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ASKING
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IT

The Alarming
Rise of Rape
Culture—and
What We Can
Do About It

KATE
HARDING

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IT

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For every Jane Doe

From time immemorial the rule has been not to punish the male offender, but to get the victim out of his way.

—Susan B. Anthony, 1896

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Introduction

The term “rape culture” has been in use at least since the late 1970s, but for obvious reasons, it’s been slow to enter mainstream parlance. It sounds so extreme at first that I confess even I, a proud feminist, initially balked at the term. *Rape culture*? Isn’t that overstating things just a smidge?

And isn’t such overblown terminology the kind of thing that makes people call feminists “humorless” and “strident,” and accuse us of holing up in our ivory towers, theorizing about human behavior without ever witnessing much of it?

I mean, granted, we live in a culture that claims to abhor rape yet adores jokes about the prisoner who “drops the soap,” the trans woman who discloses to a date that she has a penis and gets punished for it, the altar boy who follows a priest into a back room. A culture in which laws and norms prohibiting sexual harassment in the workplace have been strenuously opposed by folks seeking to protect that fundamental civil liberty: objectifying and humiliating your subordinates.

And sure, yes, it’s a culture that rewards men for bagging as much anonymous pussy as possible, while condemning women for expressing any sexual impulses at all. A culture in which a young woman’s supposed friends will videotape her being violated and then use it as evidence that she’s a “slut.” A culture in which most victims of sexual assault and rape never report it because they fear they won’t be believed—and know that even if they are believed, they’re likely to be mortified and harassed, blamed and shamed, throughout a legal process that ultimately leads nowhere.

Also, we live in a culture in which a lot of people think we’re too rough on “tortured geniuses” like Roman Polanski, who pled guilty to raping a thirteen-year-old girl, and Woody Allen, who at the very least took naked pictures of his long-term partner’s teenage daughter when he was in his fifties, and whose own daughter has consistently maintained that he molested her. Both men have continued to have wildly remunerative and award-winning careers since those pesky facts came to light, all the while enjoying the support and company of our cultural elite. But one of them had to do it all outside the United States and the other has frequently been the victim of jokes and criticism by people who have no power to interfere with his life, liberty, or pursuit of happiness. So haven’t they suffered enough?

Fighter Mike Tyson was convicted of rape and served time for it, but jeez, that was all such a long time ago—did you see his cameo in *The Hangover*? Or maybe the episode of the sitcom *How I Met Your Mother*, in which he was portrayed as a kind, gentle soul with whom you’d gladly leave your baby? Or how about the episode of *Law & Order: Special Victims Unit*—a show about how difficult it is to catch and convict sex offenders—in which Tyson played a *victim* of sexual abuse? What an amusingly ironic bit of casting! Wink, wink.

Surely, like all criminals who pay their debt to society and must overcome the stigma of a felony conviction upon their release, Tyson has *earned* Hollywood’s extensive efforts to rehabilitate his image while paying him lots of money just to show up in front of cameras.

I could go on. I will go on, in fact, for the length of a book. But I trust you're getting the picture.

A Crime Unlike Any Other

In the preamble to their 1993 anthology *Transforming a Rape Culture*, feminist scholars Emily Buchwald, Pamela R. Fletcher, and Martha Roth write, "In a rape culture, women perceive a continuum of threatened violence that ranges from sexual remarks to sexual touching to rape itself. A rape culture condones physical and emotional terrorism against women and presents it as the norm."¹

Terrorism. Again, it's a bold, shocking choice of words, but not much of an exaggeration. We tend to imagine rapists, like terrorists, as an omnipresent and often unidentifiable threat, everywhere and nowhere at once. Since we don't know exactly who will strike or when, we agree that the best we can do is try to avoid victimhood. We put pressure on potential targets to volunteer for safety rituals that create the illusion of security while quietly eroding our freedom: airline passengers submit to groping strangers for the sake of thwarting terrorism, and average women restrict their movements and clothing for the sake of thwarting strangers who aim to grope them. Like post-9/11 exhortations for passengers to fight back against skyjackers or die trying, our ostensibly empowering advice to women is to learn self-defense, to plan on disabling potential attackers at the first sign of any impropriety.

The part we'd prefer not to talk about, the part that's much less "empowering" than praising the two pillars of feminine vigilance and martial arts, is that there will still be victims in this scenario. (Not all of them women, by the way.) Our culture is not equipped to prevent their being attacked, and adding insult to injury, our system is not equipped to bring all of their attackers to justice. Hell, our system isn't even entirely sure what that would mean at this point.

To an extent, this is merely a reflection of harsh reality. You can't prevent every crime or catch every criminal. A certain number of murders, muggings, and aggravated assaults will also occur each year, and not all of those offenders will be arrested, charged, or convicted. But the difference is that prosecutors won't say it's too risky to charge a mugger because the jury will hear that the victim carried her purse in plain sight, and thus vote for acquittal. People who stand around watching and filming a barroom brawl will not later say on the stand that they thought it was okay because only punches to the face count as "assault," not elbows to the kidneys or kicks to the shins. Jurors will not tell reporters, "Based on the evidence presented, we believe she killed him, but she says she didn't, so we're at an impasse."

Who Deserves Our Sympathy?

Rape culture manifests in myriad ways—I'll get to several of them in the rest of this book—but its most devilish trick is to make the average, noncriminal person identify with the person accused, instead of the person reporting a crime. Rape culture encourages us to scrutinize victims' stories for any evidence that they brought violence upon themselves—and always to imagine ourselves in the terrifying role of God Man, Falsely Accused, before we "rush to judgment."

We're not meant to picture ourselves in the role of drunk teenager at her first college party, thinking "Wow, he seems to think I'm pretty!" Or the woman who accepts a ride with a "nice guy," who generously offered to see her safely home from the bar. Or the girl who's passed out in a room upstairs while the party rages on below, so chaotic that her friends don't even notice she's gone.

When it comes to rape, if we're expected to put ourselves in anyone else's shoes at all, it's the accus

rapist's. The questions that inevitably come along with "What was she wearing?" and "How much did she have to drink?" are, "What if there was no rape at all? What if she's lying? What happens to this poor soul she's accusing? What if he goes to prison for a crime he didn't commit?"

Don't get me wrong—I completely understand why many men feel a visceral terror at the thought of being falsely accused of sexual violence, given how theoretically difficult it would be to prove your innocence. But as it is right now, we behave as though we live in a society where innocent men are accused thousands of times a day, while real rapes are few and far between. We swiftly presume that nearly all people who report rape must have some secret, twisted motivation to lie, while ignoring the strong, straightforward motive an actual rapist would have. We look for ways to rationalize sexual violence as a big misunderstanding—she was flirty; he thought the sex was consensual—without questioning why we can easily believe there are people who deliberately murder, steal, and beat the crap out of strangers, yet not people who deliberately rape.

Or rather, we believe there's one very specific type of rapist—the kind who wields a weapon, attacks strangers with no warning, and leaves abundant evidence of violence on the victim's body—but not that some people deliberately rape their friends, girlfriends, wives, children, colleagues, or drunk neighbors and acquaintances. We can talk about how that sort of rape exists, and even about how it's the most common sort, but when pressed, we're almost never willing to acknowledge that those *rapists* exist. Not when the accused are people we know, or even just people who remind us of people we know. Not when they remind us of *us*.

Nor do many of us like acknowledging that genuine rape victims might just remind us more of ourselves than some other, more vulnerable, less savvy person. Even calls for increased awareness too often implore the listener to empathize with the feelings of an impotent bystander, not a victim. "Imagine it was your wife who was raped," we suggest. "Imagine it was your mother or daughter or sister."

Picturing a female loved one enduring a violent crime may be a good way to work up anger against a hypothetical criminal, but it doesn't create genuine identification with and compassion for victims. In many cases, it will just send somebody off on a hero fantasy about beating the rotten hypothetical bastard up, or shooting him dead, before they've even had time to wonder how their wife, mother, daughter, or sister is hypothetically feeling.

With this book, I'm asking you to do better than that. I'm asking you to imagine it's *you* who was raped. And I'm asking you to get angry about it.

Placing Blame Where It Belongs

Maybe you don't have to imagine. At some point in their lives, one in five women and one in seventy-one men in this country will find out what it's like to be raped.² Among the most vulnerable and marginalized populations—people of color, bisexual and transgender men and women, children, prisoners, sex workers—the numbers are even more nauseating. A whole lot of us already know.

In the pages that follow, I'll ask you to empathize with many different types of people, but above all with women. (Specifically, Western women, because exploring rape cultures worldwide would turn this into a lifelong, multivolume project.) Women are no more important than any other potential victims, but we are the primary targets of the messages and myths that sustain rape culture. We're the ones asked to change our behavior, limit our movements, and take full responsibility for the prevention of sexual

violence in society. Anyone can be raped, but men aren't conditioned to live in terror of it, nor are they constantly warned that their clothing, travel choices, alcohol consumption, and expressions of sexuality are likely to bring violations upon them.

Even if you are a Western woman, empathizing with others of that cohort might not be as easy as it sounds. After all, it was a female judge, Teresa Carr Deni of the Philadelphia Municipal Court, who described the armed gang rape of a twenty-year-old sex worker as mere “theft of services,” and told a reporter that such a case “minimizes true rape cases and demeans women who are really raped.”³ Another female judge, Jacqueline Hatch of Arizona, told the victim of a sexual assault that took place in a bar, “If you wouldn't have been there that night, none of this would have happened.”⁴

Less publicly, women call each other “sluts” and “whores,” doubt each other's stories, and help perpetuate the myth that if we always dress modestly, drink responsibly, and avoid dark alleys and dangerous-looking men, we'll be effectively rape-proofed. We are part of the problem.

But the problem—the larger context in which all of that occurs, aka rape culture—is what we'll be considering throughout this book. To blame women for it would be as wrongheaded and shortsighted as blaming men or the justice system or Hollywood or the news media or religious institutions or sports culture or celebrity worship or popular music.

Each of those is also *part* of the problem, but the Problem itself is the cumulative effect of so many people, working through so many organs and institutions, to deliver a constant stream of sexist bulls— that trivializes the crime of rape and automatically awards the benefit of the doubt to the accused.

If she hadn't been drinking, it would never have happened.

If she's had sex before, how do we know she didn't want it this time?

Why did she go out wearing that, if she didn't want to have sex?

Why was she there at that time of night?

“Date rape” is just sex that a woman regrets the next morning.

An attractive guy like that doesn't need to rape anyone.

Oh, no, it can't be him—he'd never do that.

I elaborate on (and debunk) these pernicious beliefs throughout the first section of this book, “Shaming, Victim Blaming, and Rape Myths.” In the second section, “Law and Order,” I consider why successful prosecutions of rapists are so rare, and in the third, “The Culture of Rape,” I detail how those myths and stereotypes reproduce like a nasty virus. In each chapter, just when you're thinking this book is so relentlessly bleak that you'd rather read the obituaries for fun, I'll keep the promise of the book's subtitle and offer suggestions as to what we can actually do to make change happen. Sometimes the only honest answer is “not much”—but current research, the work of dedicated activists, and increasing awareness of issues surrounding sexual violence are all cause for a guarded optimism, at the very least. Finally, I'll wrap up with some promising examples of new attitudes and legislation on the horizon, and I hope that you'll put this book down feeling energized to join in the struggle for change.

As a culture, we got ourselves into this mess, so it stands to reason we can get ourselves out of it. And the first step, as they say, is admitting we have a problem.

Author's Note

When I sold the proposal for this book in late 2012, I foolishly agreed to finish the manuscript in six months, because my agent, editor, and I agreed that rape culture was having a moment, as it were. News of the Steubenville, Ohio, gang rape case was picking up steam, and the memory of Missouri Representative Todd Akin's "legitimate rape" gaffe was fresh in all our minds. Sexual violence was suddenly a popular topic, but—based on national conversations about rape in the 1970s and 1990s that started strong and dissipated quickly—we feared that if we waited too long, this book might be released to a public that was already over it.

The bad news is that it took me way longer than six months to finish the manuscript. The good news is amazing, wonderful, really sort of mind-blowing news, actually—is that years later, Americans are still talking seriously about rape and rape culture. The topic outgrew that initial rash of trend pieces and took its place in the *Zeitgeist* of the twenty-first century. Sexual violence is in the news every day, and pressure is increasing on colleges to protect students, on police departments to take reports seriously and process all relevant evidence, on the media to stop blaming victims. It looks a lot like the culture is moving in the right direction, which, quite frankly, I never anticipated when I began writing *Asking for It*.

Thrilled as I am about this development, there are a few side effects worth noting here. Primary among them is the likelihood that, by the time you read this, countless new stories will be on our collective mind and there will have been new developments in some of the ones covered here. Between the time I turned in the manuscript and the time I got the first round of edits back, Bill Cosby was accused of umpteen sexual assaults, and a long *Rolling Stone* story about a gang rape at University of Virginia was lauded as a devastating exposé of campus rape culture, then swiftly reframed as a devastating failure of fact checking. The news moves much faster than a book, and one of the most difficult challenges I faced in writing was simply *stopping*. Every day there is new information I could add.

Speaking of which, even with the depth and nuance a book allows, I have left many facets of rape culture uncovered or only lightly covered. I have no doubt I'll hear about oversights and omissions in reviews and on social media, and I look forward to learning more about aspects I haven't fully considered in these pages.

Asking for It is my best effort, however ephemeral, to contribute to this miraculously ongoing conversation about a subject that's historically gone unremarked. My hope is that all who read it will be moved to join that conversation, too.

Kate Harding
Chicago, Illinois
April 16, 2015

PART I

Slut Shaming, Victim Blaming, and Rape Myths

CHAPTER 1

The Power of Myth

In his 2011 article “Understanding the Predatory Nature of Sexual Violence,”¹ psychologist David Lisak highlights the paradox of American society’s professed intolerance for sexual violence and terribly low rates of convicting offenders: “Ultimately, only a tiny handful of rapists ever serve time for rape, a shocking outcome given that we view rape as close kin to murder in the taxonomy of violent crime.”

Theoretically, that’s how we view rape. In practice, we tend not to treat it as a serious crime unless there’s simultaneously evidence of another one. If you’re assaulted badly enough to leave physical evidence, or kidnapped, or murdered, you stand a far better chance of people believing your rape was an unspeakable crime. If the only thing that happens, however, is someone decides to use your body without your consent, well—it’s not like he *hurt* you. It was basically just bad sex, wasn’t it?

Whatever we may say, it’s clear that this is how most of us *really* view acquaintance rape—the most common kind of rape. Why else would we spend so much time assessing the victim’s behavior, trying to determine to what degree she invited the crime? Why do we demand to know if the victim physically fought his attacker, if he has bruises and scrapes to prove it? Why are we so ready to believe that the rapist was just a well-meaning young man who got confused by “mixed signals”?

If we all abhor rape, how did people working on Belvedere Vodka’s social media accounts in 2012 come to agree on the tagline “Unlike some people, Belvedere always goes down smoothly,” superimposed over an image of a frightened-looking woman trying to escape a man’s clutches?² If we’ve come so far from the 1950s social mores that demanded women “play hard to get,” why do online T-shirt retailers sell tees emblazoned with “No means yes,” “No means no—well, maybe if I’m drunk,” and “No means eat me out first,” among other things? Why was one of the biggest hit songs of 2013 Robin Thicke’s “Blurred Lines,” the chorus of which includes “I know you want it / But you’re a good girl”? (And for the love of Dr. Martin, can we please retire “Baby, It’s Cold Outside” one of these days? Like “Blurred Lines,” it’s catchy as hell, but lines like, “Say, what’s in this drink?” do not put me in the holiday spirit.)

Before we can talk about how much we, as a society, detest rape and believe in severe punishment for those who commit it, we need to agree on what “rape” actually entails. What, specifically, makes it a crime?

If the real crime of rape is the violation of another person’s autonomy, the use of another person’s body against their wishes, then it shouldn’t matter what the victim was wearing, if she was drinking, how much sexual experience she’s had before, or whether she fought hard enough to get bruises on her knuckles and skin under her fingernails. What matters is that the attacker deliberately ignored another person’s basic human right to determine what she does with her own body. It’s not about sex; it’s about power.

This is the message feminists have been trying to get across for years.

But if the real crime of rape is sullyng a pure woman with the filth and sin of sex—making her “damaged goods” in the eyes of other men—then of course it matters whether she was a virgin, and whether

kind of situations she willingly “put herself” in, and whether she deliberately risked further physical injury to demonstrate her refusal. What matters is that she displayed a clear pattern, in both her everyday behavior and her reaction to a man overpowering her, of not wanting sex. Not ever, from anyone. Because once your vagina is open for business, it’s not like having a penis in there is anything new or shocking! If he didn’t beat you or hold you at knifepoint, if he didn’t kidnap you or steal anything, and if your hymen was already broken, what is “rape,” really, but a few minutes of unpleasantness? Surely, you can’t send a man to prison for that.

This is what we act like we believe, deep down.

Men Are from Earth; So Are Women

In the early 1990s, just as Americans’ awareness of “date rape” started increasing, we collectively lost our collective minds over two books that purported to explain why heterosexual relationships are so confusing. Georgetown University linguist Deborah Tannen’s *You Just Don’t Understand Me: Women and Men in Conversation* spent four years on the *New York Times* best-seller list, eight months at number one. So when another book after that arrived, John Gray—a psychologist with a PhD from the nonaccredited (and since closed) Columbia Pacific University—also hit number one with *Men Are from Mars, Women Are from Venus*. Perhaps you’ve heard of it? It’s the best-selling relationship book of all time. (Go ahead and take a minute to cry, if you need to.)

The idea that men and women’s brains are “wired” to think so differently that we practically speak different languages (Tannen coined the term “genderlect”) is understandably seductive to straight people who are in lousy relationships—or no relationships at all. It can be perversely comforting to tell yourself that even if you *did* make more of an effort, people of the “opposite sex” wouldn’t really get you anyway, so you might as well keep sitting on your ass feeling sorry for yourself. (So I’ve heard.) And to be fair, misunderstanding and miscommunication certainly do cause snags in relationships of all kinds, because human beings cannot read each other’s minds.

Unfortunately, Tannen and Gray’s runaway success helped to lay the cultural groundwork for a simplistic and dangerous understanding of what causes acquaintance rape. As British social scientist Hannah Frith and Celia Kitzinger put it in 1997:

Psychology’s dominant explanation for this extensive and continued sexual violence against women is “miscommunication theory.” This theory has been described [by psychologist Mary Crawford] as “The bandwagon of the ’90s,” and is widely used to explain date rape, stranger rape, sexual assault, and sexual harassment. . . .

As applied to sexual violence, miscommunication theory is used to argue that rape and other forms of sexual abuse are often the outcome of “miscommunication” between partners: he misinterprets her verbal and nonverbal communication, falsely believing that she wants sex; she fails to say “no” clearly and effectively.³

In other words, the guy made an honest mistake, and the woman failed to protect herself, as usual. It fits so neatly with our cherished, practically religious beliefs about male-female interaction. Men, we tell ourselves, are bumbling, sex-obsessed fools who can barely speak their own native languages when they come within ten feet of a pretty lady. Women, meanwhile, are weak-willed, incapable of saying what they

mean, and utterly unreasonable to expect respect from people with boners. So of course men get carried away, and women fail to successfully shut it down! It's just science.

The problem is, it's not true. As it turns out, men are from earth, women are also from earth, and earthlings communicate indirectly *all the time*.

Pop quiz: Do the following responses mean yes or no?

1. I'd love to, but I already have plans.
2. Sweet of you to offer, but I'm afraid I won't be able to make it.
3. Oh, geez, maybe another time?
4. I so wish I could!

Without knowing what your answers were, I can tell you with complete confidence that if you had the capacity to read this book, you just got 100 percent. A+. Good job!

Human beings do not have to say the word "no" to be understood clearly in any number of social situations—but when it comes to sex, rape culture tells us that *only* "no" can possibly mean no. That's the rule.

So Frith and Kitzinger assembled some focus groups of men and women and did experiments that demonstrated this point. In fact, men have no trouble understanding indirect refusals. Along the way they also found that young women "characterized explicit refusals of sex as having negative implications for them."

In other words, women rightly perceive that they'll come across as rude bitches if they refuse a man using no uncertain terms.

One wonders if these guys who believe women must issue a clear, unmistakable (and preferably documented) "NO!" to indicate their lack of interest in a given sexual act would truly like to live in a world where that happened regularly. A world where "Thanks, but I have a boyfriend" was swapped out for "Ew! Go away!" and "I think we should take things slowly" was replaced by the woman barking, "Stop! No touching below the waist! Perhaps we will have sex on a subsequent date, but as for tonight, no, no, no, no, no, no!"

One also wonders if even that would deter them. For their 2014 paper "Blurred Lines?: Sexual Aggression and Barroom Culture," researchers led by Kathryn Graham of the University of Western Ontario observed 258 "aggressive incidents involving sexual advances" at Toronto bars and clubs. About one-third of incidents involving male aggressors and female targets (which were 90 percent of all incidents observed) were rated as "intentional aggression." That is to say, "the initiator engaged in sexual actions that he knew were unwanted." As for the rest:

Aggression by the remaining two-thirds of initiators was rated as probably intentional—that is, initiators probably knew that their actions were unwanted and unwelcome by the target, but they may have misperceived the situation, despite the invasiveness of the act or refusals by the target. For example, one man seemed to be genuinely surprised when the female target did not find it humorous when he grabbed her blouse and peeked down it.⁴

Women! No sense of humor at all.

Listen, if these researchers were conservative enough to give *that* guy the benefit of the doubt, I think

we can assume they aren't going too hard on the one-third whose aggression was judged "intentional." And when we take a look at some of the specific incidents described, it becomes clear that the problem here is not gender differences in communication style. Consider:

A man and woman were facing each other dancing. The man moved very close and firmly grabbed the woman's behind with both hands. She immediately pushed both his hands away. The man looked at his male friend and they both laughed. About 10 seconds later, he grabbed her breasts.⁵

Or:

A man grabbed a woman's arm as she was walking by and said something to her. She shook her head no, but he continued to hold her arm and say things. She looked directly at the man and pulled her arm away. He finally let her go.⁶

Bars and clubs are loud places. When it's even hard to hear someone yelling, shaking your head and pushing someone's hands away are, in fact, very direct ways of expressing that you don't welcome the uninvited touch you've just been subjected to. The problem is not that some guys don't get it; it's that some guys don't want to hear it. And some guys do it precisely because they like watching women get flustered.

I went out dancing a lot in my early twenties—probably in some of the same establishments researchers went to for the data this study was based on—and I can't count the number of times I suddenly felt hands around my waist, or someone grinding against me, when I was just trying to enjoy the music and the company of whomever I was with. (So much for the stereotype that Canadians are polite.) Occasionally I threw an elbow in response or screamed "Fuck off!" loudly enough to be heard over the music—or both. Mostly, though, I did what 55 percent of female respondents in the Graham study did: moved just out of reach and hoped the dude wouldn't keep trying. Sometimes, like another 27 percent, I walked away from the dance floor, whether I wanted to keep dancing or not.

These are things our society normalizes: Women feeling the best way to protect themselves is to walk away and let a predator keep doing his thing, because further confrontation isn't likely to produce a better outcome besides more stress. Men thinking they're entitled to grope women who are moving their bodies or wearing revealing clothing, or simply existing in a bar or club. Men knowing *they can get away with it* because yes, the broader culture supports—or at least, does precious little to discourage—this behavior.

If you grabbed a strange woman's breast at the office, or her behind at the zoo, or her wrist as she walked past you in Starbucks, you would expect some sort of shocked vocalizations, the open disapproval of bystanders, and possibly a visit from security or police officers. But in a club, where people are drinking and wearing fewer clothes than they might otherwise, and moving their bodies in arguably suggestive ways, no one's going to call it sexual assault if you help yourself to a handful of boob.

They should call it that, because that's exactly what it is. But instead, we all just accept that this is the price of women wanting to drink and dance in public. Even if she's gay, even if she's only wearing a camisole and short shorts because clubs get to be 9 billion degrees over the course of an evening, even if she's had several beers because she's having fun hanging out with her bestie and is fully intending to sleep it off alone, we agree that those circumstances are too inherently sexualized to really fault a man who spontaneously puts his hands on her.

And if we agree that dancing is too sexual for bright lines to be drawn, imagine how we feel about sex

I Know You Want It—but If You Don't, I'm Completely Confused

Going back to the 1990s, somewhere around the time the Mars/Venus thing hit, Ohio's ultraliberal Antioch College issued guidelines for student sex that involved seeking verbal permission from the other person at every step. As the writer Meghan Daum wryly described it in a 2007 *Los Angeles Times* article about the school's closing, "Dorm room make-out sessions were being punctuated by steamy questions like, 'May I kiss you now?', 'May I remove your (Che Guevara) T-shirt now?' and 'May I . . .' (you get the idea)."⁷

Antioch was roundly ridiculed for the policy, and not totally without reason. Recent history suggests they were merely ahead of their time—"affirmative consent" policies have been voluntarily adopted by many colleges and even made law for universities in California—but it's understandable that people were skeptical at first. It was a well-meaning effort to foreground consent, but with its emphasis on verbal permission, it didn't quite track with how human beings actually behave. Generally, people can tell if their sexual partners are enthusiastic about what's happening without asking in so many words, and we know it.

The rules we're taught are simple: Consent can be conveyed effectively by moans, gestures, movement, eye contact, and facial expressions. If things are going well, expecting people to verbalize that they want the sex to continue is absurd! Conveying a lack of consent, however, must involve desperate hollering, a good-faith attempt at martial arts, and preferably video documentation of same. Expecting people to understand more subtle messages that someone wants the sex to stop—such as "I'm not feeling it tonight" or "I really need to get to sleep" or "Please stop"—is asking too much. What, is the guy supposed to be a mind reader?

I suppose some people who worry that if they check in with a partner, the mood will die and everyone will go home sad instead of having mind-blowing sex, simply have little to no sexual experience. They might have no reference points other than movies and TV shows, where any minor interruption will make one partner think better of it and scramble to find their underwear. If that's the case, good news! Drama thrives on conflict, but in the real world, if you have any doubt that your partner is into it, you really should just stop and ask. If everything's good, you can immediately resume sexing, and trust me, a couple minutes later, you will have completely forgotten that it wasn't all perfectly choreographed and silent like fake sex.

But there's an equally plausible and far more troubling explanation for this insistence that a momentary pause is an unreasonable burden to put on a person having sex: to wit, that those objecting have a good reason to expect their partners, given a window, would verbalize their lack of consent. It's not that they don't want to risk killing the mood; it's that they benefit from the misconception that consent is a murky, complicated thing. If we, as a society, actually expected people to be 100 percent certain they had enthusiastic consent from all sexual partners, then we might not be so quick to accept "She wanted it" as a defense. And where would that leave folks who like to rape?

Either way, the misguided idea that confirming consent is an automatic boner killer needs to die. If it comes down to lack of experience, why are we letting virgins dictate the terms of a healthy sexual encounter? And if it's not that, why are we letting rapists? The rest of us need to be fighting back against this nonsense whenever we see it, because it's among the most pernicious rape myths there is. Not only

does it drive the perception that rape happens by accident (“Oopsie!”), but it affects where we direct money and efforts to prevent rape, increase reporting, and help survivors.

In their 2010 paper “Young Heterosexual Men’s Use of the Miscommunication Model in Explaining Acquaintance Rape,” psychologists Susan Hansen, Rachael O’Byrne, and Mark Rapley reaffirmed Friess and Kitzinger’s findings that “young men . . . can and do display a sophisticated understanding of subtle verbal and nonverbal means of communicating sexual refusal.”⁸ But despite a strong and growing body of evidence against it, “the miscommunication model has been adopted by many contemporary rape prevention programs.”

A 2006 campaign by the British Home Office, for instance, used ads in men’s magazines that said things like, “Have sex with someone who hasn’t said yes to it, and the next place you enter could be prison.” (The researchers note that this slogan was “superimposed on an image of a woman wearing white pants printed with a ‘No Entry’ sign.” In case you weren’t creeped out enough by the \$25,000 *Pyramid*-esque filing of both “prison” and “women’s bodies” under “Places You Can Enter.”) Another showed bunk beds in a prison cell, with the caption “If you don’t get a ‘yes’ before sex, who’ll be your next sleeping partner? That’s right, folks—a rape awareness campaign brushed right up to the edge of a prison rape joke.

I will give one tiny jot of credit to the British Home Office for framing consent as the presence of yes rather than the absence of no. But so very much is wrong with those ads, from their reliance on the “miscommunication model” to the implication that rapists are likely to be arrested, tried, and convicted (most rapists know damn well they won’t be), not to mention the suggestion that “you don’t want to go to prison” is the best rationale for not raping. As opposed to, say, “you don’t want to be a horrible fucking human being who rapes people.”

When we try to reduce the frequency of rape, this is too often the kind of thing we spend money on: messages to men explaining what they already know, and messages to women that avoiding assault is a matter of constant vigilance, uninterrupted sobriety, and a degree of assertiveness that we know will instantly mark us as arrogant bitches.

“A crucial upshot of this rhetorical strategy,” write Hansen, O’Byrne, and Rapley, “is that the onus for the clear communication of sexual refusal is placed squarely on young women’s shoulders.”

Who’s the Real Victim?

Even in circumstances where some sort of documented, singularly vehement refusal isn’t necessary to prove a crime—for instance, statutory rape—some people inevitably still want to argue about whether the victim invited the attack or somehow misled the rapist. One of the most appalling recent examples involved a Jane Doe from Cleveland, Texas, who was gang-raped repeatedly by over twenty men on numerous occasions in late 2010, when she was just eleven years old.

Unfortunately for this girl’s reputation in both her hometown and the national press, she developed early, liked to wear makeup, isn’t white (she is Latina, already subject to “hot and spicy” stereotypes), and didn’t have a lot of parental supervision. All of which added up to reasonable doubt, according to the defense attorney for one of her rapists.

“Like the spider and the fly,” said Steve Taylor, representing accused rapist Jared Len Cruse, to former Cleveland police sergeant Chad Langdon on the stand. “Wasn’t she saying, ‘Come into my parlor, said the spider to the fly?’”⁹

Actually, I think it was more like, “‘Come into my parlor,’ said the sixth grader to the group of old boys and men, who would take turns penetrating her vaginally and anally in an abandoned trailer, where someone filmed it with his phone. More than once.” Tomayto, tomahto.

According to the *Houston Chronicle*, after Langdon replied, “I wouldn’t call her a spider. I’d say she was just an eleven-year-old girl,” Taylor “snapped back”: “I hope nothing like this ever happens to your two teenaged sons.”¹⁰

Being on trial for rape, you see, is a random tragedy that could befall any young man, as it did Cruse and his cohort. Cruse was in his late teens at the time of the attack, his attorney reminded us *just a kid*—unlike that eleven-year-old temptress!

This notion that the rapists’ lives were tragically ruined by a child’s feminine wiles wasn’t merely a slick defense move. An article by James C. McKinley in the *New York Times* described the mood in Cleveland after details of the rapes became known: “The case has rocked this East Texas community to its core and left many residents in the working-class neighborhood where the attack took place with unanswered questions. Among them is, if the allegations are proved, how could their young men have been drawn in to such an act?”¹¹ “Drawn into” it. These young men took advantage of a girl on the cusp of puberty, abused her trust, brutalized her body, and we’re all supposed to wonder how they were somehow suckered into doing it? A local person McKinley interviewed lamented the effect the crimes had had on the town, but her chief concern wasn’t for the victim’s welfare. “These boys,” she said, “have to live with this the rest of their lives.”¹²

It was the same with the famed gang-rape case that rocked Steubenville, Ohio, in 2012. Despite photographic and video evidence of a sixteen-year-old girl being assaulted multiple times over several hours, few witnesses would come forward—although many took to social media to shame the drunk, passed-out girl for being a “slut.” (“If you could charge people for not being decent human beings, a lot of people could have been charged that night,” Steubenville police chief William McCafferty told the *New York Times*.¹³) The victim was harassed, and her family received death threats. Although some local people joined in the call for a thorough investigation and prosecution, others just wished it would all go away. One, a volunteer coach at the high school, told the *Times* he believed the girl had made it all up, and “no one is trying to blow up our football program because of it.”¹⁴

Aw, jeez, how difficult the whole ordeal must have been for high school football fans—all because some little slut made up photos and videos of herself being dragged around like a blow-up doll.

Similarly, in May 2014, *Time* published a section on campus rape, including an op-ed by criminal defense attorney Matthew Kaiser, who wrote: “When my son goes to college, I want him not to risk his future whenever he has sex after a party. And, based on the cases I’ve seen, I’m more concerned for my son than my daughter.”¹⁵

Kaiser is more concerned that his son will be accused of rape—a problem he can almost certainly avoid by only having sex with conscious, enthusiastic partners—than about the one in five chance that his daughter will be raped. He is more concerned that his son will have sex with a partner who suddenly wakes up and decides, “Hey, after breakfast, I’m going to charge that guy with rape!” than he is about the one in five chance that his daughter will be raped. Father of the year, right there.

Speaking of charming defense attorneys, despite Steve “Spider to the Fly” Taylor’s best efforts, a judge gave Jared Len Cruse a life sentence. Still, the fact that Taylor felt the best strategy for keeping his client

out of jail was to paint an eleven-year-old child as the aggressor should give us pause. To say the least.

Seven Basic Rape Myths

If we can't even agree that an *eleven-year-old* gang-rape victim wasn't on some level asking to be abused, what hope is there for other victims? What of the grown woman who's had plenty of consensual sex prior to her rape? The gay man who went out to a club expecting both to hook up and to maintain control over his own body? The sex worker who has the audacity to believe she's a human being with rights?

No matter how much we as a culture claim to despise rape and rapists, we just can't seem to shake the feeling that certain types of people, who engage in certain types of behavior, deserve on some level to be assaulted. For that, we have rape myths to thank.

Like "rape culture," the concept of an identifiable set of "rape myths" first arose among feminists in the seventies, and has been refined and studied by social scientists ever since. In a 2012 paper published in *Aggression and Violent Behavior*, researchers Amy Grubb and Emily Turner explain, "Rape myths vary among societies and cultures. However, they consistently follow a pattern whereby, they *blame the victim for their rape, express a disbelief in claims of rape, exonerate the perpetrator, and allude that only certain types of women are raped*"¹⁶ (emphasis in original).

Grubb and Turner then note that in 1999, University of Illinois psychologists Diana L. Payne, Kimberley A. Lonsway, and Louise F. Fitzgerald expanded upon those four characteristic functions, identifying seven categories under which (American) rape myths fall:

1. She asked for it.
2. It wasn't really rape.
3. He didn't mean to.
4. She wanted it.
5. She lied.
6. Rape is a trivial event.
7. Rape is a deviant event.¹⁷

It's almost funny—almost—that some of the most popular myths complicate and contradict each other. Look at coverage of any rape case that doesn't fit the "stranger jumps out of the bushes" stereotype, and you'll see people arguing strenuously that it never happened *and* that she asked for it *and* that he didn't mean it. (If you want to see the full panoply of rape myths in action, look at the online comments beneath the article.)

That's because rape myths, like all myths, are designed to serve up psychological comfort, not hard facts. As Grubb and Turner put it, "To believe that rape victims are innocent and not deserving of their fate is incongruous with the general belief in a just world; therefore, in order to avoid cognitive dissonance, rape myths serve to protect an individual's belief in a just world."¹⁸

In other words, that list of seven myths is like a flow chart that begins with "Someone has reported rape," and proceeds as follows:

1. Did she ask for it? If no, go to 2. If yes, go to 8.
2. Was it really rape? If yes, go to 3. If no, go to 8.

3. Did he mean to do it? If yes, go to 4. If no, go to 8.

4. Did she want to have sex with him? If no, go to 5. If yes, go to 8.

5. Is she lying about whether she consented? If no, go to 6. If yes, go to 8.

6. Was it really such a big effing trauma? If yes, go to 7. If no, go to 8.

7. The kind of rape you're describing is very, *very* rare. Like, so rare that it's practically nonexistent.

Go back over steps 1 through 6, until you find your error and end up at 8.

8. Everything's fine! No need to be upset!

If you're the person who was raped, you might find you're still upset after all that. But the rest of us can breathe easy, knowing that it never happened, you wanted it, he didn't mean it, and it was no big deal anyway.

Miscommunication Mythbusting

If rape myths are the engine of rape culture, how do we begin to break them down? Well, the same way we deal with any other pernicious and damaging myths: by repeating the facts of the matter as widely and as often as possible. Let's take those myths one by one.

MYTH: She asked for it.

FACT: It is literally impossible to ask for rape. Rape, by definition, is sex you did not ask for. So either you mean that a woman who dresses a certain way, or flirts, or otherwise expresses her sexuality on her own terms somehow *deserves* to be raped—which would make you a monster—or you are wrong, and she was not asking for it.

MYTH: It wasn't *really* rape.

FACT: There aren't different categories like *rape-rape*, sort-of rape, gray rape, real rape, and not-really rape. If a person was forced to have sex against their will, it was rape. So either you're calling the putative victim a liar, or you're wrong, and it was really rape.

MYTH: He didn't mean to.

FACT: Rapists like to rape. Most of them do it more than once. In "Understanding the Predatory Nature of Sexual Violence," David Lisak cites a study in which 120 college men admitted to a total of 483 acts that met the legal definition of rape. Forty-four of those were one-off crimes. The other 439 rapes were committed by 76 serial rapists, who "had also committed more than 1,000 other crimes of violence, from non-penetrating acts of sexual assault, to physical and sexual abuse of children, to battery of domestic partners."¹⁹ Rape is not an accident.

MYTH: She wanted it.

FACT: See "She asked for it" and "It wasn't really rape." Either the person was raped, or the person wanted it; both cannot be true at the same time. And if you want to call someone a liar, you should have the decency to be forthright about it.

MYTH: She lied.

FACT: This is the only rape myth that has the ring of partial truth—somewhere between 2 and 8 percent of the truth. That's how many reports of rape are estimated to be false, based on an analysis of several rigorous studies that attempted to answer that question.²⁰

According to the cultural myth, though, women lie about rape *all the time*, for practically no reason at all—to get revenge on men who cheat, or punish men who didn't call afterwards, or minimize their own shame over saying yes. I discuss this at length in Chapter 4, but for now, here's what you need to know: the vast majority of people do not lie about being victims of violent crime, especially since filing a false report is a crime itself. Come on, now.

MYTH: Rape is a trivial event.

FACT: This goes back to our retrograde views about sexual purity and how they get tangled up with consent. *Maybe rape is really traumatic for a young virgin, but for someone who's had lots of sex before, what's one more dick in the hole?* But again, the problem is not the sexual aspect of rape, but the willful rejection of another person's right to decide who may touch, let alone enter, their body. Being penetrated without your consent is a big effing deal.

MYTH: Rape is a deviant event.

FACT: This is the myth that props up most of the other six. *Rape hardly ever happens, and it's only committed by mentally ill monsters, not people who resemble—or are—my friends, coworkers, and family members.* As long as you believe this, it makes sense that she must be lying, or he must not have meant it, or it must not have been *real* rape (see myth #2). As long as this is true, everything is fine, and there's no need to be upset.

Unfortunately, it's not true. The fact is at least one in five women and one in seventy-one men will be raped in their lifetimes. The fact is most rapists are known to their victims. The fact is rapists rape deliberately and repeatedly, not because they like sex, but because they like rape.

The fact is the world is not just, and every day, people with friends and loved ones and jobs and kids and fine reputations commit violence against people who don't deserve it.

The fact is no one deserves it.

CHAPTER 2

Simple Safety Tips for Ladies

One summer night, while I was working on this book, my friend Molly, also an author, walked her greyhound over to my house for a writing date. Earlier that day, my husband had driven to Indianapolis on business, so Molly and I sat in my living room with our dogs and our laptops, drinking tea and clacking away for hours. It was lovely.

Around eleven p.m., Molly asked me for a lift home, per our usual routine when she visits my apartment, about a mile away from hers. But when I went to grab the car keys, they were missing. I checked all of my pockets and a couple of purses, to no avail.

Let's cut straight to the Encyclopedia Brown reveal: Did you remember that my husband *drove* out of town? Because I sure hadn't! And we only have one car.

So there Molly was, late at night, a fifteen-minute walk from home and saddled with a gangly, sixty-five-pound dog who isn't allowed to ride city buses (and who, it should be noted, would be utterly useless in the event of an attack). The mood in the room suddenly shifted from pleasant and companionable to "Crap, shit."

I mean, we weren't going to panic. Panicking would be stupid. Weak. An overreaction. You can't live in fear! You must refuse to be a victim!

Molly was new to the neighborhood, but I'd lived there for eight years without incident. It was horrible, and I almost always felt comfortable walking around there. Still, during the month that this happened, twenty-six violent crimes were reported to police in the two-square mile area where she and I and about fifty-five thousand other people lived. Two of those were criminal sexual assaults; one, a bona fide stranger-drag-a-woman-into-an-alley scenario. So if either one of us had remembered that my car was in another state before it got dark, there's no question she would have left earlier. Who would *plan* to walk a mile through our neighborhood at eleven p.m.?

I mean, besides men.

“Helpful” Tips

“Hi girls!” begins an email that made the rounds when forwarded safety tips from everybody's credulous aunts were all the rage. More recently, the same information has spread on social media, with a link to a page claiming that what you're about to read is the result of interviews with “a group of rapists and drug dealers in prison.” Either way, the anonymous writer tells us she's going to share some helpful rape avoidance tips.

From this document, we learn that women should avoid wearing their hair long, especially in grabbable ponytails (“The #1 thing men look for in a potential victim is hairstyle”). Clothing “that is easy to remove quickly” with scissors is also best avoided, so skip the overalls, gals! (Priceless advice if you were planning

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