trafficking Narratives and the Criminalization of the Sex Trade." *Social & Legal Studies* 29 (5): 699–717.
- Sibley, Marcus A., and Dawn Moore. 2020. "The Silos of Sexual Violence: Understanding the Limits and Barriers to Survivor-Centrism on University Campuses." In *Sexual Violence on University Campuses: New Challenges and Novel Solutions*, edited by Diane Crocker, Amanda Nelund, and Joan Minaker, 280–297. Montreal: McGill–Queen's University Press.
- Sibley, Robert. 2016. "Sibley: Do We Really Think Our Universities Are Full of Sexual Attackers?" *Ottawa Citizen*, August 29, 2016. <https://ottawacitizen.com/opinion/columnists/sibley-do-we-really-think-our-universities-are-full-of-sexual-attackers>.
- Simien, Evelyn M., and Danielle L. McGuire. 2014. "A Tribute to the Women: Rewriting History, Retelling Herstory in Civil Rights." *Politics & Gender* 10 (3): 413–31.
- Sinko, Laura, Michelle Munro-Kramer, Terri Conley, and Denise Saint Arnault. 2021. "Internalized Messages: The Role of Sexual Violence Normalization on Meaning-Making After Campus Sexual Violence." *Journal of Aggression, Maltreatment & Trauma* 30 (5): 565–85.
- Smart, Carol. 1989. *Feminism and the Power of Law*. London: Routledge.

- SMU (Saint Mary's University). 2013. *Promoting a Culture of Safety, Respect and Consent at Saint Mary's University and Beyond: Report from the President's Council*. December 15, 2013.  
<https://www.smu.ca/webfiles/PresidentsCouncilReport-2013.pdf>
- Snider, Lauren. 1998. "Towards Safer Societies: Punishment, Masculinities and Violence Against Women." *British Journal of Criminology* 38 (1): 1–39.
- Spears, Tom. 1986. "Crisis Centre Uses Mail to Warn Off 'Rapists'." *Toronto Star*, August 8, 1986.
- Spencer, Dale. 2011. "Event and Victimization." *Criminal Law and Philosophy* 5 (1): 39–52.
- Spencer, Dale C., and Rosemary Ricciardelli. 2020. "Assembling the Chimeric Sex Offender." *New Criminal Law Review* 23 (3): 366–87.
- Spivak, Gayatri Chakravorty. 1988. "Can the Subaltern Speak?" In *Marxism and the Interpretation of Culture*, edited by Cary Nelson, and Lawrence Grossberg, 271–313. Basingstoke: Macmillan Education.
- Spohn, C., and K. Tellis. 2012. "The Criminal Justice System's Response to Sexual Violence." *Violence Against Women* 18 (2): 169–92.
- SSMU (Students' Society of McGill University). 2017. *Our Turn: A National, Student-Led Action Plan to End Campus Sexual Violence*.  
[https://ssmu.ca/wp-content/uploads/2018/03/our\\_turn\\_action\\_plan\\_final\\_english\\_web2.pdf?x26516](https://ssmu.ca/wp-content/uploads/2018/03/our_turn_action_plan_final_english_web2.pdf?x26516)
- Stanko, Elizabeth A. 1990. *Everyday Violence: How Women and Men Experience Sexual and Physical Danger*. New York: Harper Collins.
- . 1997. "Safety Talk: Conceptualizing Women's Risk Assessment as a 'Technology of the Soul'." *Theoretical Criminology* 1 (4): 479–99.
- Stewart, Kathleen. 2007. *Ordinary Affects*. Durham, NC: Duke University Press.
- Stollak, Gary. 1976. "Little Rapes and Big." *Barrister* 3 22.
- Stoner, J. E., and R. J. Cramer. 2019. "Sexual Violence Victimization Among College Females: A Systematic Review of Rates, Barriers, and Facilitators of Health Service Utilization on Campus." *Trauma Violence Abuse* 20 (4): 520–33.
- Strauss, Anselm, and Juliet Corbin. 1994. "Grounded Theory Methodology: An Overview." In *The Sage Handbook of Qualitative Research*, edited by Norman K. Denzin and Yvonna S. Lincoln, 273–85. London: Sage.
- Sutton, Tara E., and Leslie Gordon Simons. 2015. "Sexual Assault Among College Students: Family of Origin Hostility, Attachment, and the Hook-Up Culture as Risk Factors." *Journal of Child and Family Studies* 24 (10): 2827–40.
- Takagi, Andy. 2019. "Review of Sexual Violence Policy Finds 56 Reports in Three Years, Only One Tribunal." *The Varsity*, November 17, 2019.  
<https://thevarsity.ca/2019/11/17/review-of-sexual-violence-policy->

- finds-56-reports-in-three-years-only-one-tribunal/.
- Tang, Kwong-leung. 1998. "Rape Law Reform in Canada: The Success and Limits of Legislation." *International Journal of Offender Therapy and Comparative Criminology* 42 (3): 258–70.
- Taub, Amanda. 2014. "Rape Culture Isn't a Myth. It's Real, and it's Dangerous." *Vox*, December 15, 2014. <https://www.vox.com/2014/12/15/7371737/rape-culture-definition>.
- Tax, Meredith. 1970. "Woman and Her Mind: The Story of Everyday Life." In *Notes from the Second Year: Women's Liberation: Major Writings of the Radical Feminists*, edited by Shulamith Firestone, and Anne Koedt, 32–36. New York: Radical Feminism.
- Testa, Maria, and Jennifer A. Livingston. 2009. "Alcohol Consumption and Women's Vulnerability to Sexual Victimization: Can Reducing Women's Drinking Prevent Rape." *Substance Use and Misuse* 44 (9-10): 1349–76.
- Testa, Maria, Jennifer A. Livingston, Carol Vanzile-Tamsen, and Michael R Frone. 2003. "The Role of Women's Substance Use in Vulnerability to Forcible and Incapacitated Rape." *Journal of Studies on Alcohol* 64 (6): 756–64.
- Theoharis, Jeanne. 2015. *The Rebellious Life of Mrs. Rosa Parks*. Boston: Beacon Press.
- Thuma, Emily. 2015. "Lessons in Self-Defense: Gender Violence, Racial Criminalization, and Anticarceral Feminism." *Women's Studies Quarterly* 43 (3/4): 52–71.
- Tryon, Jennifer, and Nick Logan. 2015. "Dalhousie Dentistry Students Break Silence on 'Gentlemen's Club' Facebook Scandal." *Global News*, May 21, 2015. <https://globalnews.ca/news/2010585/dalhousie-dentistry-students-break-silence-on-gentlemens-club-facebook-scandal/>.
- Tuerkheimer, Deborah. 2015. "Rape on and Off Campus." *Emory Law Journal* 65 (1): 1–45.
- UBC President's Task Force on Gender-Based Violence and Aboriginal Stereotypes. 2014. *Transforming UBC and Developing a Culture of Equality and Accountability: Confronting Rape Culture and Colonialist Violence*. March 28, 2014. <https://equity3.sites.olt.ubc.ca/files/2010/06/Task-Force-on-IGVAS-Final-Report-March-28-2014.pdf>.
- Ulmschneider, Loret. 1977. "Dallas Rapists See Their Names Printed." *Feminist Alliance Against Rape Newsletter*, July / August 1977, 2–5.
- University of Ottawa. 2015. *Report of the Task Force on Respect and Equality: Ending Sexual Violence at the University of Ottawa*. <https://www.uottawa.ca/president/sites/www.uottawa.ca.president/files/report-of-the-task-force-on-respect-and-equality.pdf>.
- Vail, Katie. 2019. "The Failings of Title IX for Survivors of Sexual Violence: Utilizing Restorative Justice on College Campuses." *Washington Law Review* 94 (4): 2085–118.

- Vance, Joanie. 1979. "The Experience of Rape Crisis Centres." *Atlantis* 4 (2): 133–40.
- Vancouver Rape Relief. 1980. "Every Victory Brings Another/Principles and Practice of Confrontation." *The Canadian Association of Sexual Assault Centres: The National Newsletter*, March 1980, 52-55.
- Vandervort, Lucinda. 2012. "Affirmative Sexual Consent in Canadian Law, Jurisprudence, and Legal Theory." *Columbia Journal of Gender and Law* 23 (2): 395–442.
- Vernon, Gayle. 1980. "Guerrilla Art: The Furies Strike Back." *Sojourner* 6 (4): 10.
- Victoria Rape / Assault Centre. 1980. "Philosophy on Alternative Action." *Canadian Association of Sexual Assault Centres: The National Newsletter*, January 1980, 62–63.
- Vinsel, Anne. 1977. "Rape: A Review Essay." *Personality and Social Psychology Bulletin* 3 (2): 183–89.
- Vogelman, Lloyd. 1990. *The Sexual Face of Violence: Rapists on Rape*. Johannesburg: Ravan Press.
- Walsh, Wendy A., Victoria L. Banyard, Mary M. Moynihan, Sally Ward, and Ellen S. Cohn. 2010. "Disclosure and Service Use on a College Campus After an Unwanted Sexual Experience." *Journal of Trauma and Dissociation* 11 (2): 134–51.
- Weinrath, Michael. 2009. "Inmate Perspectives on the Remand Crisis in Canada." *Canadian Journal of Criminology and Criminal Justice* 51 (3): 355–79.
- Weiss, Karen G., and Lisa M. Dilks. 2016. "Intoxication and Crime Risk: Contextualizing the Effects of "Party" Routines on Recurrent Physical and Sexual Attacks Among College Students." *Criminal Justice Review* 41 (2): 173–89.
- Wente, Margaret. 2013a. "Rape on Campus - Is It an Epidemic?" *Globe and Mail*, September 12, 2013. <https://www.theglobeandmail.com/opinion/rape-on-campus-is-it-an-epidemic/article14270413/>.
- . 2013b. "When Rape Culture and Booze Culture Meet." *Globe and Mail*, October 22, 2013. <https://www.theglobeandmail.com/opinion/rape-culture-and-booze-culture/article14968433/>.
- Wies, Jennifer R. 2015. "Title IX and the State of Campus Sexual Violence in the United States: Power, Policy, and Local Bodies." *Human Organization* 74 (3): 276–86.
- Williams, Joyce E. 2007. "Rape Culture." In *The Blackwell Encyclopedia of Sociology*, edited by George Ritzer, 3791–5. Oxford, UK: Blackwell.
- Willis, Ellen. 1984. "Radical Feminism and Feminist Radicalism." *Social text* (9/10): 91–118.
- Women of the Fredericton Rape Crisis Centre. 1985. "Centre Reports." *Canadian Association of Sexual Assault Centres: The National Newsletter*, December 1985, 7.

- "Women Reclaim Rape City Streets." 1978. *The Body Politic* December/January (49): 13.
- Wriggins, Jennifer. 1983. "Rape, Racism and the Law." *Harvard Women's Law Journal* 6 (1): 103–42.
- Yancy, George. 2000. "Feminism and the Subtext of Whiteness: Black Women's Experiences as a Site of Identity Formation and Contestation of Whiteness." *Western Journal of Black Studies* 24 (3): 156.
- Young, Stacey. 1997. *Changing the Wor(l)d: Discourse, Politics and the Feminist Movement*. London: Routledge.
- Yogaretnam, Shaamini. 2014. "University of Ottawa Suspends Men's Hockey Team Over Sex Assault Allegations." *Ottawa Citizen*, March 4, 2014. <https://ottawacitizen.com/news/local-news/university-of-ottawa-suspends-mens-hockey-team-over-sex-assault-allegations-with-video>.
- Zinzow, H. M., and M. Thompson. 2015. "Factors Associated with Use of Verbally Coercive, Incapacitated, and Forcible Sexual Assault Tactics in a Longitudinal Study of College Men." *Aggressive Behavior* 41 (1): 34–43.
- Zubi, Beisan. "Why the Effort to Minimize Rape Culture Only Proves That It Does Exist." *TVO*, September 6, 2016. <https://www.tvo.org/article/why-the-effort-to-minimize-rape-culture-only-proves-that-it-does-exist>.