Rape Culture and Defining Consent: A Growing Concern

Elizabeth Johnston
“What frustrates me at my school is that we’ve had people expelled for cheating, but nobody has ever been expelled for rape.”

© Moving Beyond Blue Lights and Buddy Systems: A National Study of Student Anti-Rape Activists Students Active for Ending Rape, 2013
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Sexual Assault, Violence, and Rape on Campus

Rising number of cases

Victims

1 in 5 women; 1 in 16 men

Perpetrators

Not strangers

Someone victim(s) trusted

Responses

Less than adequate

90% of these rapes will be perpetrated by acquaintances

12% of college rape survivors will report their experience to law enforcement authorities

SOURCE: 2007 Campus Sexual Assault Study funded by the National Institute of Justice
A Lack of Understanding

Nation still divided on sex education-Abstinence Only vs. Comprehensive

Consent not usually brought up

Females taught how not to “provoke” men

How to not get raped vs. Don’t rape

Questions:

What is consent and what is it not?

How can and cannot consent be given?

When can and cannot consent be given?

How do you define sexual assault, violence, and rape?
Assault and Rape as a Means to Gain Power

Act of dominance

- Forcing victim into position of submission

Similar to torture in this regard

- Specific intent and purpose of perpetrator
- Insure victim feels helpless
- Methods used to put detainee in position of submission

Various definitions of torture include rape, sexual assault, violence, and intent of the perpetrator(s)
Rise of Rape Culture

Sexual assault denial

Yale University-Delta Kappa Epsilon Fraternity

“No means Yes, Yes means Anal” and “My name is Jack” chants

University of Southern California-Kappa Sigma Fraternity

“Gullet Report”

Miami University of Ohio

“Top Ten Ways to Get Away with Rape”

Gives more power to the perpetrator
Defining Consent

Intralingual Translation

Defining consent ultimately defines sexual assault, violence, and rape

Federal vs. State vs. University levels

Various definitions and convictions based on definitions

Possible Widespread Definition?

Extremely extensive

Very detailed and very vague

CONSENT [VERB]

To make a mutual, voluntary, informed decision between clear-minded, of age participants before ANY and EVERY sexual act.
Defining Consent - Federal Level

White House
- White House Task Force to Protect Students from Sexual Assault
- White House Checklist for Sexual Misconduct Policies

U.S. Department of Education
- The Campus Sexual Assault Elimination (SaVE) Act
  - Does not define consent

Guidelines or suggestions
Defining Consent-State Courts and University

Definitions can vary:

- State to state—measure of force used
- University to university
- Some have no definitions or policies at all

State role in university cases

“Affirmative consent standard”

- California’s “Yes means Yes” legislation
- Universities being pressured to take this approach
Defining Consent-Webster University

Student Handbook

Just recently updated this year—very extensive

Highlights difficulties with creating definitions

Consent

“Refers to positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter”

Sexual Assault

Sections extremely detailed with various scenarios presented
Defining Consent—“Gray Areas”

Drinking and Drug Use

- Both individuals are drunk/high
- Question of rape/sexual assault having occurred
- States, Universities, and Webster’s position

Friends with Benefits/No Strings Attached

- Relationship history
- Implied consent

Wording can shift power
Convictions and Aftermaths

How do perpetrators gain power from this?

- Unclear definitions
- Sexual assault denial

Perpetrator(s) often let off easy

- Yale University-DKE fraternity
- University of Kansas-Sexual Assault Case

Victim blaming and/or shaming
A Final Message

If you are a victim of a sexual assault, violence, or rape, it is **NOT** your fault.
Campaigns

No More
Not Alone
Break the Cycle
Men Can Stop Rape
Students Active for Ending Rape (SAFER)
Resources Available to You or Someone You Know

National Sexual Violence and Resource Center (nsvrc.org)
Not Alone (notalone.gov)
Pandora’s Project (pandys.org)
RAINN-Rape, Abuse, and Incest National Network (rainn.org)
Safe Horizon (safehorizon.org)


References
