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Banning Rape

An analysis of the solutions for rape as offered by socio-cultural and gendered theories

Final Paper for SAS24: Violence, Gender and Culture

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Introduction: Power or ideology?¹

During the first group discussion of this class, an interesting question was raised. When discussing policy recommendations to ban men's violence against women, we wondered whether education alone would be enough. Does men's violence against women result from a wrong ideology, to be erased by education? Or 'do men deep inside know that what they're doing is wrong', and is violence instead an expression of power which cannot be diminished by education alone?

We see that this 'power' vs. 'ideology' question is present in many theories on sexual violence. "*Rape is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear*" (p. 15), stated Susan Brownmiller in 1975 in her radical feminist essay 'Against our Will'. Thus, Brownmiller explains rape as the fundamental cause of patriarchic power over women. If her analysis is correct, education alone would not suffice to eliminate men's sexual violence against women, since men would still have access to their initial power tool and would not be willing to give it out of hands. But is it correct to take such a pessimistic stand, or is the practice of rape perhaps more cultural and ideological, and thus changeable, than Brownmiller assumes?

Very often, rape has been conceptualized, both in popular beliefs as by scientists, as following from men's uncontrollable sexual drive. As Sanday states, '*[h]uman (viz. male) nature is conceived as an ever present struggle to overcome baser impulses bequeathed by "apish" ancestors*' (1981, p. 56). The biological nature of these explanations suggests that there is no way out, except for regulations around prostitution as an outlet for men's steamy drifts. From a feminist perspective, these explanations could be criticized for their tendency to excuse violent behavior, prioritize men's sexual outlet over female victimization and objectify women in general. The most important criticism however is that they overlook cultural explanations.

Theories focusing on the socio-cultural level often intend to move away from the determinism inherent in biological explanations. However, even some feminist theories, while taking a gender perspective on sexual violence, can be quite deterministic. In this paper I

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aimed to compare feminist theories on their ability to do away with determinism and provide room for solutions.

I will compare three theories on rape which all use both a socio-cultural and a gender perspective. One piece is recently written, the other two are written in 1975 and 1981 respectively. My focus was on the way these theories conceptualize the relation between rape on the one hand and power, ideologies, gender roles and other cultural factors on the other. I reflected on the strengths and weaknesses of these approaches, and particularly on the question of how much room these theories leave for social change; in other words: whether education is an appropriate measure for eliminating rape.

Excluded theory: Viki et al.

Initially, I planned to include a fourth theory on rape in this paper, namely the one explained in the Viki et al. article (2006). After carefully reading the article however, I decided not to include it because their theory does not attempt to explain either causes of or solutions for rape. Viki et al. empirically analyze the relation between hostile sexism, rape myth acceptance and rape proclivity among Zimbabwean males. At first glance, they seem to explain rape by pointing at sexism as a social-cultural explanation. However, according to their theory, men only *justify* their proclivity of especially acquaintance rape by endorsing rape myth acceptance, which is a component of the larger concept of hostile sexism; their rape myth acceptance does not *cause* it however. In other words, male rape proclivity is followed by, and not caused by hostile sexism, and this theory does not offer an explanation of rape. For this reason, I decided not to analyze this theory.

Susan Brownmiller: rape based on anatomical difference

Susan Brownmiller, one of the leading figures in the 1970s United States feminist movement, became famous for her 1975 book 'Against her Will: Men, Women and Rape'. In this book, she attempts to answer the question why rape exists and links rape to female oppression in general. Her theory resembles Karl Marx' Capital in that it grounds itself within a material situation, leading to the social oppression of one group over the other. The material situation that serves as Brownmiller's point of departure is the 'accident of biology' (Brownmiller, 1975, p. 14), that is, that men have the anatomical possibility to rape women.

Brownmiller takes us to an imaginary place somewhere in prehistoric times, when the first rape ever was acted out. According to Brownmiller, this rape was the only one ever that did not serve as an act of power but happened out of sexual desire, drift or even incidence. It was in this situation that mankind discovered men's technical capacity to force a woman to have sex against her will. From this moment on, rape started to serve as a power tool for men over women. '[I]f the first rape was an unexpected battle founded on the first woman's refusal, the second rape was indubitably planned' (p. 14).

As soon as women became conscious of this reality, they had to find a way to secure themselves against it. It is here that Brownmiller starts to explain not just rape, but patriarchal oppression in general. She departs from the assumption that women are physically not strong enough to protect themselves and one another. They are 'smaller and weaker' (p. 16) and besides that, they could never revenge the act because of the anatomical difference between women and men.

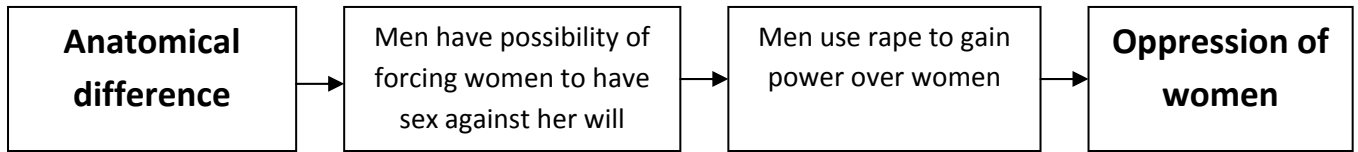
This situation forced women, therefore, to seek help from certain men instead, who would be able to protect them from the others. However, the problem was that just these protectors were always potential rapists as well and could therefore exercise power over women.

Brownmiller explains how people started to negotiate lifelong protection contracts that we now know as marriage. These protection contracts did not rest on an equal power basis though, because men always had the possibility to get back to their ultimate power tool. However, they did not need to use it all the time, as the *potential* to use it sufficed in forcing women into certain behavior. So, in much the same way as gold coins came to be replaced by paper money, the practice of rape came to be replaced by institutional power mechanisms such as marriage law.

Women came to be seen as male property, handed down from father to husband at an exchange rate. Rape itself came to be seen as the act of stealing a woman from her owner, or of claiming a woman for oneself. Rape of a married woman and adultery were thus seen as one and the same thing, and when an unmarried woman was raped, her rapist was supposed to marry her after paying the bride's price, implying that the rape was a more or less legitimate way of claiming a woman as property.

Brownmiller contrast this view with rape as seen by women themselves: a violation of her right to bodily integrity. Although the law has come more to terms with this last definition of rape, Brownmiller states, our ideological heritage is still the old one in which women are seen as male property.

Figure 1. Summary of Brownmiller's theory



A way out?

Brownmiller moves away from biological explanations that perceive men as creatures with an insatiable sex drive, leading to a violent pursue of their needs when those cannot be fulfilled in a more friendly way. However, Brownmiller still grounds her theory in the material, because anatomical, difference between men and women. Power is conceptualized as the potential to impose harm upon another person. Men's power thus lies in the fact that they can make women do things women might not have chosen in an autonomic situation, by threatening them with rape.

Brownmiller's thinking about sex and gender can be placed within Ann Oakly (1972) and Gayle Rubin's (1975) sex-gender distinction: men and women have a small, material or biological difference (sex) which is made larger by culture (gender). Sex refers to a material difference between women and men. Gender, the cultural part of women and men's sex differences, is for Brownmiller caused by socialization: women and men have *become* different persons because of what they have learned in the past.

The puzzling thing about Brownmiller's theory on rape is that when she turns to the causes of rape, she points to the materiality of the anatomical difference, and regards this difference as essentially insolvable. Men hold power over women because they are anatomically capable of raping, and anatomy is not changeable. The cause of rape is thus attributed to *sex*, not to gender, and thereby deterministic. However, when Brownmiller in her last chapter reflects on the future and on solutions for the problem, she points in the direction of *gender* by reminding us of the way women are socialized to be weaker than men. Socialization means changeability: when women can be taught to be weak, they can also learn to be strong.

Brownmiller thus focuses on sex's materiality to explain how the practice of rape started, but on gender's flexibility to explain how it can be ended. Until now, women were victims because of their physical characteristics, and from now on, agency, that is, human's ability to influence their surroundings, can overcome this situation. I would like to argue that this reasoning is contradictory in a logical sense. Brownmiller's earlier explanation of rape's

cause leaves no room for this sudden reference to agency. Although Brownmiller's analysis of rape aims at providing a solution for the problem, her theory provides us with too little room for change.

It is Peggy Sanday's (1981) explicit aim to turn from material explanations to cultural ones, in order to abandon the determinism present in Brownmiller's theory.

Peggy Reeves Sanday: rape as following from gender norms

To move from deterministic to socio-cultural explanations, Sanday (1981) analyzed a sample of anthropological studies on pre-industrial societies that existed from 1750 B.C. to the late 1960, investigating the socio-cultural differences between rape-prone and rape-free societies. According to her study, in slightly less than half of the tribal societies in the Murdock and White cross-cultural sample that she used, rape was either absent or highly uncommon.

Sanday describes a number of practices and meanings of rape in rape prone societies. First of all, normal heterosexual activity is often constructed as a quite violent activity. For example, among the Gusii in southwestern Kenya,

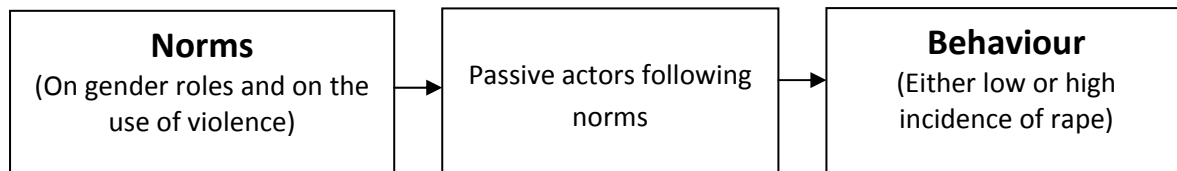
'normal heterosexual intercourse ... is conceived as an act in which a man overcomes the resistance of a woman and causes her pain. When a bride is unable to walk after her wedding night, the groom is considered by his friends "a real man" and he is able to boast of his exploits, particularly if he has been able to make her cry' (p. 60).

In other societies, rape was viewed as a rite of passage, where either the boy has to rape a girl to show that he is ready for marriage, or a girl is raped as a preparation for hers. In some societies, rape is 'explicitly linked to control of women' (p. 62), serving as a punishment for women who, for example, turn a man down, commit adultery, or are present at male sacred rituals. Sometimes rape is used as a means of getting a wife from a different clan, especially when there is a shortage of women due for example to female infanticide.

Themes that, according to Sanday, are present in rape-prone societies are that 'men are posed as a social group against women' (p. 63) and that women are seen as male property. In rape free societies, on the other hand, there is a pattern of respecting women's reproductive and productive tasks for the society, which delivers her with considerably, almost equal power. Often also other forms of interpersonal violence are minimal and the natural environment is treated as sacred instead of an area of exploitation.

Sanday tests a number of hypotheses on the sample of societies, and concludes that rape-proneness particularly correlates with both the present norm of intergroup and interpersonal violence, and with a social ideology of male dominance.

Figure 2. Summary of Sanday's theory



Gender, norms, and change

Sanday's understanding of gender roles is similar to Brownmiller's: people have a material sex, and a cultural gender. Culture determines how women and men are supposed to behave. In rape-prone societies, male and female gender roles are more strictly separated than in rape-free societies. In the former, women are more seen as men's properties and the male gender role has a bigger emphasis on violent behavior than in the latter.

Rape for Sanday does not occur just because men have the possibility to do so; instead, human behavior is largely dependant on cultural norms. These cultural norms have such a great influence that it is possible for societies to be free of rape. Thus, Sanday's theory provides us with a clue on how to diminish rape: change the norms around gender roles, make sure that women are no longer seen as property and that the male gender role no longer includes the enactment of violence. In short: for Sanday, education could be a means to reduce and eliminate rape.

However, when we look at the relation between power and norms in Sanday's theory, this optimistic conclusion becomes more problematic. For Sanday, norms precede power relations: it is certain norms telling people how to behave, that result in power balances between groups of people. So, when a norm exists that says men should be dominant, men will be dominant over women. This seems a bit naïve when taking into account that a group might have an incentive to establish and reinforce a certain norm. In Sanday's theory, people are barely the passive followers of norms that already exist. It might be more realistic to assume that people have an agency in shaping and reinforcing norms as a group, even when these norms in turn have their influence on them.

Katherine Franke's theory proposes a different dynamic between ideology and power.

Katherine Franke: the socially constructed meaning of sexual assault

Franke (1997, 2005) is interested in sexual assault and rape from a legal point of view. She argues that workplace sexual harassment should be placed within the law on sex discrimination, but is not satisfied with earlier attempts of theorizing the relation between sexual harassment and sex discrimination. She proposes an alternative theory, in which she argues that sexual harassment, among which rape and workplace sexual assault, serves as a 'technology of sexism' (1997, p. 762).

Franke uses a poststructuralist view on both the practice of rape and the categories of men and women. Rape is not only an act that intrudes upon a person's right to decide over his or her own body, as Brownmiller defines rape. It goes further than that: because of our specific cultural ideas about gender and sexuality, rape means a reinforcement of the categories of gender, and sometimes also other inequalities such as race and ethnicity.

How does this work, then? A good explanation is offered by a number of empirical cases that Franke describes in the two articles that I analyzed. In her first article (1997), Franke goes into workplace sexual harassment and describes two scenarios. In the first scenario, a subordinate woman is regarded 'not as a valued employee, but principally as a sex object who was in the workplace to satisfy [the supervisor's] sexual needs' (p. 766). In this scenario, woman's femininity is reinforced by reducing her to an object, and men's masculinity and subjectivity are enhanced.

In the second scenario, women's or men's behavior that falls outside of the specific environment's range of acceptable gender codes is punished. As an example of this scenario, Franke describes a woman who fulfils a job that had only recently been taken up by women. She performed a job as a floor person in a casino: an environment in which the jobs mainly performed by women were highly sexualized. Her supervisor continually made comments stating, for example, that she should '*go suck the customers' dicks*' (p.764), implying that her proper task would be to take up a feminine, sexualized role. His comments not only humiliated this woman in front of the customers, but also fulfilled a policing role, punishing her for behaving in a too masculine way merely by performing a profession labeled as male. He put her back in her place, thereby reinforcing the 'proper' gender roles. Franke argues that it is this last function of his behavior that makes it fall under the law on sex discrimination.

Not only women can be victim of this second scenario. Franke also lists a number of cases in which men had been harassed in the workplace for acting in a way that was not regarded proper for their gender role. In her second essay (2005), in which Franke extends her

theory to include rape and other sexual assaults, Franke also describes sexual assault that takes place between men. She describes the case of Abner Louima, a black Haitian man, who was raped by New York city police officers with the use of a toilet plunger. Franke criticizes the way the media coded the situation as sexual and erotic and proposes instead to look at 'the unique way that it humiliated Louima as a black man' (p. 171). In this case, not only gender but also ethnicity was a meaningful category. Raping the Haitian man feminized him and reinforced his subordinated position as a man of color.

Why does rape have the power to assign masculinity to men and femininity to women? Franke mostly explains this in terms of subjectification and objectification. Although she does not explain this argument too well, I assume that she refers to the way women's sexuality is differently constructed than men's. Women's sexuality is supposed to be passive and weak, while men are assumed to have an infinite sexual drive which they actively pursue all the time. Men are thus seen as sexual subjects and women as their objects or even property. When men sexually assault or even rape women, they reinforce this dynamic: the rapist is the one in control while the raped is passively lying there.

Change

Franke thus uses a poststructuralist perspective on the relation between practices and cultural meaning. For poststructuralists such as Michel Foucault and Judith Butler practices only get a meaning within the field of language and culture. We cannot look at facts outside of our cultural lens: outside of the way our language classifies and organizes reality. Therefore, poststructuralists assume that things and practices do not have an essential meaning.

Furthermore, language or 'discourse' has a *formative* function. Language names things and categorizes them, and thereby *creates* certain groups of things and people. These categories get an existence of their own, because people act on the presumption that they are reality. Every time that people act on the basis of this assumption, this particular reality is verified and strengthened. Categorization also involves power. When people are categorized in a certain way, they will actively seek to act in the way that their category is supposed to be enacted. When they do not, other people will discipline them into acting the right way, by punishment and reinforcement.

Rape for Franke is, just as for Brownmiller, a power mechanism. Through raping a woman, a man reinforces his power position. However, the mechanism through which this works is different. For Brownmiller, raping a woman reinforces women's fear that men might

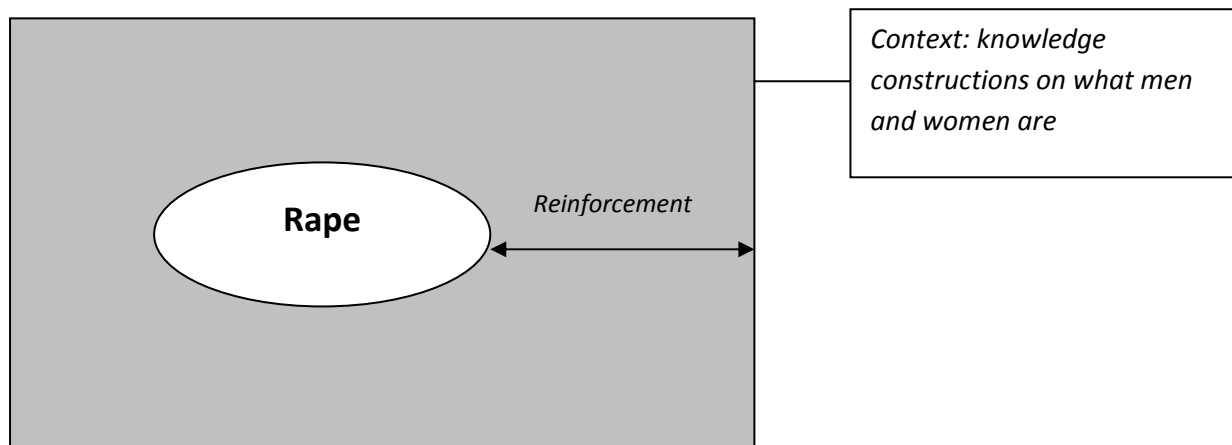
do it again. Power has a very concrete, 'material' source: man can force woman to do something against her will by threatening to do her body harm. For Franke however, the power mechanism works mainly through a non-material source: ideology. Rape reinforces masculinity and femininity, and because masculinity is associated with agency and power while femininity is associated with passivity and subordination, a man claims, though rape, his place in the power hierarchy.

What room does this theory leave for change then? A thought experiment can help answering this question. The consequence of explaining rape's power mechanism in ideological terms is that this power only works within a certain cultural setting. Rape can only reinforce masculinity and femininity, when these categories exist. What would happen then when there would be 'no gender'? In Franke's theoretical framework, rape would lose its power mechanism: rape would not have the power to symbolically subordinate women in the way it does now. Rape would nonetheless still be possible in the anatomical sense. However, for Franke, rape in the bare anatomical sense does not have a different meaning than other violent intrusions of the body, such as a hit in the face, when we look beyond their cultural meaning. More important though, is that in such a de-gendered society, men would not have the incentive to rape other men or women, because there simply are no norms of masculinity or femininity that need to be reinforced. Rape would thus no longer occur, or, when it would, it would be a form of de-gendered violence between two genderless, equal persons.

Of course, the situation described is a utopian one. De-gendering society is quite a task, and it is questionable whether education, for example, would do the trick. However, this thought experiment helps explain how societies have the possibility to *decrease* the amount and the impact of rape. If women and men experience more freedom in expressing their gender the way they want, rape and other sexual assault need not to be used so often to reinforce those norms.

When Franke would have analyzed Sanday's empirical material, then, she would probably have pointed out that the major difference between rape-prone and rape-free societies is not their different norms on how men and women should behave, but their different discourse and knowledge constructions about what women and men are, that is, that men and women are to a lesser or greater extent perceived as fundamentally opposed groups.

Figure 3. Summary of Franke's theory



Gender

Franke's theory thus provides some room for change, even if it is harder to achieve than in Sanday's theory as not only norms should be changed but also knowledge constructions about men and women. Another advantage of Franke's theory over both Brownmiller's and Sanday's theory, is that she regards gender in a less essentialist way. For Franke, gender is performative, which means that people actively seek to act as women and men, and that when they fail to do so, other people will enforce these norms on them. This notion differs from Brownmiller's view on gender. Brownmiller views gender differences as the effect of something that happened in the past: when girls and boys were socialized to act the way they do and therefore become different persons. For Franke however, gender is a process that happens in the here and now and is actively performed by people. This notion of gender was originally posed by Butler (Franke refers to Butler 1988).

The advantage of such a perspective on gender is that it opens possibilities to recognize other forms of sexual assault than the one in which men are always the offenders and women always the victims. Sexual assault is not necessarily linked to the genitals as the area of action, as also objects can be used and it need not be the genital area where it happens, but it can also be the mouth or other places. Gender thus exists as a meaningful category because rapists are coded as masculine and the raped is being feminized, but gender is not attached to bodies per se: a man who is raped can be feminized as well. Furthermore, gender can intertwine with other axes of inequality such as race and ethnicity.

Sexuality

In her 2005 essay, Franke argues that court decisions tend to overvalue the sexual, as in erotic, meaning of sexual assault, while undervaluing the power mechanism present in sexual violence. In her view, the sexual meaning of rape and other sexual assault should be deconstructed. 'Once something is classified as sexual we understand its meaning primarily in erotic terms and lose sight of the ways sex is easily deployed as an instrumentality of multiple relations of power' (p. 163).

However, by dismissing sexuality, as in eroticism, as an inappropriate way of interpreting sexual assault, Franke's theory misses a more profound explanation of why sexual assault has exactly this power to reinforce gender norms. What is it about sexuality that makes sexual assault such an objectifying, humiliating, degrading experience? Franke implicitly refers to feminist theory about different constructions of female and male sexuality. This point could have been more articulated, though.

A theorist that offers a more explicit explanation, though not specifically in the area of sexual assault, is Laurie Shrage. Shrage (1989) wrote an essay on the meaning of prostitution in our cultural context, and described several characteristics of the way we look upon sexuality that, according to her, gives prostitution a degrading meaning for women. According to Shrage, our culture assumes that men are 'naturally' dominant over women, that men possess a universal potent sex drive, that sexual contact pollutes women, and that sexual activity leads to a specific identity. Thus, Shrage argues, prostitution within our culture gets a degrading meaning because the woman is labeled as whore and seen as polluted. I argue that rape could be regarded as degrading within our culture for roughly the same reasons: the woman is polluted and turned into a 'whore', and men's status as a dominator who can force himself upon others, is reinforced.

A phenomenology of intercourse's culturally constructed meaning, such as Shrage's, could in my vision better explain why it is especially rape and sexual assault that have the power to degrade another person in such an effective way.

Conclusion

I would argue that Franke's theory offers possibility for change in the most realistic way. Her poststructuralist approach anchors rape not in a material reality, but an immaterial and thus changeable one, namely discourse. Rape serves as a reinforcement of the discourse on

femininity and masculinity. When this discourse would change and categories of men and women would not be as strict as they are now, rape would be needed to a lesser extent to discipline men and women into their proper categories.

There remain some problems with this perspective, however. First of all, when seen from Brownmiller's perspective, we could be cynical about Franke's assumption that rape follows from non-material rather than material factors. If men have this tool by which they can subordinate women, why would they not use it?

How sustainable Franke's position is in this matter, depends on your view of humanity. Brownmiller has a very somber concept of humanity: in her theory, everybody who has a potential of grasping power over another person will use it. Sanday's concept of humanity might be regarded as more positive: people act in a certain way because their culture assumes it is the right thing to do, not because they want to gain power over others. They are however just passive bearers of their cultural norms who have no agency in changing or reinforcing them. This reasoning is thus also problematic, for in this way, rapists can not be given any responsibility for their deeds. Franke's humans are active agents, although only within a certain context, which is one they are also actively reproducing.

A second problem is that both Franke's and Brownmiller's theories, by focusing on rape as a power mechanism, seem more appropriate in explaining certain kinds of rape than others. Rape is explained as a threat, a punishment or an objectification, but never as for example as a severe miscommunication such as can happen in acquaintance rapes. I would argue that these theories focus more on rape as an expression of unhealthy gender relations, while missing the way rape can also be an expression of an unhealthy construction of love and sexuality. Sanday's theory offers more possibilities for such an explanation. Her empirical material shows how heterosexual intercourse is constructed differently among different societies, and how this affects the presence or absence of rape.

An advantage of Sanday's theory still further is that it points to socio-cultural meanings of rape, without universalizing them. Rape-prone societies have some features in common, but also differ to a great extent, and rape has an overlapping meaning, but does not have exactly the same symbolic attributes in each society. This universalizing is more present in Franke's theory. Franke offers a theory on sexual assault and gender that should supposedly fit into every society and does not take cultural differences into account.

The theories' emphasis on socio-cultural explanations, finally, is both their strength and their weakness. Socio-cultural factors offer an important part of the picture, but also obscure part of it as they only give a bird's eye view of the matter. It is questionable whether rape can

only be explained by concepts as gender, power and norms. These theories miss explanations as to how rape works in the psyche. How would conductors of rape describe their actions? Would they really describe them as a power tool, as a way of reinforcing gender norms, or is it more complicated than that? For example, rape could be an expression of the want to possess another person, to force one's will upon them, of not taking no for an answer. In Franke's theory, not every man is a potential rapist. What distinguishes men from one another, then? I would propose that these socio-cultural explanations should fill in the micro-level in a more distinguished way.

Socio-cultural and gendered explanations such as offered by Brownmiller, Sanday and Franke remain however a crucial approach for explaining rape. I hope this paper has been able to convince the reader that individual and biology-based theories do not suffice in explaining a phenomenon that is so clearly cultural and gendered. Although not all feminist theories provide sufficient and realistic room for change, socio-cultural explanations are the first step in acknowledging that rape should not just be taken for granted.

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