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**From Brock to Brett**  
**Purity and Power in US American Rape Culture, 2016 – 2018**

*Masterarbeit*

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## **Introduction: Boys Will Be Boys**

In June 2016, the online media outlet BuzzFeed, well known amongst and mostly read by millennials for pop culture news coverage ("BuzzFeed Partners" n. pag.), published an article titled "Here's the Powerful Letter the Stanford Victim Read to Her Attacker" (Baker n. pag.).<sup>1</sup> On BuzzFeed alone, it would be read eighteen million times, instantly going viral (Miller 251), that is, it was being shared and read at such a rate to quickly reach a massive number of people. But this statement, written by an individual known as Emily Doe at the time, and with it the Stanford sexual assault case at large, would generate even further unprecedented attention from the media, the public, and political leaders (Miller 248f., 251).

The survivor's<sup>2</sup> statement was published in *The Guardian*, *The Washington Post*, the *Los Angeles Times*, and *The New York Times*, amongst many other media outlets. It was read in an entire segment on CNN (Miller 248). What is more, it left the domain of traditional as well as online news coverage and entered the sphere of social media and pop culture: It was trending, that is, a popular topic, on the social networking site Twitter, commented on in a dedicated video by the cast of *Girls*, and covered in the podcast *My Favorite Murder*. The lifestyle magazine *Glamour* would later choose Emily Doe as one of their 2016 Women of the Year (Miller 248).

Incredibly, the response from the media was even surpassed by the response from the public as well as political leaders: The statement was translated into French, German, Portuguese, Spanish, and Japanese and performed in sign language. People filmed themselves reading the statement online. Public readings were hosted, amongst others by New York mayor Bill de Blasio and his wife. The statement was read on the House of Representatives' floor by California congresswoman Jackie Speier (Miller 248) as well as on the floor of the United States Congress (Miller cover copy). Emily Doe's experience resonated with such a large number of

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<sup>1</sup> The victim impact statement was also published in a memoir discussing the case. Passages from the statement will be cited from the book.

<sup>2</sup> I will refrain from using the term "victim" and instead use the term "survivor" in this thesis, an identity that is opposed to "[...] re-identifying oneself as a 'victim,' an identity that is considered deviant and powerless in U.S. society" (Boyle 69) and generally used in communities addressing and discussing sexualized violence. Not affected by this decision are existing terms such as "victim-blaming." I will furthermore not use the term "survivor" in historical contexts in which it would not have been used such as the below analysis of nineteenth-century newspaper articles concerning sexual assault.

survivors of sexual assault that congressman Ted Poe of Texas commented that she "[...] wrote *the Bible on what happens to sexual assault victims*" (qtd. in Miller 248; emphasis original).

What is more, the statement had real-life consequences: Sexual assault hotlines received an increasing number of calls as well as volunteers (Miller 248). The statement furthermore led to a recall of the judge in the case as well as changes in California law (Miller cover copy) as the state "[...] expanded its definition of rape and added new mandatory-minimum sentences for sexual assaults [...]" (M. Ford n. pag.).

Unbeknownst to the public at the time, Emily Doe received thousands of messages from people all over the world (Miller 249, cover copy), sympathizing and sharing their stories with her: "*Though very much across the Pacific, I am so very near to her and her pain and so very grateful for all those who did come to her aid. Another note: You have reached out to someone in a sleepy town here in India with your agony, your perseverance, your will*" (qtd. in Miller 249; emphasis original).

This massive societal response to the issue of sexual assault, brought about by this particular case, would be further amplified the following year by the resurgence of the 2006 #MeToo movement in October 2017 (Kantor and Twohey, *She Said* 2). Following the initial New York Times article which broke the story on the allegations against Harvey Weinstein and which detailed decades of alleged yet previously undisclosed incidents of sexual harassment and abuse perpetrated by him (Kantor and Twohey, "Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades" n. pag.), actress Alyssa Milano wrote on Twitter, "If all the women who have been sexually harassed or assaulted wrote 'Me too' as a status, we might give people a sense of the magnitude of the problem" (Khomami n. pag.).

What followed were millions of voices recounting incidents of sexual harassment and sexual assault, or simply using the hashtag #MeToo without sharing details. This hashtag went viral as a result (Kantor and Twohey, *She Said* 2; Khomami n. pag.). The magnitude of the problem, its social and cultural relevance had indeed become visible. Everyday sexual harassment and assault were not merely issues inherent and confined to the entertainment industry. They were exposed to be a sociocultural phenomenon, not just in the United States but across the globe.

But was this really a watershed moment? Weinstein would indeed be charged with and found guilty of first-degree criminal sexual act as well as third-degree rape and subsequently sentenced to 23 years in prison (Ransom n. pag.), along with other prominent men who faced

charges and sentences on similar counts. However, while the powerful were held accountable for their actions, the #MeToo movement failed to affect the culture underlying these prominent cases by likewise influencing less prominent, ordinary everyday cases of sexual harassment and sexual assault (Taub n. pag.). What is needed, however, according to #MeToo movement founder and leader Tarana Burke, is a focus on the system of sexual harassment and sexual abuse, not on individuals since "[...] people like Harvey Weinstein don't exist in a vacuum [...]" (Burke n. pag.; "#MeToo Leader Urges Focus on Systems, Not Celebrities, to Confront Sexual Violence" n. pag.).

Indeed, the movement appeared to reach its limit the following year during an extraordinary hearing before the Senate Judiciary Committee in September 2018 as Judge Brett Kavanaugh, having been nominated to the Supreme Court, faced allegations of sexual misconduct from several women, including Dr. Christine Blasey Ford (Fandos and Shear n. pag.; Gay Stolberg and Fandos n. pag.). These allegations and the subsequent hearing, in their essence similar to the allegations made by Anita Hill against Clarence Thomas in 1991 as he was nominated to the Supreme Court, were discussed and represented in the media as well as within the general US American public on a much larger scale. Arguably, the reason for this was the platform created by the #MeToo movement that was now available to women coming forward and sharing their experiences of sexual harassment and sexual assault. And yet, the result of the hearing, Kavanaugh's subsequent confirmation, showed that overall, the movement had not been able to affect a different outcome to the hearing 27 years prior. What is more, men accused of sexual misconduct, like Kavanaugh, were casting themselves as victims of the movement (Zernike and Steel n. pag.), effectively "[...] turning #MeToo on its head [...]" (Smith qtd. in Zernike and Steel n. pag.).

And yet, the attention these occurrences were given by the media as well as the public and, more importantly, the general outcry following them point to a large issue in society that resonates with many. Indeed, statistics show just how rampant the culture of sexual victimization is: In the United States, one in eight adult women is sexually assaulted<sup>3</sup> (D'Amora and Burns-Smith qtd. in Rudman and Mescher 734; Tiaden and Thoennes qtd. in Rudman and Mescher 734). One in four women is sexually assaulted while in college (Fischer et al. qtd. in

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<sup>3</sup> The term "rape" will only be used in this thesis in cases where penetration occurred or is alleged to have occurred; the term "sexual assault" will be used when this is not the case or if it is unclear if penetration occurred. The term "sexual assault" is understood to also include cases of rape, that is, cases in which penetration occurred. Both terms will be defined within their respective temporal context below.

Rudman and Mescher 734). One in five adolescent women is sexually abused by a date (Silverman et al. qtd. in Rudman and Mescher 734). Between 50% and 85% of women are sexually harassed or stalked by men (Gelfand et al., MacMillan et al., Fairchild and Rudman qtd. in Rudman and Mescher 734).

However, legal proceedings do not reflect these numbers: Only about ten percent of cases of rape or attempted rape that fit the legal definition<sup>4</sup> in the United States are reported to authorities. Far fewer cases are actually prosecuted or result in convictions or incarceration (MacKinnon, "Rape Redefined" 439). The conviction rate lies between twelve and twenty-five percent (MacKinnon, "Rape Redefined" 437f.). These numbers show an obvious imbalance between (alleged) cases of sexual assault and rape, cases of sexual assault and rape that are reported, cases of sexual assault and rape that are tried, and finally cases of sexual assault and rape that lead to a conviction. This raises the question why.

In "Rape Redefined," Catharine MacKinnon argues that the applicability of the law in sexual assault cases is limited as "[...] despite valid concerns with overcriminalization generally, including on the basis of race, the existing legal definitions of sexual assault do not appear to have described the criminalized experience in a way most victims or perpetrators recognize from their lived experience" ("Rape Redefined" 439). In "Redefining Rape," David P. Bryden explains that "[the] new consensus [among criminal law scholars] is that the very definition of rape reflects patriarchal<sup>5</sup> attitudes that deny justice to victims of sexual coercion" (317). Bryden identifies two factors as the reason why this crime is dealt with insufficiently by the justice system, namely the relationship between the perpetrator and the survivor (or lack thereof) as well as the use of forceful violence:

The consensus [among criminal law scholars] is that the criminal justice system performs at least reasonably well in dealing with 'aggravated' rapes, defined as rapes by strangers, or men with weapons, or where the victim suffers ulterior injuries. With equal unanimity, scholars agree that the justice system often has performed poorly in cases involving rapes by unarmed acquaintances (dates, lovers, neighbors, co-workers, employers, and so on) and in which the

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<sup>4</sup> The contemporary legal definitions of "rape" and "sexual consent" will be given in Chapter 3 as the first two chapters of this thesis will be concerned with the historical as well as ideological background.

<sup>5</sup> This thesis understands patriarchy as "[...] men's structural control over political, legal, economic, and religious institutions [...]" (Goldberg, Harris qtd. in Glick and Fiske, "Hostile and Benevolent Sexism" 120).



victim suffers no additional injuries. Victims are less likely to report these acquaintance rapes (or even to recognize that they are rapes); if a victim does report it, the police are less likely to believe her; prosecutors are less likely to file charges; juries are less likely to convict; and any decision by an appellate court is more likely to be controversial. (318)

What Bryden thus defines as the reason why sexual assault is insufficiently treated by the criminal justice system is a rather rigid preconception of the act of rape, namely the notion that rape or sexual assault only occurs between strangers and must furthermore include the use of forceful violence. This notion, which this thesis refers to as the "rape script," will be explained in Chapter 1.

But the societal idea of what a case of sexual assault should look like – a random attack from a stranger making use of forceful violence – is not the only reason this particular crime is rarely reported, tried, and punished. Another important, underlying factor is the gender-based power imbalance between men and women. This power imbalance can not only be seen in the ways people, generally but not exclusively (cisgender) women (Suarez and Gadalla 2010), who have experienced sexual victimization are treated and represented culturally, be it in legal proceedings, the media, or general public discourse concerning cases of sexual assault. It can further be seen in the ways a society is concerned with finding (and arguably making) excuses for and thus protecting accused perpetrators. In *Know My Name: A Memoir*, her memoir about the case, Emily Doe – coming forward as Chanel Miller – writes:

I didn't know that money could make the cell doors swing open. I didn't know that if a woman was drunk when the violence occurred, she wouldn't be taken seriously. I didn't know that if he was drunk when the violence occurred, people would offer him sympathy. I didn't know that my loss of memory would become his opportunity. I didn't know that being a victim was synonymous with not being believed. (23)

What Miller describes here – privilege affecting the outcome of court proceedings, alcohol being used to blame a case of sexual assault on the accuser and furthermore excuse the behavior of the accused, a society silencing and discrediting the accuser – are components of

what is referred to as "rape culture." This is an existing term that is not meant to refer to a "culture of rape" but rather a culture in which sexual assault is tolerated, excused, and even normalized. In *Boys Will Be Boys: Power, Patriarchy and Toxic Masculinity*, Clementine Ford provides this definition:

Rape culture doesn't refer to a system in which sexual violence is being overtly encouraged or taught. Rather, it characterises [*sic*] a society in which the impact of sexual violence is not only minimised [*sic*] but the definition of what constitutes 'real' sexual assault is considered up for public debate and scrutiny. It enforces and codifies the language of victim-blaming and perpetrator-excusing. It very carefully provides an array of caveats and explanations for why the ordinary boys and men who comprise the majority of perpetrators of sexual violence (as opposed to the more popular view of the Alleyway Monsters)<sup>6</sup> are not really to blame for their actions. In terms of how 'culture' is conceived in this concept, it's better to think of it as less the yoghurt itself and more the fermentation process that creates the perfect conditions for the yoghurt to exist. (287)

This "fermentation process," the perfect conditions that give rise to rape culture, will be examined in Chapter 1 and Chapter 2 of this thesis: While the historical background in Chapter 1 will analyze what this thesis refers to as the rape script, Chapter 2 will explain how the concept of (sexual) purity is instrumentalized in order to justify the societal behaviors described by Miller that often if not always accompany sexual victimization. This instrumentalization focusses on the accuser's behavior, such as their use of alcohol (or alternatively an accuser's clothing that is perceived to be "provocative") to place blame on the accuser or make excuses for the accused as well as silence and discredit the accuser. These behaviors, referred to as "victim-blaming," shaming of the accuser, and victimization of the accused, shift blame from the accused to the accuser, who is found at fault if she in any way deviated from what society

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<sup>6</sup> In her memoir, Miller writes: "During trial, the jury was forced to pick; is he wholesome or monstrous. But I never questioned that any of what they said about him was true. In fact I need you to know it was all true. The friendly guy who helps you move and assists senior citizens in the pool is the same guy who assaulted me. One person can be capable of both. Society often fails to wrap its head around the fact that these truths often coexist, they are not mutually exclusive. Bad qualities can hide inside a good person. That's the terrifying part" (194).

deems appropriate behavior for women. Bryden states, "[a]n acquaintance rapist is most likely to escape justice if his victim violated traditional norms of female morality and prudence: for example, by engaging in casual sex, drinking heavily, or hitchhiking. When the victim is a norm-violating woman, people often blame her rather than the rapist" (318).

Underlying these behaviors and beliefs is a double standard, expecting cisgender women to comply with morality ideals that do not exist for cisgender men. This concept, which will be explained in Chapter 2, is referred to as "purity culture." Its effect is a shift in responsibility, that is, in the case of sexual assault culpability, from the accused to the accuser: A woman's sexual history used to be an explicit factor in determining whether or not a sexual encounter was consensual. As a result, survivors of sexual assault, particularly in cases of acquaintance rape, would be cross-examined regarding their sexual histories, in order to portray them as promiscuous. Furthermore, if an alleged case of sexual assault was not reported promptly, the charges could be dismissed on these grounds. Accusers were further discredited in court proceedings by a so-called "cautionary instruction" given by judges in order to warn jurors that accusations of rape are easily fabricated (Bryden 319).

Although changes have been made as the evidentiary rules and norms described above have been eliminated or restricted by modern reforms (Bryden 319f.), the purity culture essential to rape culture and thus cases of sexual assault still remains and continues to influence how these cases are treated and represented not only within the legal system but within the overall culture of the United States.

This thesis is not about rape. It is rather about patriarchal power and how it facilitates and upholds a set of cultural beliefs and norms referred to as "rape culture" by means of constructing an ideology using the notions of purity and pollution. In this thesis, I intend to define the term, analyze the concept it denotes and provide its historical and intersectional significance. I will furthermore provide an explanation of how rape culture works, how power structures function within it, and how it is expressed in as well as supported by societal and cultural norms and constructs.

What I hope to show is that the discourse surrounding rape culture is not a "gender war," although it is based on patriarchal power structures. Not all perpetrators are male and not all survivors are female. Rape culture is not an ideology that is as clear-cut as victims and villains, monsters and martyrs. However, its use of the purity/pollution rhetoric suggests that it is. What my analysis will show is how arbitrary and very much biased the attribution of

morality/immorality is in cases of sexual assault and sexual harassment, especially when instrumentalized politically.

Rape has always been political. What this thesis will show is how rape myths,<sup>7</sup> namely beliefs and norms that support certain societal behaviors and structures, are used in the contemporary,<sup>8</sup> that is – for the most part of this time frame – Trumpian, United States in order to push an agenda that is bigger than the case at hand.

I will argue that rape culture exists.

I will argue that rape culture is systemic.

I will argue that rape culture is an ideology.

I will argue that rape myths are instrumentalized to protect (white cisgender male) perpetrators and discredit as well as blame survivors in cases of sexual transgressions and sexual assault.

I will argue that rape culture constructs a rape script that needs to be followed for a case to be considered sexual assault. I will argue that according to this script, a case of sexual assault is only considered sexual assault if both the perpetrator as well as the survivor fulfil certain requirements regarding not only their behavior but furthermore gender, race, socioeconomic status, and age. I will argue that in the case of cisgender women, another, rather determining, category to be considered is sexual history, that is, purity or impurity.

I will argue that rape myths are rooted in purity culture.

I will argue that women's bodies function as an ideological battleground for political and societal change. I will argue that political or societal changes and (perceived) threats to the status quo – that is, white heteronormative patriarchal structures –, such as changing gender norms, an increasingly unclear masculinity ideal, and female sexual agency, are framed in public discourse by means of the purity/pollution dichotomy as moral threats posed by (female) bodies.

I will argue that rape culture is driven by white cisgender male entitlement, that is, entitlement to the fulfilment of one's own desires above those and regardless of the basic human rights of women and other marginalized and non-heteronormative groups. This entitlement not

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<sup>7</sup> This is an existing term that refers to societally held assumptions about rape and sexual assault, that is, "[...] false beliefs used mainly to shift the blame of rape from perpetrators to victims [...]" (Suarez and Gadalla 2010). The term as well as the concept it denotes will be explained in Chapter 3, making use of the historical and ideological background provided in Chapters 1 and 2.

<sup>8</sup> My analysis regarding the contemporary United States will focus on the years 2016 to 2018. The reason for this is explained below.

only includes entitlement to (female) bodies, as in cases of sexual assault and sexual harassment, and (female) attention, as in cases of street harassment, but furthermore entitlement to positions of power.

I will argue that (perceived) threats to the status quo, that is, white heteronormative patriarchal power, are met with the control and surveillance of (female) bodies. I will argue that rape culture is instrumentalized to regulate society, that is, control marginalized and non-heteronormative groups, in order to uphold existing patriarchal power structures that benefit white cisgender men and discriminate against not only cisgender women but other marginalized and non-heteronormative groups.

I will argue that rape culture is not about sex; rather, it is about power. I will argue that, in essence, rape culture is a set of power structures; however, rape culture is not a dichotomous power that works, or rather is worked, against women but a concept that manifests itself, albeit not by itself, in different social, political, judicial, and ideological environments and contexts.

Overall, I will show how young men like Brock Turner<sup>9</sup> benefit from systemic rape culture and grow up to be men like Brett Kavanaugh<sup>10</sup> who will then, while benefitting from this system, in turn be in positions to uphold the underlying power structures that enable rape culture. In order to do so, I will show how rape culture facilitates and supports patriarchal entitlement to (female) bodies as well as positions of power in the 2016 Stanford sexual assault case and the 2018 Kavanaugh hearing. In short, Chapter 1 and 2 of this thesis will show how the rape culture of the #MeToo era, that is, the years spanning the events that gave rise to a resurgence of the #MeToo movement, namely the years 2016 to 2018, historically came to be and how it is ideologically justified. Chapter 3 will then provide an analysis of the Stanford case and the Kavanaugh hearing as representative incidents of rape culture in the #MeToo era.

The resurgence of the #MeToo movement in October 2017 caused a ripple effect that was – and still is – felt not only in the entertainment industry, but nationally and even globally. As an intersectional movement, #MeToo also provides the tools and framework to better understand the roles gender, race, socioeconomic status, and age play in cases of sexual assault or sexual harassment.

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<sup>9</sup> Turner is here understood as representative of privileged white cisgender men who experience lenient punishment as perpetrators in cases of sexual assault.

<sup>10</sup> Kavanaugh in his function as a Supreme Court justice is here understood as representative of institutions such as the Supreme Court.

In her talk "#MeToo: What's Next in Healing and Activism. A Conversation with Movement Founder Tarana Burke" at Brown University in February 2018, Burke asks listeners to "[f]ind commonalities, respect differences" (n. pag.). Following this approach, I will analyze how the abovementioned social categories influence how a person experiences rape culture rather than focus on the commonalities between different experiences. That is, I will not reduce different experiences of sexualized violence to what they have in common as both commonalities that are characteristic of cases of sexual assault as well as different experiences that are owed to different social categories of both perpetrators and survivors are a result of rape culture structures.

What is important to note is that this thesis is not meant to determine who was providing factual truth in either the Stanford case or the Kavanaugh hearing and what would have been the right decision. Firstly, this academic thesis is not a legal opinion piece. And secondly, the Stanford case judge's little regard of the evidence against Brock Turner when he sentenced him to "[...] just six months in county jail [...]" (Miller cover copy) suggests that evidence and factual truth, whatever that may be, do not carry as much weight in cases of sexual assault or sexual harassment as they do in other crimes.

The doctrine "innocent until proven guilty" is cited in order to protect accused individuals (and rightfully so). However, even when a perpetrator is conclusively proven guilty, there is a reluctance to punish and a tendency to excuse and even protect, as demonstrated by the Stanford case, which is by no means paradigmatic regarding the evidence available against the accused but certainly regarding his sentencing. Turner was "proven guilty," due to DNA evidence (Miller 199) as well as eyewitness testimony (Miller 123, 146). And yet, the court's ruling was made in order to protect, not punish him. There is thus no point in debating what he said and what she said and who is right. Public discourse surrounding sexual assault is not about evidence – unless there is a lack of it. "Innocent until proven guilty" is not what is at stake when discussing lenient sentences in sexual assault cases. There appears to be much more at stake. What exactly that is, what societal or political threat is posed here, has been stated above: the loss of white heteronormative patriarchal power.

So how can this thesis approach these cases? What can be examined and discussed regarding both the Stanford case and the Kavanaugh hearing is how the accuser and the accused respectively were represented in public discourse concerning these cases. Consequently, this thesis will analyze how the court ruling as well as the Senate's decision were influenced by rape

myths and the purity/pollution dichotomy underlying them. The basis for this analysis will be Miller's victim impact statement as well as her memoir about the case. From an intersectional feminist perspective, Miller's subjectivity here does not detract from the analysis undertaken in this thesis as "[...] the personal is epistemologically the political, and its epistemology is its politics" (MacKinnon, "Feminism, Marxism, Method, and the State" 535): "[...] [W]omen grasp the collective reality of women's condition from within the perspective of that experience, not from outside it. The claim that a sexual politics exists and is socially fundamental is grounded in the claim of feminism to women's perspective, not from it. Its claim to women's perspective is its claim to truth" (MacKinnon, "Feminism, Marxism, Method, and the State" 536).

Both the Stanford sexual assault case as well as the Kavanaugh hearing, although exceptional with regard to their presence in the media as well as public discourse, are common, that is, experiences that are "[...] ordinary and shared [...]" (MacKinnon, "Feminism, Marxism, Method, and the State" 536). Consequently, these experiences are "[...] the matter of political analysis, [...] most women's own, most intimately known, most open to reclamation" (MacKinnon, "Feminism, Marxism, Method, and the State" 536). In the words of Fredric Jameson, this approach can thus be described as part of a "[...] collective 'sympathetic internal experience of the gradual construction of [the] system according to its inner necessity' [...]" (Jameson qtd. in MacKinnon, "Feminism, Marxism, Method, and the State" 536).

It is important to note that the subjective perspective inherent to the methodology of feminist analysis and feminist positioning does not necessarily adversely affect academic writing as

[f]eminism does not see its view as subjective, partial, or undetermined but as a critique of the purported generality, disinterestedness, and universality of prior accounts. These have not been half right but have invoked the wrong whole. Feminism not only challenges masculine partiality but questions the universality imperative itself. Aperspectivity is revealed as a strategy of male hegemony. (MacKinnon, "Feminism, Marxism, Method, and the State" 537)

This thesis thus aims to provide "[...] a critique of the purported generality, disinterestedness, and universality of prior accounts [...]" (MacKinnon, "Feminism, Marxism,

Method, and the State" 537), that is, deconstruct the beliefs underlying the patriarchal structures that constitute the system of rape culture.



## 1 Of Victims and Villains, Monsters and Martyrs: Race and the Rape Script

In this chapter, I will explore the origins of rape myths, that is, beliefs and norms underlying rape culture, related to character and morality, and, furthermore, personhood, agency, and culpability. To this end, I will provide a historical background of the present-day understanding and relevance of these concepts as they relate to sexual assault and sexual harassment. My focus will be on the ideas of morality and culpability within the context of sexual assault during a time period which particularly influenced and shaped their present-day understanding and thus their relevance in cases of sexual assault and sexual harassment today, namely the nineteenth century.

The reason the ideas of character and morality held such a prominent position in public discourse and eventually underwent those profound changes that resulted in their twenty-first-century understanding are three distinct legal reform movements that took place during this period, namely the 1838 Legislative Campaign to Criminalize the Act of Seduction, the Campaign to Raise the Age of Consent 1885 – 1914, and finally the Progressive Era.<sup>11</sup> Additionally, the concepts of personhood, agency, and culpability were particularly of interest during the antebellum period with regard to the concept of consent within the context of legislation and jurisdiction concerning sexual assault, specifically the sexual assault of enslaved women. Evidently, any consideration regarding the agency of enslaved individuals inevitably raised questions concerning the personhood of these individuals, given that they were at the same time considered property (Hartman 80). The rationales implicit in contemporary case law as well as court decisions from this period regarding cases of sexual assault involving enslaved individuals offer insight into the strategic interpretation and instrumentalization of these concepts that is also evident in rape culture today.

In order to trace and illustrate the changing ideas of morality and, resulting from this, culpability within the context of sexual assault, I will analyze nineteenth-century US American newspaper articles on alleged, confirmed, and attempted cases of sexual assault.<sup>12</sup> Drawing on

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<sup>11</sup> The changes induced by these three distinct movements and time periods are less distinctly discernible from contemporary representations as societal beliefs gradually changed over time. Therefore, the below analysis will not classify ideas and concepts as belonging to a specific era but rather show the long-term changes that resulted from these time periods and movements.

<sup>12</sup> Nineteenth-century common law defined rape as "[...] the forcible carnal knowledge of a female against her will and without her consent" (Hartman 79). Although the term "sexual assault" was not used at the time, it will be used here as it is understood to also include cases in which penetration occurred, as explained above.

the analysis of these newspaper articles, I will establish the profiles of the stereotypical victim<sup>13</sup> as well as the stereotypical perpetrator that emerged during that century but that are an essential component of twenty-first-century rape culture. On the basis of the "victim" as well as the "perpetrator" stereotype, I will then explain the stereotypical rape script, that is, a rigid structure that dictates certain requirements regarding not only the behavior but furthermore gender, race, socioeconomic status, and age of both the perpetrator as well as the victim in a case of sexual assault. Essential to this rape script, as will be shown, is the preconception that rape or sexual assault only occurs between strangers and must furthermore include the use of forceful violence, as mentioned in the introduction to this thesis. I will argue that this rape script needs to be followed for a case to be considered sexual assault. In order to support this claim, I will show that alleged cases of sexual assault are only considered sexual assault if both the alleged perpetrator<sup>14</sup> as well as the alleged victim<sup>15</sup> fulfil certain requirements regarding not only their behavior but also the abovementioned social categories as these are used to determine an individual's character and thus conformity with the societal idea of morality.

In *Regulating Desire. From the Virtuous Maiden to the Purity Princess*, Shoshanna J. Ehrlich explains that there were three distinct legal reform movements concerned with morality during the nineteenth century. The first movement was the 1838 Legislative Campaign to Criminalize the Act of Seduction by the American Female Moral Reform Society which, based on evangelical ideas of moral sin, aimed to criminalize the seduction of women (Ehrlich 31). Interestingly, although this movement emphasized the importance of female virginity, it also criticized male sexual privilege, that is, an assumed right of access to the female body (Ehrlich 3). The responsibility for a society's morals is thus not placed solely on women.

Likewise, the second legal reform movement identified by Ehrlich, namely the Campaign to Raise the Age of Consent 1885 – 1914, did not imply that women alone were to be held responsible to uphold a society's morals. Instead, its supporters argued that raising the age of sexual consent was a necessary cautionary regulation that would protect young women from predatory older men (Ehrlich 44ff.). Both of these campaigns were thus based on the notion that in order to preserve a society's morals, female bodies needed to be protected against transgressive male behavior.

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<sup>13</sup> As stated above, I will refrain from using the term "survivor" in this chapter as it seems rather presentist to use a term that is representative of a public discourse regarding the identity of individuals who had experienced sexualized violence that did not take place at the time but would emerge much later.

<sup>14</sup> I will refer to the alleged perpetrator as "the accused."

<sup>15</sup> I will refer to the alleged victim as "the accuser."

Interestingly, the third legal reform movement identified by Ehrlich, namely the Progressive Era, reflects a rhetorical and cultural shift. While the first two periods were concerned with the immature and thus blameless woman in the "seduction narrative," a narrative that "[...] recounted the ruin of innocent young women [...]" (Ehrlich 3), this third period began to consider women rather than men as potentially sexually transgressive. The female body increasingly came to be seen as a threat to morality and consequently replaced male predators as society's main concern in terms of sexual purity (Ehrlich 67ff.).

Likewise, Estelle Freedman explains in *Redefining Rape. Sexual Violence in the Era of Suffrage and Segregation* that beginning in the 1860s and thus parallel to the attitudes reflected in contemporary newspaper articles, as will be shown below, women were considered "[...] guardians of national morality [...]" due to their supposed influence on men's characters and children's education. This expectation was equated with sexual purity (22). This burden placed on women as society's moral anchors led to a shift from vulnerability to responsibility experienced as culpability. Society's preoccupation with female purity furthermore led to an increased focus on women's characters, especially with regard to rape trials. A woman's chastity "[...] became a key legal precondition for prosecuting rape" (Freedman 22).

The changing attitude towards female morality in the 1880s gave rise to increased fears of false accusations as contemporary newspaper articles show. Already beginning in the 1860s but increasing in the 1880s, newspaper articles reported on cases in which the accuser was believed to have made false accusations in order to extort money from the accused or for other gains. According to Freedman, these concerns had been voiced as early as the 1830s (24), but newspaper articles began to reflect them only decades later, suggesting that these fears became more prominent and prevalent in the mid- and late nineteenth century.

This shift from vulnerability to responsibility experienced as culpability had been evident already in cases of sexual assault involving enslaved women, as Saidiya Hartman demonstrates in "Seduction and the Ruses of Power," which examines the legal definition of rape during the antebellum period in the United States. More specifically, Hartman

[...] interrogate[s] the legal definition of rape and the limits of the law by looking at issues of will and consent, the relationship between subjectivity and injury, and instances of sexual violence that fall outside the racist and heteronormative framing of rape – that is, the sexual exploitation of slave women cloaked as the legitimate use of property and the castration and

assault of slave men. (80f.)

Hartman argues that the reason the rape of an enslaved woman was not recognized by law was that sexual assault against Black women was simply inconceivable due to alleged Black "[...] lasciviousness [...]" (79), that is, the belief that Black women's insatiable desire meant that "[...] all sexual intercourse was welcomed, if not pursued." This then made the protection of Black women under rape law unnecessary (Hartman 86). Hartman furthermore argues that the "[...] displacement of white culpability [...]," that is, the recognition of white men as transgressors against Black women in cases of sexual assault, meant that enslaved women needed to be portrayed as always willing and thus "[...] the originary locus of transgression and offense" (79f.).

Of course, the ability to consent required agency and thus personhood, concepts contradictory to the idea of enslaved individuals as property. Hartman writes:

The dual invocation of the slave as property and person was an effort to wed reciprocity and submission, intimacy and domination, and the legitimacy of violence and the necessity of protection. By the same token, the law's selective recognition of slave humanity nullified the captive's ability to give consent or act as agent and, at the same time, acknowledged the intentionality and agency of the slave but only as it assumed the form of criminality. The recognition and/or stipulation of agency as criminality served to identify personhood with punishment. (80)

Consequently, since enslaved women were legally unable to either consent or resist, they were presumed to be always willing. Hartman explains that this reasoning, that is, the portrayal of enslaved women as both will-less and always willing was intended to provide evidence of "[...] *willful* submission [...]" in order to justify "[...] the subordination of the enslaved, repress the crime, and deny injury" (81; emphasis original).

Hartman argues that enslaved individuals experienced subjectivity as culpability rather than autonomy. Any transgressions were projected onto the enslaved as a Black woman's attempt to resist the sexual advances of a white man, that is, the expression of her non-consent was considered transgressive behavior. Black subjectivity was thus posited as inherently

criminal (Hartman 82). Furthermore, Black individuals were effectively silenced as they were prohibited from testifying against whites (Hartman 83) and thus rendered additionally powerless.

In stark contrast to this, the enslaved woman against whom sexually transgressive behavior was committed was represented as powerful as her sexual exploitation was used as "[...] evidence of her collusion with the master class and as evidence of her power, the power both to render the master weak and, implicitly, to be the mistress of her own subjection. The slave woman not only suffered the responsibility for her sexual (ab)use but also was blameworthy because of her purported ability to render the powerful weak" (Hartman 87). This supposed reversal of power thus facilitated a reversal of blame and thus displacement of culpability – culpability of the transgressor but moreover white culpability at large.

The notion underlying this supposed reversal of power is the idea that seduction, that is, the willful submission of an enslaved woman, which "[...] suggests both agency and subjection" (Hartman 103), is a form of power held by enslaved women.<sup>16</sup> Hartman states that "[...] seduction denotes a theory of power that demands the absolute and 'perfect' submission of the enslaved as the guiding principle of slave relations and yet seeks to mitigate the avowedly necessary brutality of slave relations through the shared affections of owner and captive" (88). But then

[h]ow does seduction uphold perfect submission and, at the same time, assert the alluring, if not endangering, agency of the dominated? It does so by forwarding the strength of weakness. As a theory of power, seduction contends that there is an ostensible equality between the dominant and the dominated. The dominated acquire power based upon the identification of force and feeling. (Hartman 88)

If seduction is power, then rape myths are based on this reversal of power. Arguments being made in favor of a perpetrator, such as "*She went home with him. She gave him mixed*

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<sup>16</sup> It is interesting that the 1838 Legislative Campaign to Criminalize the Act of Seduction by the American Female Moral Reform Society which aimed to criminalize the seduction of women (Ehrlich 31) would later make use of the same term. While the concept of an enslaved woman "seducing" a white man was meant to ascribe power to the powerless, the later concept of a perpetrator "seducing" a woman was meant to trivialize transgressive behavior. In both cases, the term serves to excuse the behavior of white men.

*signals. She was drinking. She was flirting. She was dressed like she wanted it. She didn't say no or fight back. She's done it before. What was he supposed to do?"* (C. Ford 286) support this idea. Rape culture casts the traditionally powerful – (white) heteronormative men – as the powerless. Power is here displaced from the powerful transgressor to the arguably less powerful individual who was assaulted:

The dominated catalyze reversals of power, not by challenges presented to the system but by succumbing to the system's logic. Thus power comes to be defined not by domination but by the manipulations of the dominated. The reversibility of power and the play of the dominated discredit the force of violence through the assertion of reciprocal and intimate relations. In this regard, the recognition of the agency of the dominated and the power of the weak secures the fetters of subjection, while proclaiming the power and influence of those shackled and tethered. (Hartman 88f.)

While Black women were portrayed as always willing due to alleged Black "lasciviousness" and thus cast as the powerful "seductress," Black men were likewise stereotypically portrayed based on the idea of alleged Black "lasciviousness." Their nature, it was argued, "[...] made 'rape too often an occurrence' [...]" (Hartman 96). White culpability was thus further displaced making use of the presumption that it is always the Other who rapes – that the threat of sexualized violence was inherently Black, represented both in the stereotype of the Black seductress as well as the stereotype of the Black rapist. Neither was granted the protection of the law in cases of sexual assault, and both were instrumentalized in order to protect white men.

Interestingly, this protection against the threat of the Other was only applied conditionally with regard to white women. In cases of sexual assault involving a white woman as the accuser and a Black man as the accused, the victim's character and thus chances of success in obtaining a conviction were heavily influenced by her known association with Black men. In fact, known interactions between the victim and Black men could lead to a dismissal of the case. White women were thus denied the protection of the law if they were known to associate with Black men (Hartman 99). What this shows is that the patriarchal power structures underlying antebellum rape law, while justifying the behavior of white men, served to discipline

the behavior of white women. If their behavior was deemed transgressive against white heteronormative ideals, e.g., by associating with Black men, there was an inclination to hold white women responsible in cases of sexual assault by a Black man – a process later termed victim-blaming.

Having provided the historical background regarding nineteenth-century ideas of morality, in particular the shift in responsibility and thus culpability from alleged (male) perpetrators to alleged (female) victims that occurred during this time period, as well as the antebellum notions regarding sexual assault involving Black individuals, in particular the idea of seduction and the supposed power reversal caused by this as well as the notion that sexually transgressive behavior is always inherently Black, I will illustrate these findings in the following analysis.

To this end, I will analyze several newspaper articles on alleged, confirmed, and attempted cases of sexual assault from the nineteenth century. US American newspaper articles about rape cases from this time period offer insight into the contemporary societal and cultural conception of sexual assault as the media both represent and shape public discourse and opinion. The representation of court opinions as well as the accounts of the incident given by the accuser and the accused respectively but especially the portrayal of both the accuser and the accused reflect contemporary ideas about the stereotypical rapist as well as the stereotypical victim.

What is especially of interest is the predominant focus of these newspaper articles on the characters and behavior of both the accuser and the accused as this illustrates how instrumental an individual's reputation was in determining who would be believed in court. Earlier nineteenth-century articles show that as long as an accuser complied with the "chastity requirement" (Freedman 21ff.) as well as the "resistance requirement" (Freedman 4, 21ff.), both explained below, they had a good chance of being believed over the accused. Only cases where the accuser deviated from these societal norms were more complicated. Two of those cases will be analyzed below.

A newspaper article from 1840 on an alleged rape case highlights the importance of the violent nature of the act, the marital status of the accuser, and the role alcohol played in the incident. It is concerned with a case in which a white woman accused an acquaintance of hers, also white, to have sexually assaulted her in the presence of two other acquaintances and her common-law husband. The article recalls three differing accounts of the incident, one given by

the accuser and her common-law husband, another one given by two witnesses, namely the acquaintances present during the alleged assault, and finally an account given by the wife of the accused, who had visited the accuser several hours before the incident allegedly occurred ("Reported for the Sun" 4).

The account given by the accuser and her common-law husband includes a detailed description of the violence used by the accused against the accuser's common-law husband, who fought back to protect his common-law wife, in order to succeed in sexually assaulting the accuser ("Reported for the Sun" 4). This emphasis is important as, in order to prove that a rape occurred, the accuser needed to prove that violence was used and that she furthermore attempted to resist the attack. Freedman refers to this as the "resistance requirement (4, 21ff.)." The account's emphasis on violence thus shows that this requirement was fulfilled. Furthermore, the nineteenth century understanding of sexual relations was based on male aggression and female surrender (Freedman 25). This meant that for any sexual relations to have occurred, whether consensual or not, the male party would have been expected to act aggressively.

The account given by the accuser and her common-law husband also emphasizes her status as a common-law wife who has been living with her common-law husband for about 40 years ("Reported for the Sun" 4). This detail is relevant to the case for two reasons. Firstly, a woman's sexual purity, that is, her abstinence from extramarital sex, was essential for rape cases. This was based on the notion that a promiscuous woman who had consented to sexual relations with other men could not be sexually assaulted. Freedman terms this the "chastity requirement" (21ff.). The accuser's status as a common-law wife thus added to her respectable character, therefore fulfilling this second requirement. Furthermore, the emphasis on the accuser's relation to her common-law husband included another component in the case, namely the fact that the alleged assault had appropriated "[...] the sexual rights of [the] husband, his assurance of paternity, and family honor [...]." This enabled him to press criminal charges (Freedman 4); it rendered the crime more severe and increased the accuser's chance of winning the case as married women tended to have more success in court pressing rape charges than single women did, namely for the reason that the crime was perceived to present a threat to the husband's ownership of the assaulted woman's sexuality (Freedman 26).

The witness accounts given in the article, both by the acquaintances present during the alleged assault as well as the wife of the accused, focused on the use of alcohol by all parties involved in the incident. However, this information influenced the perception of the accuser's



and the accused's behavior respectively very differently. While the accuser was portrayed as irresponsible and indecent due to her intoxication, the accused was portrayed as "playful" ("Reported for the Sun" 4). There is thus a double standard employed with regard to female and male intoxication. Intoxicated women who are assaulted are seen as less reputable whereas intoxicated men who assault a woman are seen as less responsible for their behavior.

Alcohol plays a similar role in a newspaper article from 1843 in a case of alleged rape. It furthermore demonstrates how promiscuity and gambling affected the character of either party in a case of sexual assault. It is concerned with an incident in which an underage white girl accused the proprietor of an inn, also white, of sexually assaulting her. The article focusses especially on the statements given on both the accuser and the accused respectively by their character witnesses. What is more, it also emphasizes the reputations of the character witnesses by reporting the case's cross-examinations ("City Intelligence: Evening Session Trial for Rape Continued" 1).

As explained above, an accuser had to fulfill two main requirements to win a court case, namely the chastity requirement and the resistance requirement. Consequently, both were likely to be attacked by statements from the opposing side. In this case, the accuser was portrayed as both irresponsible and indecent due to her alleged intoxication at the time of the incident and habitual use of alcohol. She was furthermore described as lascivious and thus immoral due to her implied profession as a sex worker and other promiscuous activities ("City Intelligence: Evening Session Trial for Rape Continued" 1). Both of these representations, given by witnesses who were present at the scene as well as individuals who had met the accuser at an earlier occasion, serve to demonstrate that the chastity requirement was not fulfilled by the accuser, despite one police officer noting that on one occasion she had seemed "apparently sober and virtuous" ("City Intelligence: Evening Session Trial for Rape Continued" 1).

The witness accounts likewise attempted to discredit the accuser's ability to fulfill the resistance requirement by commenting on her behavior and appearance at the time of the incident. Witness statements emphasized that they had not heard any noises during the time of the alleged assault nor had the accuser's clothes been torn ("City Intelligence: Evening Session Trial for Rape Continued" 1), implying that if there had been sexual relations between the accuser and the accused, they had been consensual since she had not resisted his alleged advances. These statements serve to illustrate that the accuser had failed to fulfill the resistance requirement. The statements furthermore implied that there had not been any violence at all,

which, according to the nineteenth-century understanding of sexual relations as based on male aggression and female surrender (Freedman 25), would consequently mean that there had not even been any sexual relations between the parties.

The accuser's character is moreover discredited by statements referring or alluding to crimes allegedly committed by her, such as forgery ("City Intelligence: Evening Session Trial for Rape Continued" 1). This demonstrates how important a person's character was in terms of their chances of being believed in court. The fact that former crimes are taken into account shows that court rulings regarding cases of sexual assault were often not based on facts and actual accounts of the alleged incident but rather an assessment of which party was more believable due to their character, conduct, and reputation.

Similar to the accuser's character, the accused's character as well as his character witnesses' characters are scrutinized by the article. Again, as in the case above, alcohol is not mentioned in order to discredit the accused's character but rather to excuse his behavior. Instead, the article focusses on his occupation as the proprietor of an inn that allegedly had a bad reputation, most notably due to the fact that gambling occurred on the premises ("City Intelligence: Evening Session Trial for Rape Continued" 1). This emphasis on gambling is used to discredit the accused's character as well as his character witnesses' characters.

It appears from the article's preoccupation with not only the characters and behavior of the parties involved in the alleged incident but furthermore the character witnesses subpoenaed in court that reputation was absolutely essential to rape cases in the nineteenth century. This is in line with society's focus on morality at the time, as the contemporary legal reform movements concerned with morality show. However, contemporary articles do not appear to recognize the scrutiny against an accuser's character and thus credibility but instead reflect fears of the damage done to the reputation of the accused, implying that accusations were easily fabricated, potentially as a means of extortion.

An article from 1864, reporting on a case in which a married white woman claimed to have been sexually assaulted by a white man, more specifically "[...] a prominent physician [...]," interpreted the accuser's offer of a settlement as proof of "[...] a case of extortion" ("Alleged Rape" [*Chicago Tribune*] 4). An article from 1869 emphasizes that rape is "[...] a crime so heinous in its nature and so ruinous in its results [...]" yet states that it is also "[...] an accusation easily made, hard to prove and harder for the accused to defend" ("Keefe Rape Case" 3). It appears that the "[...] ruinous [...]" results [...]" the article mentions refer to the effect an

incident of sexual assault has on the accused rather than the accuser. The article furthermore claims that the accuser's account generally outweighs the accused's account as "[...] the unsupported testimony of the victim alone has doomed men to lasting shame and disgrace." What is more, the article states that accusations are often "[...] malicious and fabricated [...]." Moreover, "[t]he character of the victim has no weight in law, for from the most virtuous to the vilest strumpet the law throws around them the shield of protection" ("Keefe Rape Case" 3). It is clear that this article reflects a changing attitude towards female morality and the credibility of accusers in cases of sexual assault.

In order to further illustrate the focus on the (alleged) reputation of both the accuser and the accused, I will analyze an 1867 newspaper article about the rape of a minor. The analysis will particularly focus on how both the victim and the perpetrator are portrayed in the article, explaining to what extent this portrayal is usual or unusual considering the historical context. I will furthermore examine if and how both the victim's as well as the perpetrator's account of the incident are presented in the article. This particular case appears exceptional as the minor's testimony was not only accepted but believed outright and supported by the community despite increasing contemporary conventions to dismiss the testimony of a minor (Brewer 168). However, it supports the above claim that accusers needed to fulfil certain requirements regarding not only their behavior but furthermore social categories, including age. Here, the nineteenth-century understanding of the concept of childhood innocence, to be discussed below, becomes an important factor to consider in the contemporary representation of cases of sexual assault.

The newspaper article in question is concerned with the rape of a nine-year-old female child, her accusations against the perpetrator, his arrest, and the community's reaction to the incident. The article is short, informative, and written in a – at first glance – neutral and comparatively non-polemic style.<sup>17</sup> However, the article's wording demonstrates the author's partiality towards the victim and, presumably, the article's intention of not merely informing the public of the incident but furthermore inciting the community's support of the victim and simultaneous condemnation of the perpetrator.

In the following, I will show how the author's choice of words serves to provide a positive portrayal of the victim as well as a negative portrayal of the perpetrator. The analysis will moreover consider what is mentioned in the article and what is left out, and how these

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<sup>17</sup> Other articles on similar subjects from the same time period often make use of emotional appeals to the reader.

decisions support the author's attempt to represent the persons involved in the incident. In particular, the analysis will take into account who is given a voice in this newspaper article and who remains silent.

The article opens with a description of the incident, the names of the perpetrator and the victim, as well as further characterizations of both: "On Friday last, a fiend, named John Mobley, committed a rape upon a little girl named Webber, the daughter of one of our most respectable citizens" ("An Atrocious Case of Rape" 2). From the very beginning, Mobley is cast in a highly negative light as the article refers to him as a "[...] fiend [...]," that is, a monstrous and satanical person. Webber, on the other hand, is introduced as a "[...] little girl [...]," evoking associations with innocence and helplessness (Bernstein 33), consequently making the reader sympathize strongly with her. Moreover, this little girl is the daughter of "[...] one of our most respectable citizens." Not only is she an innocent, helpless child, she is furthermore from a respectable family. As has been shown above, character and reputation were essential factors influencing the public's as well as a court's opinion on a particular case of sexual assault and the parties involved. In this case, it is made clear that the accuser is undoubtedly of blameless character and reputation, both on account of her age as well as her social position as a member of a respectable family.

The article continues by further characterizing Webber: "The child is but nine years old, and very small of her age" ("An Atrocious Case of Rape" 2). While arguably the former half of the sentence is of relevance to the overall incident, the latter half only serves to further frame Webber as deserving of compassionate consideration. Emphasizing her small size presents her as a helpless and vulnerable child, consequently casting her as the stereotypical victim (Duane qtd. in Bernstein 42).

Having introduced the persons involved in the incident, the article again turns to a retelling of the occurrences, continuing with the child's account of it: "She informed her parents of the outrage, when steps were taken to arrest Mobley, who fled" ("An Atrocious Case of Rape" 2). What can be understood from this is that not only did the girl's parents believe her outright, law enforcement was informed immediately and subsequently acted in support of the girl's accusation. It is unclear whether Mobley had already fled before law enforcement set out to arrest him or whether he was chased by police officers. However, the author's decision to state that Mobley "[...] fled [...]" rather than choose an expression that is less charged (e.g. "he

had left") is very telling as it evokes an association with guilt. Thus, the article promotes the assumption that Mobley is guilty without a doubt.

This notion is further supported in the following paragraph: "All traces of the wretch were lost until yesterday, when he was recognized in Benton, Franklin County, twenty miles from this place" ("An Atrocious Case of Rape" 2). Referring to Mobley as a "[...] wretch [...]," which in this context carries a negative connotation, further reinforces the image of a monstrous creature. Furthermore, the image of law enforcement looking for traces of him evokes associations with hunting. Accordingly, Mobley is implicitly compared to a wild animal being hunted down.

The article then describes Mobley's arrest in detail: "He resisted all attempts to arrest him for some time, using a knife and club most furiously, but was finally overpowered and committed to jail in default of \$3,000 bail" ("An Atrocious Case of Rape" 2). The emphasis on Mobley's resistance to his arrest continues to support the belief that he is guilty as an innocent individual arguably would not have the need to resort to violent resistance. What is more, the detailed description of this resistance, that is, Mobley's "[...] furious [...]" use of "[...] a knife and club [...]" furthermore casts him as an uninhibited, irascible, and madly violent person. Moreover, the author's decision to state that the man needed to be and was "[...] finally overpowered [...]" emphasizes his physical strength, suggesting that if it was difficult for law enforcement to arrest him, Webber, who had been described as a "[...] little girl [...]" and "[...] very small of her age [...]" could not have fought him off. Both are thus reinforced in their roles as the stereotypical perpetrator and the stereotypical victim respectively.

The last paragraph of the article includes some interesting pieces of information about Mobley, interesting both because the author chose to include them and also because they do not fall in line entirely with the article's previous characterization of him: "Mobley is a man of some property, nearly sixty years of age, and has a most exemplary wife and family, but is a hard subject himself, having once before been indicted for a like offence, as well as several other State Prison crimes" ("An Atrocious Case of Rape" 2). While the latter half of this statement, namely the reference to Mobley's previous crimes, one of which is implied to be sexual assault, serve to further portray him as a deviant, the former half does not match this description. Mobley's status in society as a presumably white,<sup>18</sup> wealthy family man who is married to a

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<sup>18</sup> Other articles from the same time period make a point of explicitly stating a Black person's skin color, especially if the person in question was suspected of, arrested for, convicted of, or punished for a crime. Due to lack of such mention, I will assume that Mobley is a white man.

"[...] most exemplary wife [...]" does not fit contemporary ideas of who is likely to be a rapist (Freedman 126).

However, the article stresses that there appears to be a unanimous consensus among the community that Mobley is indeed guilty of sexually assaulting Webber: "The community is highly excited against the accused, and it would have required little encouragement to have had lynch law enforced at once" ("An Atrocious Case of Rape" 2). It is particularly interesting that the author mentions lynching as a plausible reaction to this particular case as this was primarily associated with the killing of Black people as punishment, especially Black men who were believed to have raped a white woman (Odem 28).

This article and the case it describes are extraordinary for a number of reasons. As stated above, what is most striking is that in this particular case, Webber's testimony is not only accepted but believed without a doubt. What is more, law enforcement as well as the community as a whole support her accusation. This is exceptional as there were increasing tendencies to dismiss the testimony of a minor. In *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority*, Holly Brewer explains that "[w]hereas earlier treatises advocated the hearing of all evidence, even of young children against their parents, the broad historical trend was away from this simple acceptance and toward hearing their evidence but discounting it, and then toward excluding the evidence of those under ten or even under fourteen" (168). It is thus astonishing that Webber's word carries as much weight as it apparently did.

An explanation for this is offered by a rather recent nineteenth-century notion, namely the concept of childhood innocence (Bernstein 33) which helped to frame Webber as harmless and defenseless, and consequently as the stereotypical victim. At the same time, this presumed naiveté contributed to children's testimonies carrying less weight. In *Racial Innocence: Performing American Childhood from Slavery to Civil Rights*, Robin Bernstein states that, starting in the late eighteenth century, children – that is, white children – were increasingly considered sinless and asexual as opposed to Calvinist notions of infant depravity rooted in the Christian belief in original sin, that is, the idea that children are born sinful and sexual (33, 36). These characteristics present white children as innocent (Duane qtd. in Bernstein 42) and thus as the stereotypical victim. As a result, cultural notions of childhood innocence protected them from the same scrutiny that women increasingly experienced in court cases regarding sexual assault.

In contrast, the concept of childhood innocence did not include Black children. Not only were they not considered and portrayed as sinless and asexual,

[r]epresentations of black [*sic*] children [...] were increasingly and overwhelmingly evacuated of innocence. [...] the black [*sic*] child was redefined as a nonchild – a 'pickaninny,' [...] an imagined, subhuman black [*sic*] juvenile [...] merrily accepting (or even inviting) violence [...] Characteristics of the pickaninny include dark or sometimes jet-black skin, exaggerated eyes and mouth, the action of gorging (especially on watermelon), and the state of being threatened or attacked by animals [...] Genitals or buttocks are often exposed, and not infrequently targeted for attack by animals. [...] When threatened, pickaninny characters might ignore danger or quake in exaggerated fear; when attacked, they might laugh or yelp, but in either case, they never experience or express pain or sustain wounds in any remotely realistic way. [...] The pickaninny may be animalistic or adorable, ragged or neat, frightened or happy, [...] but the figure is always juvenile, always of color, and always resistant if not immune to pain. (Bernstein 33ff.)

Black children were thus not perceived as children, let alone pure and innocent, due to their alleged inability to feel pain. The concept of childhood innocence that provided white children protection against societal suspicion and scrutiny thus did not apply to Black children. Sexual innocence was therefore a racialized concept (Bernstein 42, 68).

In Webber's case, the idea of childhood innocence served to strengthen her credibility as her statement was apparently taken seriously and acted upon immediately. This rather extraordinary case is thus not representative regarding the nineteenth-century treatment and representation of victims of sexual assault overall but offers insight into the instrumentalization of certain notions. In this case, it is the idea of childhood innocence, which, understood as sinlessness and asexuality, arguably constitutes the highest level of purity an individual might achieve.

Likewise extraordinary, and likewise facilitated by the concept of childhood innocence – and the resulting representation of Webber as the stereotypical victim – , is the article's treatment of Mobley. Not only is he arrested on the word of a nine-year-old girl, but he is also

not given the chance to speak throughout the article. Granted, there are no direct quotes or even indirect statements made by Webber. However, the entire sequence of events hinges on her accusation of Mobley, and the account given in this newspaper article is entirely in her favor, without ever voicing doubt or even recounting what Mobley had to say in his defense. Instead, the article describes him as running from the law and violently resisting arrest. Although these actions indeed point to his guilt with regard to the assault on Webber, the reader is never told whether Mobley admitted to being guilty of this crime.

This is especially striking considering the fact that Mobley does not fit the nineteenth-century image of a rapist. Freedman states that at the time, sexual fears were concentrated on Black men; they were considered the stereotypical rapist. White men, on the other hand, were believed to be at risk of wrongful convictions by harsher statutory rape laws (Freedman 126) effected by moral reforms such as the 1838 Legislative Campaign to Criminalize the Act of Seduction. The implication here was that these laws would provide the mere word of children with the power to condemn an innocent man. These considerations demonstrate emerging concerns that shift the focus in cases of sexual assault from the prevention of sexualized violence and the punishment of perpetrators to the protection of (white) men who may be falsely accused.

In the case at hand, it certainly appears that Webber's word carries enough weight to condemn Mobley, a presumably white, wealthy family man, who is without a doubt accepted by the author of the article as a rapist. Not only does this certainty come as a surprise considering that Mobley did not meet the characteristics of the stereotypical rapist, it subverts the power white men held in society in general but furthermore in public discourse regarding rape law. However, in response to the belief that stricter statutory rape laws placed white men at the risk of being wrongfully convicted (Freedman 126), arguments were made by lawmakers, that is, white men in power, against these regulations as this would render them "[...] vulnerable to blackmail by immoral, designing young women" (Odem 9). Implicit in this argument is the belief that rape accusations are made in an attempt to achieve financial or other material gains. What follows from this is the conclusion that accusations and thus accusers are not to be trusted as they might very well have an ulterior motive for the allegations made by them and that these allegations might not even be true.

The way the case at hand is represented in this article does support the fears that a white man may be convicted practically on the mere word of an underage girl. However, Mobley's



previous crimes should also be considered as they undoubtedly affected the public's perception of his character. As shown above, character and reputation were important factors to consider in cases of sexual assault, both for the alleged perpetrator as well as the victim. Mobley's prior crimes thus rendered him a more likely perpetrator as his previous behavior had negatively impacted his character and reputation.

The conclusion that can be drawn from this article, however, is that sexual innocence and purity, in this case absolute, immaculate purity due to the concept of childhood innocence, carried enough weight to give an accuser credibility as well as provide her protection from the suspicion and scrutiny women were increasingly met with during this period when voicing allegations of sexual assault against white men. How this concept of purity has evolved into the purity culture underlying rape culture today, that is, a double standard that expects girls and women to act in conformity with ideals of sexual purity – and thus morality – in order to be deserving of patriarchal protection, will be shown in the chapter below.

Beginning in the 1880s, the credibility of girls and women was questioned to an even greater extent. In an article from 1881, the accused, a white man, openly questions the accuser's, a white 15-year-old girl's, sexual purity by stating that he had "[...] thought all along that the girl was of loose character [...]," thereby justifying his attempt to sexually assault her ("The Justices" 10). An article from 1889 suggests that the case in question, the accuser being a white girl of unspecified age, referred to as a "[...] little girl [...]," the accused a white man, is "[...] a blackmailing scheme." This conclusion is drawn from the fact that the accused was not allowed to post bail for an unstated reason ("A Queer Case" 3). These cases show that cultural and societal ideas of sexual assault did not merely become more prejudiced towards women but children, as well. Increasing concerns with false accusations show that nineteenth-century society increasingly favored white men in cases of sexual assault, even over underage girls.

In an 1892 court case, the accused, a white man who "[...] was formerly a Methodist preacher, and was at one time at the head of the Chautauqua Association," successfully appealed to the Supreme Court to reverse his sentence by arguing that "[h]is acts [were] those of the seducer rather than a ravisher [...]," based on the fact that he refrained from using violence in his attempt to assault the accuser, a 24-year-old white woman, referred to as a "girl" in the article, and that he had not attempted to flee the scene of the attempted assault. He furthermore claimed that the accuser "[...] had attempted to seduce him [...]," and, having failed in this endeavor, "[...] made up this foul story to ruin him [...]." In its decision, the Supreme Court

argued that there was no such thing as attempted sexual assault as violence was an essential component of sexual assault. Without it, there was thus no attempt to sexually assault the accuser. The Supreme Court furthermore argued that the accuser would not have been able to resist the accused, had he used force. While the article's tone is rather skeptical regarding the accused's arguments and the Supreme Court's decision ("Escapes the 'Pen'" 6), it nonetheless demonstrates a changed attitude towards women's credibility. What is more, it explicitly states and thus confirms the societally accepted belief – whether true or not in this particular case – that rape accusations may be made in an attempt to retaliate against an innocent white man, in this case by a supposedly spurned woman.

Prejudices towards women who claimed to have been sexually assaulted continued to become more and more prevalent. Eventually, accusations of sexual assault would openly be framed as attempts of retaliation. In a rape case from 1892, the defense argued that it was "[...] simply one of malicious prosecution [...]," arguing that the accuser, age and race unclear, intended to retaliate against the accused, a presumably Hispanic man, who had beat her husband in a fight. The article merely comments that "[...] this theory was not confirmed" ("Tapai Rape Case" 9), demonstrating that arguments such as this were not perceived as biased but rather as reasonable defense theories to be considered.

Furthermore, while earlier nineteenth-century cases of sexual assault reported in newspapers were already predominantly those of rapes or attempted rapes of children, the 1880s saw an increase in the disparity between articles concerned with alleged assaults on women versus children. Sexual assaults of women were even less reported on than in the decades before. It is of course not clear whether this is due to increasing attacks on children and decreasing attacks on women – although this is unlikely – or merely the newspapers' distorted reporting. However, it is likely that the changing attitudes towards female morality as explained above meant that it was increasingly difficult for women to prove rape in court while children were still protected from societal suspicion and scrutiny due to their inherent sexual innocence and purity as constructed by the idea of childhood innocence.

Similar to the increasing prejudices against women, the 1860s saw an increase in newspaper articles reporting on sexual assaults allegedly committed by Black men. At the same time, the frequency with which newspapers covered cases concerned with rapes allegedly committed by white men decreased. It is of course not clear whether this was due to the fact that there were either more cases involving Black men, more assaults committed by Black men,

– although both of these are unlikely as there is no reason why this should be the case – or simply more coverage of cases involving Black men, potentially motivated by the sexual threat that Black men allegedly posed to white women (Freedman 8, 20, 27), possibly intensified by the American Civil War of 1861 – 1865. What these articles thus illustrate is the public perception and representation of stereotypical perpetrators.

Freedman notes that the contemporary idea of a rapist "[...] depended strongly upon a man's class, race, or other social position" (5). As seen in the examples of the newspaper articles above, white men, especially white men who held prestigious positions in society, such as physicians or ministers, enjoyed considerable privileges in court cases regarding sexual assault. What is more, Freedman explains that in general, white men's freedom was understood to encompass sexually transgressive behavior (2). On the contrary, Black men were at an extreme disadvantage in court cases regarding sexual assault. As stated above, the nineteenth-century cultural conception of the stereotypical rapist was a Black man (Freedman 5, 20, 126). The myth of the "Black rapist" was so prominent that they were believed to be a threat to white women's purity (Freedman 8, 20, 27). In the context of the late-nineteenth-century understanding of white women as the nation's guardians of morality, as explained above, Black men thus constituted a threat not only to white women but to the nation as a whole.

This is expressed in the very sensationalist reporting of alleged rapes committed by Black men in newspaper articles beginning in the 1860s but especially from the 1870s on. As Freedman explains, these "[...] tales of black [*sic*] rapists began to fuel the image of racial savagery" (20). The way Black men are described in these articles is especially telling.

A newspaper article from 1866 that retells the sexual assault of a 9-year-old Black girl by a Black man uses the words "[...] fiend [...]," "[...] wild beast [...]," and "[...] rascal [...]" to describe the accused ("Attempted Rape" [*Republican Banner*] 3). An 1874 article concerned with the alleged rape of a white woman by a Black man refers to him as a "[...] negro outrager [...]" as well as "[...] the Davidson County outrager [...]" who is "[...] guilty of the deed of dreadful note [...]" and further describing the incident as a "[...] barbarity [...]" as well as a "[...] higher crime than rape almost beyond conception [...]," emphasizing again that it is "[...] impossible to conceive of a higher crime [...]" ("To the Death" 1). Both articles frame the accused, both Black men, as monstrous and barbarous. However, they do so to different extents as the latter article reiterates the atrocity of the crime, arguably demonstrating that the sexual

assault of a white woman is perceived to be a more monstrous and barbarous act than the sexual assault of a Black, underage girl.

This perception is furthermore represented in other newspaper articles that report on alleged assaults of white women and girls by Black men. An article from 1875 describes the incident in question as a "[...] horrible crime [...]," a "[...] shocking outrage [...]," and "[...] one of the most atrocious and distressing crimes ever committed [...]" ("Rape and Lynching Case in Prince George County, Md." 2). Another article from the same year refers to the accused as a "[...] brute [...]" ("Lucifer's Log-Book" 2). An 1883 article on the alleged sexual assault of a 10-year-old white girl by a 25-year-old Black man is especially condemning, referring to him as a "[...] ravisher [...]," a "[...] brute [...]," and a "[...] scamp [...]" with a "[...] hellish purpose [...]" ("Rape in Washington County" 9). And lastly, an article from 1890 calls the accused a "[...] black brute [...]" who had committed a "[...] desperate deed [...]," referring to an alleged attempted rape ("Attempted Rape" [*Daily American*, 1890] 4).

Granted, Black men had already been framed in negative terms in earlier articles but not to such a degree. In an article from 1842, the accused, a Black man, was merely called a "[...] villain [...]" ("Attempted Rape" [*The Sun*] 1), certainly a strong term but weak in comparison to the ones used in later articles as shown above. From the 1840s to the 1860s, there was thus an increase in the concentration of sexual fears on Black men (Freedman 126) that is evident in newspaper articles from this period.

There appear to be only few articles on cases of sexual assault or attempted sexual assault involving Native Americans as the research for this thesis yielded only one.<sup>19</sup> As with the representation of Black men by nineteenth-century newspaper articles, this does not reflect the actual number of assaults committed or attempted involving Native Americans. It merely shows that the public was preoccupied with one particular rapist stereotype. The one article found, however, the 1897 coverage of a rape allegedly committed by two Native Americans is similar to the coverage of assaults allegedly committed by Black men as the accused are likewise referred to in derogatory terms, though not quite as condemning. The article describes them as "[...] fiends [...]" who acted with "[...] utmost brutality [...]" ("Charged with Rape" 33).

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<sup>19</sup> In *The Beginning and the End of Rape. Confronting Sexual Violence in Native America*, Sarah Deer states that there is generally insufficient data concerning the Native population in the US (2f.). However, recent statistics have pointed to a high rate, if not the highest rate across social groups in the United States, of interpersonal violence, including sexual assault, experienced by Native women (1, 3f.).

In contrast, white men who were likewise accused of having committed sexual assault and who were portrayed as guilty in the media were referred to in much less derogatory terms, although sometimes exempting reports of assaults on children. A newspaper article from 1875, detailing the attempted rape of two white girls, aged nine and eleven years, refers to the accused, a white man, as a "[...] wretch [...]" of "[...] the most revolting character [...]" who had committed an "[...] atrocious assault [...]" ("An Attempted Rape in Conyers" 2). An 1888 article on the rape of a 13-year-old white girl by a white man merely calls him a "[...] bogus herb doctor [...]" ("The La Fonda Rape Case" 3), refraining from using any strong derogatory terms. Likewise, a newspaper article from 1896 on the sexual assault of a 12-year-old white girl by a white man calls him a "[...] rape fiend [...]" of "[...] damning character [...]" who had committed a "[...] shocking [...]" crime ("San Francisco Rape Fiend" 14).

What is furthermore noteworthy is that newspaper articles reporting on alleged sexual assaults committed by Black men against white women or girls were usually quite detailed and rather sensationalist.<sup>20</sup> On the contrary, newspaper articles concerned with alleged rapes committed by Black men against Black women or girls usually only comprised a few sentences.<sup>21</sup> This distorted coverage suggests that the sexual assault or attempted sexual assault of Black women and children was less noteworthy than the sexual assault or attempted sexual assault of white women and children. An especially telling example, a newspaper article from 1866, shows that even reports of sexual assaults of Black children could be framed as attempted assaults on white children. The article in question retells the rape of a 9-year-old Black girl by a Black man, though focusing on an 8-year-old white girl, who found the accused under her bed. The title of the article, "Attempted Rape," as well as its focus on the scared white girl rather than the assaulted Black girl ("Attempted Rape" [*Republican Banner*] 3) suggests that the attempted rape of a white girl is more noteworthy than the actual rape of a Black girl.

The few newspaper articles that can be found on the sexual assault or attempted sexual assault of Black women and children demonstrate that they were at a disadvantage in court cases of sexual assault. As explained above, Black children were not perceived as children but rather as subhuman beings due to their alleged inability to feel pain (Bernstein 35, 42). The consequently racialized concept of childhood innocence that provided white children sympathy, credibility, and thus protection in cases of sexual assault did therefore not apply to Black

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<sup>20</sup> Cf. e.g. "Hanged for Rape" 3 and "Attempted Rape" [*Chicago Daily Tribune*] 11.

<sup>21</sup> Cf. e.g. "Attempted Rape" [*Daily American*, 1882] 4 and "Attempted Rape" [*The Atlanta Constitution*] 1.

children. This difference between Black children and white children is exemplified by several nineteenth-century newspaper articles.

An 1874 article on the alleged sexual assault of a 12-year-old white girl by a 15-year-old Black boy, who was ultimately hanged for this crime, emphasizes the violence the accused supposedly used against the accuser as well as her struggle against him ("Hanged for Rape" 3). An article from 1875 retells the attempted rape of two white girls, aged nine and eleven years, by a white man in great detail, mentioning the community's outrage over the incident ("An Attempted Rape in Conyers" 2). An 1881 article concerned with the attempted rape of a 7-year-old white girl by a 21-year-old Black man uses even greater detail and more emotionally charged language than the examples above. It describes the violence allegedly used by the accused against the accuser as well as her cries for help and his subsequent threats. The girl is referred to as "[...] the little one [...]," and her distress is the main focus of the article ("Attempted Rape" [*Chicago Daily Tribune*] 11). A newspaper article from 1883 on the sexual assault of a white "[...] little girl [...]" of unspecified age by a white man makes particular use of the nineteenth-century notion of childhood innocence, mentioning the white clothes she wore to court, thus suggesting purity. The article furthermore comments on the violence used by the accused as well as the accuser's intelligence expressed in her testimony ("The Rape Case" 9). And lastly, an article from 1888, concerned with the alleged rape of a 13-year-old white girl by a white man, emphasizes the accuser's "[...] unprepossessing [...]" nature as well as her "[...] convincing [...]" testimony ("The La Fonda Rape Case" 3).

In contrast, a newspaper article from 1882, reporting on the attempted rape of a 12-year-old Black girl by a 52-year-old Black man, comprises exactly three sentences and does not mention any details except the very basic facts ("Attempted Rape" [*Daily American*, 1882] 4). Another three-sentence article from 1885, reporting the attempted rape of a 9-year-old Black girl by a Black man focusses mainly on the "[...] excitement [...]" the accused's attempted escape caused in the neighborhood ("Attempted Rape" [*The Atlanta Constitution*] 1). And finally, an 1897 article on the sexual assault of a 13-year-old Black girl by two white men focusses more on the accused's social status as rancher and ranch hand respectively as well as their relationship to the community than the accuser, who is merely referred to as "the Talley girl" ("Serious Charge against a Rancher and a Ranch Hand" 4). These articles show that unlike white children, Black children were at best considered not noteworthy or merely of marginal importance regarding assaults committed against them.

Black women were confronted with even more scrutiny than Black children, due to the fact that they were likewise perceived as subhuman beings due to their alleged inability to feel pain (Bernstein 42, 50, 55). Furthermore, as discussed above, the concept of Black lasciviousness (Freedman 28f.) supported a cultural belief that Black women could not be raped as their consent to sexual intercourse was presumed to always be given (Freedman 4f., 19, 27). Owing to the antebellum concept of seduction, Black women were usually cast as the female stereotype of "the seductress" while white women at least had a chance of presenting themselves in the role of the "honorable woman" (Freedman 5). There was thus a Madonna/whore dichotomy present in nineteenth-century cases of sexual assault that is inherently racialized, although the "Madonna" stereotype was far from universally attributed to all white women.

This framing of an accuser as the "honorable woman" was usually achieved by emphasizing her marital status as a benchmark of her moral character. An 1875 newspaper article, detailing the alleged rape of a white woman by a 21-year-old Black man, mentions the accuser's marital status as well as the presence of her 2-year-old child during the incident and furthermore highlights that she was "[...] alone and unprotected [...]" ("Rape and Lynching Case in Prince George County, Md." 2), thus casting her as the "honorable woman" stereotype. An article from 1875 that is likewise concerned with the alleged rape of a white woman by a Black man mentions her marital status as a widow and refers to her as a "[...] respectable lady [...]," furthermore emphasizing that she was assaulted by a stranger on the street ("Lucifer's Log-Book" 2), similarly framing her as an honorable woman. Lastly, an 1890 article, reporting the attempted rape of a white woman by a 23-year-old Black man, mentions her marital status as well as the violence used by the accused. What is more, the article states that the accuser had provided food for the accused after he had asked for it, to then be assaulted by him ("Attempted Rape" [*Daily American*, 1890] 4). The implication is here that her kindness was repaid with violence, which she did not deserve.

While there are only a few articles reporting on sexual assaults of adult women in general after 1860, there are almost none concerned with sexual assaults of Black women during the entire nineteenth century. In fact, the research for this thesis yielded only one article in which the accuser was neither a child nor a white woman. It appears Black women either did not report sexual assaults or newspapers were not concerned with rape cases involving Black women. The article in question is from 1879 and concerned with the alleged sexual assault of a biracial, physically disabled woman by two white men. The accuser is referred to as "[...]"

mulatto [...]" and "[...] crippled [...]." The article furthermore claims that she "[...] does not bear the most excellent reputation [...]," which is why her account was at first doubted by the police. The article then mentions that surprisingly, the accuser "[...] told a remarkably straight story [...]" ("Alleged Rape" [*Chicago Daily Tribune*] 3). These statements imply that the accuser's identity as a biracial and disabled adult woman meant that her account of the incident was unlikely to be believed in court, despite the police finding the door to her house broken down and the accused individuals asleep in her bed ("Alleged Rape" [*Chicago Daily Tribune*] 3). This speaks to the bias against women of color with regard to sexual assault.

The conclusion that can be drawn from the findings explained in the historical analysis above is that nineteenth-century cases of sexual assault increasingly needed to follow a very particular rape script in order for the incidents in question to be considered sexual assault. This rape script dictates certain requirements, most notably the chastity requirement and the resistance requirement, regarding not only the behavior but furthermore gender, race, socioeconomic status, and age of both the perpetrator as well as the victim in a case of sexual assault. Having analyzed the effect these social categories have on the framing of a case of sexual assault with regard to character, morality, personhood, and culpability above, I will in the following establish the profiles of the stereotypical victim as well as the stereotypical perpetrator.

In the cases analyzed above, an accuser's subjectivity would almost always also imply responsibility and thus culpability. An individual would not be held responsible only if they were not able to give consent in the first place, that is, if they did not have the personal autonomy to do so. This is the case if the individual who experienced sexual aggression or attempted sexual aggression is either underage or an enslaved person. Since sexual assault against enslaved individuals was not considered a crime against their person but rather, if at all, a crime against someone's property, these cases were not considered cases of sexual assault or attempted sexual assault (Hartman 79f., 82).

This leaves underage individuals as the stereotypical victim – the younger, the purer (cf. Bernstein), as apparent responsibility was also given to individuals who were underage but had reached puberty. The question here was not if they had the personal autonomy to give consent. Rather, they were suspected of having seduced the perpetrator, intentionally or unintentionally, by means of inhabiting a pubescent or postpubescent body. Responsibility was furthermore attributed to underage, even prepubescent Black children by citing their alleged "wickedness"



(cf. Bernstein). The stereotypical victim in the nineteenth-century United States was thus white, female, prepubescent, of acceptable social status, and able to fulfill both the chastity requirement, that is, they had no prior sexual history or were married (or had entered into a common-law marriage), as well as the resistance requirement, that is, they had resisted or attempted to resist the violence used by the accused to sexually assault them. Any individual who experienced sexual aggression but did not fit these requirements was thus inherently suspect as they were considered likely to be at least partly responsible and consequently blamed for the assault committed against them. Likewise, an accuser would be doubted if they had been inebriated at the time of the alleged assault or were known to consume alcohol, or if they had been assaulted by an acquaintance instead of a stranger.

With regard to the stereotypical perpetrator, the historical analysis above shows that they were male, Black or a person of color and/or of low social status, and not acquainted with the accuser. The age of the alleged perpetrator does not appear to have any effect on the framing of a given case. However, an intoxication at the time of the alleged assault could be used in their favor in order to excuse any sexually transgressive behavior, although this excuse seems to have only been employed in cases involving an alleged perpetrator who was white.

Both the profiles of the stereotypical victim and the stereotypical perpetrator show that race and socioeconomic status usually facilitated an inherent bias against Black people, people of color and people of lower social status, whether as accused perpetrators or victims. Alleged sexually transgressive behavior was usually condemned in instances involving an alleged perpetrator who was Black or a person of color. On the other hand, the same behavior was usually trivialized, excused, simply not found to have occurred at all, or deemed acceptable when engaged in by white men. These findings allow insight into a discriminative system that continually creates and perpetuates the idea that it is always the Other that rapes. This prejudice, rooted in the nineteenth-century notions of the stereotypical perpetrator and the stereotypical rape script, has persisted throughout the twentieth century as landmark incidents such as the lynching of Emmett Till in 1955<sup>22</sup> as well as the Central Park jogger case in 1989<sup>23</sup> show, and is arguably an essential component of present-day rape culture in the United States. These cases demonstrate how Black men and men of color are still treated differently as alleged perpetrators than white men.

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<sup>22</sup> Cf. Ore; Tyson.

<sup>23</sup> Cf. Crenshaw; Owens Patton and Snyder-Yuly.

#MeToo founder and leader Burke, who worked as an activist in the Central Park jogger case, in particular against an initiative to reinstate the death penalty in the state of New York which was led by Donald Trump (Defusto 3), states that "[s]exual violence knows no race, socioeconomic status, or sexuality, but the response to it does" (n. pag.). What follows from this is that an intersectional approach to cases of sexual assault – and rape culture at large – needs to acknowledge, consider, and respect the different treatment by courts, the media, and society as a whole survivors of sexual assault as well as alleged perpetrators experience (Burke n. pag.), particularly with regard to gender, race, and socioeconomic status.

It is thus important to conclude from this chapter that the discourse surrounding rape culture is not a "gender war" as the power structures underlying rape culture are influenced not only by gender but furthermore by race, socioeconomic status, and age. The prejudice against Black men regarding alleged sexual assaults against (quite often white) women proves that rape culture is not merely a set of structures regulating female and excusing male behavior but rather a system designed to preserve the status quo, namely the power of white heteronormative men, which does not only discriminate on the basis of gender but also on the basis of race and, in many cases, socioeconomic status.

It has been shown above that, in cases of sexual assault, and arguably sexual harassment, racism intensifies sexism (Hartman 101). However, according to Burke, some generalizations can be made based on the personal experiences of survivors, and these commonalities, that is, elements that are essential to nearly all cases of sexual assault and sexual transgression, provide an effective means of resisting oppressive structures (n. pag.) created and upheld by rape culture as these elements show that rape culture is, in fact, systemic. I will argue in Chapter 3 that these commonalities, elements that nearly every survivor of sexual assault experiences, are rape myths, that is, societal beliefs and behaviors regarding sexual assault. These rape myths are already present in the cases analyzed above, particularly the victim-blaming beliefs and behaviors reflected in the treatment and representation of survivors by the legal system, the media, and society as a whole, both in the nineteenth-century and in the present-day United States.

What the newspaper analysis above furthermore shows is an emerging double standard regarding responsibility and thus culpability in cases of sexual assault that was instrumentalized in court as well as in the media: Girls and women were expected to conform with morality ideals in order to be provided patriarchal protection, that is, to be believed, if they were sexually

assaulted. Reputation overall, both with regard to the accuser as well as the accused, became an increasingly determining factor in cases of sexual assault; however, an accuser's sexual history became the strongest factor influencing public opinion regarding a given case. This concept of sexual purity was and continues to be a determining factor in cases of sexual assault as blame is placed on impure bodies, that is, individuals engaging in behavior or portraying characteristics that are considered impure. The next chapter will introduce the concept of purity culture and further demonstrate how the idea of (sexual) purity is instrumentalized in cases of sexual assault and sexual harassment.

## **2 A Threat to the Nation: Female Sexuality and Purity Culture**

It seems counterintuitive to assume that a rather politically conservative, that is, socially traditional, nation built on religious ideals would be willing to tolerate, excuse, and even defend sexual misdemeanor and transgressions. However, while curse words are beeped out on television, a presidential candidate commenting "Grab 'em by the pussy" in a 2005 Access Hollywood tape, discovered in 2016 (Makela n. pag.), is excused as "[...] locker-room banter [...]" (Fahrenthold n. pag.). What is morally acceptable seems to be rather arbitrary. What this chapter – and, by large, this thesis – will illustrate is how and why the concept of purity culture facilitates the toleration, normalization, and excuse of sexually transgressive behaviors. By analyzing how the idea of virginity is equated with the idea of morality, I will show how the purity/pollution dichotomy (cf. Douglas) is instrumentalized in the political discourse of the contemporary United States. What is more, I will argue that religious ideals, motifs, and tropes related to the notion of purity are how rape myths are justified and strengthened by the so-called "purity myth" (cf. Valenti) that is at the heart of purity culture. This chapter will furthermore show how sexist attitudes regarding female sexuality are constructed and upheld. In essence, I will argue that purity as a cultural belief system is used to exert control and maintain the patriarchal status quo – that is, rape culture.

A defining characteristic of rape culture is the double standard that is applied to women's sexual history and behavior as opposed to men's. Political discourses in the United States surrounding female sexuality and reproduction often frame undesired behaviors and concepts as "impure" or "immoral." This is particularly the case for discussions concerning the availability of contraceptives, women's right to abortion, and sex education of adolescents. The reason for this is that the concepts of purity and morality are both connected to the cultural construct of virginity. This concept as well as religious ideas of chastity influence the contemporary interpretation of the term "purity" in US American society today as this functions as an indicator of what society considers morally acceptable. The implication for women in the United States is a sexual double standard that is maintained through the purity myth as described by Jessica Valenti.

In order to explain the construction of the purity myth, I will explore the relationship between purity and morality, examining the influence cultural concepts of virginity and religious ideas of chastity, more specifically Christian beliefs, have on the cultural

understanding of the term "purity" in the present-day United States. My aim is to show that purity as a concept has left the religious sphere and exerts its influence on contemporary US American society and politics, producing a purity myth (cf. Valenti) that is instrumentalized to control behavior deemed inappropriate, unethical, or wrong.<sup>24</sup> The connection between purity and morality as well as pollution and immorality is thus based on religious concepts but has extended its reach past the physical and spiritual spheres respectively and instead become a more ambiguous cultural and social phenomenon that is especially utilized in political rhetoric by the Christian Right.

I will furthermore examine the implications the instrumentalization of purity rhetoric had and continues to have for women in the United States by analyzing how the rhetoric of purity/morality and pollution/immorality are instrumentalized in historical as well as contemporary political discourses regarding female sexuality and reproduction. Moreover, it will illustrate how the binaries of purity/pollution and morality/immorality have become inverted in recent political discourses, more specifically in the case of public debate surrounding the right to abortion.

With regard to female sexuality and reproduction, the ideas of purity and morality are both related to the concept of virginity. However, there is no consensus among scholars what this term actually means. In her book *Virgins. A Cultural History*, Anke Bernau explores the variety of definitions of the term. She especially discusses the medical and physical understanding of virginity which is usually affiliated with the existence of a hymen which Bernau explains is rather an elusive, almost mythical part of the body. It supposedly functions as a physical indicator of a woman's virginity, suggesting that female virginity is indeed a verifiable condition. Moreover, the existence or absence of a hymen thus becomes an essential part of a woman's social and sexual identity as "[f]emale virginity has always been culturally important in Western society [...]" (1f.).

Writings on virginity can be found as early as in 5th century BC Greece, authors including medical scholars and physicians such as Soranus and Galen as well as philosophers such as Hippocrates and Aristotle. However, these early writings either did not mention the hymen at all or only mentioned it in order to refute its existence. Even medieval, modern, and contemporary medical definitions of female virginity differ widely from each other despite general agreement that a definitive, even visible and thus concrete physical indicator in the form

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<sup>24</sup> The purity myth will be further discussed below.

of a hymen exists. Notwithstanding these discrepancies, Western societies generally consider female virginity a physical state that can be detected by means of physical evidence (Bernau 2ff.).

Bernau uses the example of hymenoplasty and similar "rejuvenation" or "enhancement" procedures to illustrate that female virginity is still a desired quality in women in contemporary US American society. This idealization of virginity mirrors cultural expectations of women such as youth, inexperience, and purity (27f.).<sup>25</sup> Bernau thus constructs a connection between alleged physical virginity, made visible by a hymen, and purity by means of sexuality. At the same time, she shows that this taken-for-granted relation between virginity and purity is convoluted by a body part which reputedly functions as a definitive indicator of virginity but in actuality is unable to provide conclusive information and is, moreover, object to tampering. Virginity is therefore a social and cultural construct rather than an actual physical condition.

In *Virgin. The Untouched History*, Hanne Blank likewise emphasizes the absence of a generally accepted definition of the term as well as its significance for contemporary US American society. She furthermore raises the question how or why the concept of virginity actually works (3). Like Bernau, Blank references pre-Christian Greek writings on the topic in order to illustrate its ambiguous nature. She especially highlights that many of the authors refer to virginity metaphorically, describing it as either "[...] an object that is subject to seizure (*lambanein*), a value that must be respected (*terein*), or a covered or wrapped thing that must be unwrapped or unbound (*lyein*)" (4; emphasis original). Virginity is thus not necessarily considered a physical condition in pre-Christian Greek.

Christianity, however, does not provide a generally accepted definition of the term, contrary to many people's assumptions, according to Blank. While Christianity requires unmarried women to be virgins, it fails to clarify what this requirement actually entails. Thomas Aquinas, for example, equates "virginity" with "chastity" and defines it as restraint and temperance. He further distinguishes between sexual and spiritual chastity (Blank 4f.), that is, physical virginity and purity or morality.

In line with Aquinas' idea of virginity/chastity as a spiritual concept, modern writings on virginity focused on character traits and behaviors rather than physical qualities, listing soberness, silence, and "shamefacedness" as requirements for individuals considered chaste. At

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<sup>25</sup> What is more, this fetishization of virginity shows that it has become a commodity disguised as an "[...] individualist, capitalist-consumer 'choice' [...]" rather than a characteristic (Bernau 28) and is as such arguably emblematic of US American society.

the same time, other writers considered the hymen the only reliable indicator of a woman's virginity.<sup>26</sup> Blank furthermore references a 1992 advice column in which a surrogate mother who had never had sex and conceived through in-vitro fertilization inquired whether she could still call herself a virgin after giving birth, given that her hymen would undoubtedly be damaged in childbirth (5). On the basis of these varying definitions and accounts, Blank comes to the same conclusion as Bernau, namely that virginity is not a physical condition.

Blank likewise suggests that virginity is a social and cultural construct, claiming that virginity is a distinctly human concept that was invented and developed rather than discovered (3). She establishes a connection between virginity and morality through sexuality, claiming that virginity is closely linked to both morality and sexuality (4). Similar to Bernau, she considers virginity to carry the connotation of a larger and more abstract concept; unlike Bernau's signification of "virginity," however, Blank's bypasses purity, a rather ambiguous term as it could mean both physical as well as spiritual purity, and associates virginity with morality, arguably a less ambiguous but more abstract idea. The following pages aim to reconcile both terms, purity and morality, within the context of female sexuality and reproduction.

To establish this connection between purity and morality, I will draw on Mary Douglas' *Purity and Danger*, which puts forth a theory on how the ideas of purity and pollution can be understood as means of organizing, regulating, and controlling a particular group as well as its members, regardless of their gender, by constructing a system of rules governed by the notion of avoidance and determining punishments for transgressions against these norms (Douglas 2f.). Douglas argues that although concepts of purification and contagion as well as purifying rituals resulting from them originate in religious beliefs, these ideas are not restricted to societies considered "primitive" or "superstitious" from a Western perspective. They are instead present in all modern, even secular cultures, entirely independent of their original, exclusively religious meaning (Douglas 74ff.). She explains that the qualities of "pure" or even "purifying" as well as "contagious" are attached to things, persons, places, behaviors, and beliefs in order to establish regulations. Things that are considered contagious and dirty are thus out of order, figuratively and literally. From this point of view, eliminating dirt is therefore not an adversarial act but rather an affirming act of organizing the community's environment (Douglas 2).

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<sup>26</sup> There is one account, however, that claims a woman's virginity can be proven or disproven by measuring her head with a string (Blank 5).

Douglas' explanation is not only concerned with the regulatory aspects of purity and pollution but furthermore with its ideological implications. She claims that unity in experience is created through rituals of purity and impurity that contribute to atonement which is at the center of many religious beliefs. Purity thus not only signifies conformity but also solidarity, facilitating a shared group identity. Pollution, on the other hand, represents danger. Beliefs in contamination and contagion thus work to preserve moral values by creating inhibitions and even disgust towards certain things, persons, places, behaviors, and beliefs (Douglas 3). Douglas is especially concerned with the symbolic meaning of these things that are considered impure within a community (3f.) as these indicate what the community in question considers immoral. She especially notes that it is frequently the female body as well as female bodily fluids that are considered contagious, dangerous, and therefore related to immoral behavior (Douglas 126f.).

Douglas' theory is supported and further developed in *Purity and Danger Now. New Perspectives*. The anthology's introduction by Robby Duschinsky provides an overview of the areas in which Douglas' theory on purity and pollution can be used in order to analyze and explain how morality and immorality are understood and expressed in contemporary US American culture. One of these areas in which ideas of purity and impurity are especially significant is politics.<sup>27</sup> Duschinsky explains that notions of purity and pollution are particularly conceptualized in instances of corruption and scandal (1), condemning behavior or ideologies that are deemed inappropriate, unethical, or otherwise undesirable.<sup>28</sup> An example of this would be Donald Trump calling Hillary Clinton a "[...] 'nasty woman' [...]" in a 2016 presidential debate (Woolf n. pag.), the implication here being that the email controversy, often cited by Trump, rendered her unethical and thus impure – "nasty" understood as "disgusting."<sup>29</sup>

Impurities are here always perceived as anomalies, out of order, and thus in need of containment and regulation (Duschinsky 5). Consequently, the binary concepts of purity and

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<sup>27</sup> Other examples mentioned by Duschinsky are the pharmaceutical sector as well as the production of consumer goods as both of these industries are increasingly perceived in terms of purity and impurity. Public health policy is consequently impacted by these ideas, as well. Duschinsky furthermore addresses how discourses concerning the environment, more specifically its protection, also use the – in this case quite literal – image of pollution as danger (1).

<sup>28</sup> As will be shown below in the discussion of recent reversals of purity/pollution and morality/immorality in political discourses, what is considered desirable or undesirable is not necessarily based on notions of morality. In some cases, such as some Republicans' defense of a congressman's sexual assault of children despite his political campaign to protect children from predators (Bernau 168), what is considered acceptable and what is considered moral appear to be conflicting ideas.

<sup>29</sup> How a society's ideas of immorality and impurity cause physical disgust will be discussed below.



pollution and their presence in public discourses always serve to indicate instances of controversy and conflict (Duschinsky 1). These anomalies identified through the concepts of purity and pollution thus need to be corrected or even eradicated. This perception is consistent with Douglas' claim that purity/pollution classifications function as a symbolic system which is employed to establish and maintain a social hierarchy (Douglas 126). In the case of purity rhetoric in political discourses, images of purity and pollution are instrumentalized in order to maintain conservative patriarchal ideas regarding female sexuality and reproduction.

What is especially of interest for this thesis is that Duschinsky mentions that sensitivity to impurity is found to be particularly high among individuals holding conservative views as opposed to individuals with liberal attitudes (1). The article Duschinsky references here is Roger Giner-Sorolla and John S. Sabo's "Disgust in the Moral Realm. Do All Roads Lead to Character?" which further explains the connection between purity and morality. This article expands on Douglas' theory of purity and pollution as schematic categories that designate instances of conformity but also, more importantly, transgression within a social system (Giner-Sorolla and Sabo 89). This is achieved by employing the feeling of disgust as a reaction to immoral behaviors or statements. The authors thus construct a connection between the concepts of physical purity and impurity and ideas of morality and immorality respectively (Giner-Sorolla and Sabo 87).

Giner-Sorolla and Sabo analyze different contexts in which disgust is caused by impurity and thus marks immorality (87f.). In doing so, they explain the connection between disgust and impurity by linking disgust to the fear of pathogens, a fear which they consider to be intrinsically human. Most notably, they construct a connection between disgust and sexual immorality through the fear of sexually transmitted diseases. As a result of this fear, any behavior that is considered to be sexually deviant is perceived as a threat to the community and thus immoral (Giner-Sorolla and Sabo 88).

Giner-Sorolla and Sabo claim that persons who might carry diseases, specifically sexually transmitted diseases, due to allegedly sexually deviant behavior are perceived as a source of pollution and thus evoke disgust among individuals who regard such behavior as immoral. Disgust therefore causes individuals to morally condemn others that fail or refuse to conform with socially constructed purity norms (Giner-Sorolla and Sabo 88). What is more, persons who engage in behavior that is deemed "abnormal" and, consequently, unacceptable are not only seen as a contamination threat but furthermore as a threat to the group's identity

and cohesion (Giner-Sorolla and Sabo 89). This idea is based on Douglas' claim that purity facilitates a shared group identity (Douglas 3). So, in addition to marking instances of immorality, disgust also stresses nonconformity. In doing so, it reaffirms the boundaries between conformity and transgression that were established and are maintained by purity/pollution classifications. Giner-Sorolla and Sabo argue that disgust as an almost innate response to pollution/immorality consequently functions as a social compass that keeps individuals within the lines of conformity (89).

This chapter's focus area especially, namely contemporary political discourses in the United States regarding female sexuality and reproduction, is particularly likely to incorporate the rhetoric of purity/morality and pollution/immorality due to the connection between purity and sexuality discussed above. Duschinsky likewise considers sexuality to be strongly related to purity. He explains that notions of purity and pollution are used in discourses concerning sexual identity in order to differentiate between identities and behaviors that are considered "normal" and thus acceptable and, in stark contrast to this, identities and behaviors that are deemed "abnormal" and therefore unacceptable within a given society (2). The purity/pollution binaries are easily applied to this context. Douglas' concept of purity as a means of organizing and conceptualizing a community is likewise evident here.

Duschinsky exemplifies this point by means of virginity as an indicator for a woman's purity (2). As explained above, this entails both her physical and spiritual purity, and non-compliance with purity norms even corrupts her morality. The following pages will demonstrate the connection between female virginity and purity/morality in historical as well as contemporary US American society, focusing especially on the influence the media, abstinence-only education, legislation, and political discourses have.

In *The Purity Myth. How America's Obsession with Virginity Is Hurting Young Women*, Jessica Valenti examines the ways in which the concepts of purity/morality and pollution/immorality manifest themselves in contemporary US American culture and how gender stereotypes of male aggression and female passivity are constructed and supported by these notions. She claims that these stereotypes in turn create an adversarial gender relationship in which characteristics that are regarded as "feminine" are perceived as negative as femininity and thus women in general are allegedly more susceptible to impurity<sup>30</sup> than masculinity and

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<sup>30</sup> How women's alleged susceptibility to immoral behavior is used in political discourses as well as discourses regarding legislation concerning the regulation of female sexuality and reproduction will be discussed below.

men. Valenti presents everyday situations in women's lives as well as less common but far graver incidents that result from the purity myth, that is, the expectation that women conform to purity/morality norms that do not exist for men. She furthermore demonstrates the problem of the "virgin/whore complex" that is caused by the binary ideas of purity and pollution.

Valenti contradicts the notion that young US American women's morals are threatened by a moral decline in contemporary US American society. Instead, she claims, the real damage that is done to young women is an incorrect concept of morality they internalize as a result of the myth of sexual purity (9). Valenti argues that the equation of sexual purity with morality in contemporary US American culture teaches young women, as well as society in general, to value themselves in terms of their body, particularly regarding its possession or loss of virginity (9f.). This concept of morality is therefore based on the assumption that morality and immorality are physical rather than ethical concepts (Valenti 12f.).

Valenti identifies two main factors that she considers to be essential contributors to the creation and maintenance of the purity myth, namely the media and abstinence-only education. Both fail to educate young women about human sexuality and reproduction; instead, they create a hypersexualized culture in which women are given the choice between two extremes: the virgin and the whore.<sup>31</sup> These extremes both carry the message that women are only valued in terms of their ability or their refusal to be sexual (Valenti 9f.). In hopes of dispelling the purity myth, Valenti demonstrates how the concept of virginity as an indicator for a woman's physical and moral purity indicates instances of gendered conflict in support of double standards that frame women as physically, sexually, and, consequently, morally impure (Valenti 14f.). Valenti's argument is therefore in line with Duschinsky's claims that virginity functions as an indicator for a woman's purity (Duschinsky 2) and, moreover, that the dichotomous ideas of purity and impurity and their presence in public debate mark instances of conflict (Duschinsky 1).

Although Valenti's overview of how the concepts of purity/morality and pollution/immorality work in contemporary US American culture provides a basis for the following analysis, it leaves an essential question unanswered, namely how purity rhetoric influences political discourses as well as legislation. This question is addressed by Ehrlich as she provides an analysis of how the concepts of purity and pollution influence legislative

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<sup>31</sup> As shown in the historical analysis above, the Madonna/whore dichotomy already existed in nineteenth-century cases of sexual assault in the way women and girls were represented by the media.

decision-making processes concerning female sexuality and reproduction. She claims that purity rhetoric is instrumentalized "[...] to reshape the laws relating to young women's sexuality that grew out of and respond to distinct historical moments of expressed social concern about their sexual encounters" (5).

Ehrlich's examination of the ways in which the sexual and reproductive lives and decisions of young women are regulated by law demonstrates how attitudes towards female sexuality have changed historically. However, Ehrlich discovers one constant in her analysis of these regulations, namely that female sexuality is always framed in a way that promotes abstinence. More often than not, this is achieved by employing the concepts of purity and pollution (Ehrlich 2). Purity is here perceived as a characteristic rather than a state. Most notably, this characteristic is considered to be inherently female. What follows from this line of thought is that young women are thus responsible for protecting their virtue in order to retain this characteristic and remain pure. However, this is not merely a personal objective for women but rather a societal objective for the entire community. If a woman fails to protect herself from immorality, society is found to be in charge of protecting her or rather her body from further impurity. Consequently, the management and control of female bodies in general is likewise considered society's responsibility (Ehrlich 3).

As explained in the chapter above, Ehrlich identifies three distinct legal reform movements concerned with the regulation of women's bodies during the nineteenth century. The 1838 Legislative Campaign to Criminalize the Act of Seduction was based on evangelical ideas of moral sin and employed purity rhetoric in order to emphasize and distinguish between behavior considered moral and immoral respectively (Ehrlich 31). The second legal reform movement Ehrlich identifies as significant within this context is the Campaign to Raise the Age of Consent 1885 – 1914 (44ff.). Both of these campaigns operated on the notion that in order to preserve a society's morals, female bodies needed to be protected against transgressive male behavior. Finally, as explained above, the third period identified by Ehrlich, namely the Progressive Era, introduces an interesting rhetorical and cultural shift which led to the female body, increasingly regarded as a threat to morality, replacing male predators as society's main concern with regard to sexual purity and morality (67ff.).

The twentieth century furthermore influenced societal beliefs regarding female sexual purity as a benchmark for morality. Ehrlich here describes two time periods that particularly shaped contemporary US American purity culture. The first time period Ehrlich is concerned

with is the era following World War II. During this time, demographic shifts such as an increase in births caused widespread yet entirely unfounded fears about teen pregnancies to emerge.<sup>32</sup> Surprisingly from a contemporary perspective, these concerns resulted in morally neutral legislation that supported family planning services (Ehrlich 94ff.). The second time period Ehrlich identifies, however, introduced an opposing approach to this. In response to the continued perception of a supposedly ongoing epidemic of teen pregnancies, the 1980 election of Ronald Reagan redefined the problem at hand from one of teen pregnancies to one of teen promiscuity. The conservative answer to this was the introduction of abstinence-only education (Ehrlich 128ff.).

What the time periods and reform movements described above have in common is that women are presented as inherently pure but fragile and immature and thus in need of protection by the law. This rhetoric is in line with Douglas' theory on purity/pollution classifications as a means to construct and maintain a social hierarchy (Douglas 126). While Ehrlich does not explicitly build on Douglas' theory, she demonstrates how purity rhetoric can be instrumentalized to exert control over the legislative decision-making process.

The role purity and impurity play in historical as well as contemporary US American political discourses is further discussed in Sara Moslener's *Virgin Nation. Sexual Purity and American Adolescence*. Moslener explains that the rhetoric surrounding topics related to sexual fears which are prevalent in conservative political discourses in the United States is dominated by the concept of purity. Sexual purity movements instrumentalize originally religious fears of immorality in order to caution against dangers allegedly posed by threats of sexual immorality not only to the wellbeing of individuals but also the overall security of the nation (Moslener 2f.).

Moslener thus constructs a connection between purity rhetoric and sexual fears motivated by religious beliefs. At the same time, she links the concepts of purity/morality and pollution/immorality to widely held societal anxiety about an impending apocalypse in the form of social and political change<sup>33</sup> (Moslener 4) which likewise originates from the sphere of religion. These connections between purity/morality, sexual fears, and concerns about social

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<sup>32</sup> While the percentage of married women between fourteen and seventeen increased for a short period of time after World War II, there appears to be no rise in teen pregnancies (Blank 228).

<sup>33</sup> One event that was perceived among conservatives as the advent of an impending apocalypse was the release of the contraceptive pill into the American market between the late 1950s and early 1960s (Blank 229, 231).

and political change facilitate a connection between sexual immorality and national security by means of purity/pollution classifications (Moslener 4f.).

Regarding the religious reasoning behind societal anxiety expressed in sexual fears, Moslener is particularly interested in the careers of two prominent 20th century evangelists, namely Billy Graham and James Dobson. She examines how Graham as an evangelist, writer, and presidential counselor made use of fears of sexual immorality by employing purity rhetoric, especially during the Cold War era (Moslener 58ff.). The societal anxiety concerning sexual immorality dominating these decades eventually led to new, conservative family values promoted by evangelist and author Dobson (Moslener 94ff.). These values, which gained popularity in the 1980s, are still present in contemporary conservative attitudes towards the institution and role of the family in the United States (Moslener 167).

These "family values" are hence essential to conservative ideologies in the contemporary United States. Any social or cultural change is therefore perceived as a threat to these moral values and, moreover, the conservative patriarchal status quo. Moslener explains that the reason the Christian Right in the United States employs purity rhetoric is in order to fight perceived threats of moral and political decline (2).<sup>34</sup> Purity rhetoric is therefore used to restore or maintain the political influence of the Christian Right (Moslener 5).

Moslener furthermore states that, consequently, the purity and pollution binaries are always present during times of cultural and political instability and even crises (15). She emphasizes that sexual purity has always been at the heart of American evangelical reform movements (4). Like Valenti, Moslener thus agrees with Duschinsky's claim that the concepts of purity and impurity always surface during times of conflict and crises (Duschinsky 1). Moslener's method can therefore be used in order to uncover fears of social and political change. How these fears, particularly concerning female sexuality and reproduction, were countered with the help of purity rhetoric in political discourses since the 1980s will be demonstrated in the following pages.

Bernau's *Virgins* discusses the history of female sexuality as a political concern. Her claim that "[...] [virginity] functions as a focal point for anxieties prevalent in society, as well as a point of contention between groups with different approaches or agendas" (170) is in line

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<sup>34</sup> An example of this are so-called "purity pledges" or "virginity pledges" by teenage girls promising to remain sexually abstinent until marriage (Anderson n. pag.), practiced by families from the Christian Right such as the Duggar family who rose to fame through their reality TV show "19 Kids and Counting" (Corrigan 138) – and then finally to infamy caused by a molestation scandal within the family (Ohlheiser and Izadi n. pag.), which was later followed by an arrest on charges of possession of child pornography (Lynch n. pag.).

with Duschinsky's idea that perceived impurities function as indicators of conflicts and crises (Duschinsky 1), which historically comprised instances of social change. The examples Bernau mentions as background information for her analysis are industrialization and urbanization during the nineteenth century as well as the growth of urban poverty, economic depression, and changing gender roles that accompanied these changes. She states that in reply to this changing social environment, the ideal of the traditional family was introduced (169).

In her analysis, Bernau is especially concerned with one particular perceived attack on this ideal, namely changing sexual behavior in the 1960s and 1970s, and the conservative response to this in the form of sex education that communicated an ideological norm (170). As stated above, abstinence-only education was introduced in the 1980s as a response to an alleged increase in teen pregnancies and teen promiscuity (Ehrlich 128ff.), which, for conservatives, reflected a radical social change that threatened traditional family values (Bernau 170) and furthermore heterosexual marriage as the norm (Bernau 172). In addition to an alleged increase in teen pregnancies and teen promiscuity, the perceived moral threats to patriarchal, heteronormative ideals which supposedly resulted from the sexual revolution included abortion, sexually transmitted diseases, HIV/AIDS, and increased peer pressure to engage in sexual behavior. In this context, the notion of virginity epitomized not only personal physical or spiritual purity but furthermore social purity (Bernau 170). The preservation of what were considered moral values therefore depended on unmarried women's abstinence.

Bernau analyzes the political discourses surrounding the sex education of adolescents which she describes as an "[...] area in which questions of politics, sexuality, morality, legislation and education continue to intersect in emotive and explosive ways [...]" (170). The arguments presented in support of the conservative political agenda frame virginity and premarital sex as identity-forming choices that result in one of two extremes respectively. According to these arguments, virginity does not merely protect women from unwanted pregnancies, it furthermore provides a shield against feared pathogens which would otherwise result in "[...] a bewildering and frightening plethora of sexually transmitted diseases." Moreover, virginity was claimed to contribute beneficially to women's mental health, independence, self-esteem as well as social status and economic success (Bernau 171). The use of purity rhetoric is quite noticeable here as the described results of premarital sex, that is, sexually transmitted diseases caused by pathogens which, as explained above, Giner-Sorolla and Sabo link to disgust and thus impurity (88). Disgust and impurity here mark premarital sex

as sexually deviant behavior and, as such, as a threat to the community and thus immoral (Giner-Sorolla and Sabo 88).

This perceived polluting nature of premarital sex is illustrated by purity rhetoric employed in abstinence campaigns that frame casual sex as an addictive drug. Bernau suggests that the word "abstinence" which replaced "chastity" as the preferred behavior in terms of premarital sex was borrowed from twelve-step anti-addiction programs such as Alcoholics Anonymous.<sup>35</sup> Abstinence-only supporters ascribe casual sex the same negative results that addictive drugs have, including physical, physiological, and economic consequences (Bernau 177f.). In particular, abstinence-only supporters link extramarital female sexual activity to poverty and criminal activity.<sup>36</sup> This is achieved by presenting single motherhood as an inevitable outcome of premarital sex (Bernau 179). The implication here is that even if casual sex itself does not present a threat to an individual's or society's morals, it will lead to behavior that is morally reprehensible. Again, the imagery at work is the polluting nature of premarital sex.

Consequently, abstinence-only education promotes virginity as the pure and thus moral choice for unmarried women whereas premarital sex is condemned as impure and therefore immoral. The emphasis on sexually transmitted diseases in public debate and school classrooms alike demonstrates that what appears to be at stake here is not personal morality but public health (Bernau 171). This claim is supported by the Centers for Disease Control and Prevention's inclusion in the debate regarding sex-education curricula (Blank 249). The impurity of sexually transmitted diseases here embodies a feared decline in moral values.

Moslener's *Virgin Nation* is likewise concerned with the representation of sexual deviance as an issue of national security and fears of national moral decline during the Cold War era. She describes this ideology as a political religion, more precisely, a religion of fear which resulted from a conflict between evangelical ideas of a post-war Christian America and an increasing separation of politics and religion. According to Moslener, this religion of fear facilitated the societal perception of political agendas and debates as a polarized – and polarizing – battle between good and evil,<sup>37</sup> expressed in the imagery of salvation and condemnation (77), thus making use of purity rhetoric.

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<sup>35</sup> Similarly, the "Just Say No" slogan appears to also have been borrowed from anti-drug campaigns (Bernau 173).

<sup>36</sup> The prevailing association here appears to be sex work (Bernau 179).

<sup>37</sup> The religion of fear is likely the origin of the polarized public discourses in the contemporary United States.



Moslener explains that the Christian Right employed this rhetoric through the religion of fear in order to maintain boundaries in the areas of foreign policy, US American identity, religion, political ideology, and sexuality, more specifically "[...] between the United States and the USSR, between Christianity and communism, between sexual morality and sexual deviance" (79). These boundaries thus served to discourage and impede politically, spiritually, and morally transgressive behavior.

What is especially interesting about this time period is that religious notions were actively and successfully inserted into the political sphere as evangelists, most notably Dobson, began promoting new, conservative family values during the Cold War era (Moslener 100). As mentioned above, these values are still relevant for contemporary US American society as they continue to shape conservative attitudes towards the institution and role of the family in the United States (Moslener 167). An analysis of Dobson's ideas thus not only explains the late Cold War era United States but ongoing political discourses in the nation today.

Dobson was particularly concerned with gender and sexuality norms within family life as he linked sexual morality to national stability (Moslener 101). According to him, sexual immorality resulted in two distinct threats to US American society. In the first place, conservative fears of physical impurity caused by sexual impurity had been realized in the form of the late 1980s HIV/AIDS crisis. This was considered physical evidence that the sexual revolution was, in fact, destructive to society's well-being (Moslener 103). In the second place, Dobson argued that women's morality and therefore their sexual purity were essential to the continued existence of US American civilization. According to Dobson, sexually pure women retained their moral authority over their future husbands and were thus able to redirect men's restrained sexual energy into productive work, enabling them to actively contribute to civilizational progress (Moslener 105).<sup>38</sup> This notion is in line with the nineteenth-century idea of women as "[...] guardians of national morality [...]" (Freedman 22), explained in the chapter above. Dobson's understanding likewise reflects the belief that women, that is, wives and mothers, exerted considerable influence on men's characters and children's education (Freedman 22). As in the nineteenth century, this idea is equated with sexual purity and thus makes use of purity rhetoric.

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<sup>38</sup> This view is of course directly opposed to the idea that women are somehow more susceptible to immorality as discussed in Valenti's *Purity Myth*.

While purity rhetoric's framing of female virginity as a facilitating factor in the development of US American civilization is not quite as apparent, the instrumentalization of the concepts of purity and pollution with regard to the HIV/AIDS crisis is evident. Here, the argument supported by purity rhetoric is that individuals who did not conform to this requirement, that is, sexual purity, were thus considered sexually deviant and consequently to be posing a threat to the nation's security. Regarding these concerns, Dobson's use of purity rhetoric especially focused on the transgressing and thus polluting nature of sexually impure women. This connection between sexual immorality and national security is thus established through purity/pollution classifications (Moslener 4f.).

As shown in the above discussion of the role purity rhetoric played in political discourses since the 1980s, the concepts of purity and pollution are frequently employed during times of social and cultural change. The sexual revolution constituted one such change and as such caused public debate to focus on and consider female sexuality and reproduction in terms of purity and pollution. Abstinence-only education and fears of a decline in morals as well as public health caused by sexual impurity dominated the political discourses surrounding social and cultural change. Another such topic which will be discussed below is the public debate concerning abortion,<sup>39</sup> a topic in which the binaries of purity/morality and pollution/immorality seem to be reversible depending on the underlying agenda.

In *Moral Combat. How Sex Divided American Christians and Fractured American Politics*, R. Marie Griffith explains that public debate concerning issues related to sexuality has always existed as a dialectical process: "Progressive gains in liberalizing or legalizing certain practices – birth control, say, or sex education in public schools – served to confirm their conservative opponents' sense that modernity was sinful; in turn, conservative efforts to fight back and restore the old values confirmed progressives' sense that sexual liberation was utterly crucial to progress" (xiif.).

This dialectic is framed as a polarized – and polarizing – battle between good and evil as explained above (Moslener 77) in which each side casts the other as morally reprehensible. This poses two questions: First of all, why does morality play such a central role in political discourses in the United States? And secondly, how is it possible that both sides of the debate are able to argue their point in the name of morality?

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<sup>39</sup> It would be interesting to also examine how the contraceptive pill is framed using purity rhetoric. However, such an analysis would exceed the scope of this thesis.

Regarding the first question, the discussion above concerning the connection between originally religious purity and morality as well as the influence the Christian Right has historically exerted and continues to exert over US American politics provide an explanation: The United States' culture war over sexuality in the form of political debates regarding women's rights and gender norms is fueled by "[...] entrenched notions, both overt and unspoken, that Christian morality should provide the basis for our nation's law and politics" (Griffith ix).

Regarding the second question, Griffith explains that the reason that both sides fighting this war, liberals and conservatives pitched against each other, are able to invoke morality to justify their cause is that both groups hold different ideas of morality. On the one hand, the concept of morality can be understood to denote obedience to traditional family norms while on the other hand it can also be considered to include freedom of sexual expression and relations (Griffith ix). These different understandings are likely to come into conflict with each other. They are likewise likely to explain why argumentation in political discourses based on these concepts might on occasion appear to be contradictory.

In her analysis of the ongoing abortion debate in the United States, Griffith identifies two opposing sides, the "pro-life" camp and the "pro-choice" camp (201). It is important to note that both sides present themselves in favor of something rather than against something. Similarly, both groups consider themselves to be on the side of morality and consequently frame the other as immoral. Additionally, both employ purity rhetoric in order to discredit each other. For example, "pro-life" supporters refer to the "pro-choice" camp as "pro-abortion," a term that emphasizes the killing of the fetus. Likewise, "pro-choice" advocates have dubbed the "pro-life" camp "anti-choice," suggesting that their agenda is to restrain women's autonomy regarding reproductive decisions (Griffith 202). Both of these arguments suggest that the other side promotes immorality. This discussion is thus an example of implicitly used purity rhetoric as the idea of pollution/immorality is employed here.

Both groups make further use of purity rhetoric in order to substantiate their claims to morality. For example, "pro-life" supporters argue that they are in favor of the sacredness of the fetus within the womb, arguably a moral notion when considered without context or further implications. Similarly, the "pro-choice" supporters emphasize women's autonomy and right to make a personal choice, likewise an unquestionably moral idea when considered without context or further implications (Griffith 201). However, neither of these opinions exist without the other. As explained above, political discourses on sexuality have always been part of a

dialectical conversation (Griffith xiif.). Similarly, these camps are not homogenous groups but comprise individuals with different religious and political backgrounds as well as different gender identities. In fact, morality based on religious reasoning has been used both in favor of and against abortion rights (Griffith 203). This is thus not a partisan case of conservatives against liberals or Christians against members of other religions but rather a case of differing individual concepts of morality. It appears that in the case of the abortion debate, the ideas of purity and pollution are unreliable indicators for what society considers moral and thus acceptable as there is simply no consensus regarding morality when it comes to this issue.<sup>40</sup>

This chapter has shown that public debate in the United States concerning female sexuality and reproduction is often influenced by the concepts of purity and pollution which denote the ideas of morality and immorality respectively. The reason why female sexuality and reproduction are often considered and framed in these terms is that the concepts of purity and morality are both connected to the cultural construct of virginity. As this chapter has demonstrated, this concept as well as religious notions of chastity are still relevant for the contemporary interpretation of the term "purity" in US American culture today as this functions as an indicator of what society considers morally acceptable. At the same time, the ideas of purity and pollution as established by Douglas are instrumentalized in order to organize and maintain social systems and hierarchies.

The implication for women in the United States is a sexual double standard that is maintained by means of the purity myth as explained by Valenti as well as the instrumentalization of purity/pollution classifications in legislation as well as political discourse as demonstrated by Ehrlich and Moslener. However, the arguments presented in the name of morality do not always correspond to what would be deemed morally acceptable when considered without context or further implications. It thus appears that Douglas' rigorous standards of purity and pollution have become convoluted in some contexts, indicating that contemporary US American society lacks a shared definition of the term "morality."

What has been noted throughout this chapter but is worth mentioning again is that the concepts of purity and pollution always surface during times of political unrest due to real or perceived social or cultural change. In the case of anti-abortion laws, for example, the ideas of

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<sup>40</sup> Another explanation for the crossing-over of purity and pollution in this context as well as, for example, in cases of conservative individuals affiliated with the Christian Right or the Republican Party defending politicians found guilty of sexually assaulting children (Bernau 168) is the rhetorical structure of chiasmus which can be used to invert a statement's ideas by inverting its grammatical structure (Breck 21ff., 38ff.).

purity/morality and pollution/immorality are employed to target women's sexual freedom to contain this threat and save society from the menace that is thought to follow female sexual agency. Tracing purity rhetoric in political discourses thus provides a method of discovering underlying fears of change. The conclusion that can be drawn here is that the prevalence of this rhetoric in political debate concerning female sexuality and reproduction points to a general perception in US American culture that these issues are essential to society, arguably as they are based on the idea of women as the guardians of a nation's morality, as any changes to them are perceived as threats to the nation as a whole.

### 3 The Proverbial Scarlet Letter: Patriarchal Power and the Ideology of Rape Culture

In this chapter, I will argue that rape culture is not about sex; rather, it is about power. In order to support this claim, I will explain how the purity/pollution dichotomy (cf. Douglas) is used to excuse (white heteronormative) male entitlement to (female) bodies as well as positions of power in the highly controversial 2016 Stanford sexual assault case as well as the likewise controversial 2018 Kavanaugh hearing. To this end, I will provide an explanation of how rape culture works, how power structures function within it, and how it is expressed in as well as supported by various systemic societal structures and behaviors as well as cultural beliefs and norms, that is, rape myths. This chapter will furthermore explain that rape culture is an ideology that is based on rape myths, constructed and upheld through patriarchal power structures, and justified by the notions of purity and pollution.

Moreover, this chapter will demonstrate how the rape myths discovered and explained in the above chapters are still relevant in present-day rape culture in the United States by tracing specific beliefs and behaviors, most importantly victim-blaming and shaming but furthermore victimization of the (alleged) perpetrator, and the resulting responsibility/culpability shift in the Stanford case and Kavanaugh hearing. The basis for this analysis will be Chanel Miller's victim impact statement as well as her memoir about the case. In her statement, she especially criticizes revictimization processes of herself such as victim-blaming and shaming as well as other court strategies implemented by Turner's defense, presenting him as the real victim in the case (cf. Miller). In her memoir, Miller furthermore comments on other incidents related to the rape culture her case was set in, such as the Isla Vista killings, Donald Trump's Access Hollywood tape, the resurgence of the #MeToo movement, and the Kavanaugh hearing. Her subjective commentary will provide the foundation for my analysis as "[...] a critique of the purported generality, disinterestedness, and universality of prior accounts [...]" (MacKinnon, "Feminism, Marxism, Method, and the State" 537) as explained in the introduction to this thesis.

The reason for this thesis's focus on victim-blaming and shaming in particular is that within the context of rape culture, visually represented by the rape culture pyramid,<sup>41</sup> these behaviors are situated at the nexus of degradation and assault, that is, the transition from the second level of the behaviors and concepts represented in the rape culture pyramid to the third, thus making them instrumental in the construction of a society's rape culture as this is how

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<sup>41</sup> The rape culture pyramid, cf. fig. 1, as well as the behaviors and concepts it comprises will be explained below.

power structures facilitate and uphold the white heteronormative gender hierarchy of the contemporary United States. Furthermore, both the concepts of purity and power are directly related to victim-blaming and shaming in that the former, that is, the ideas of purity/morality and pollution/immorality, in the form of the purity myth<sup>42</sup> (cf. Valenti) provide the substantiation for this concept while the latter, that is, patriarchal power, provides the structures that integrate victim-blaming and shaming as a patriarchal tool used to protect white cisgender men in cases of sexual assault and sexual harassment. Given this thesis' focus on the concepts of purity and power within the context of rape culture, victim-blaming behaviors and beliefs consequently explicitly illustrate the connection between these concepts and their significance within rape culture at large.

Based on the findings from the Kavanaugh hearing, I will furthermore argue that rape culture is instrumentalized to regulate society, that is, discipline and punish (cf. Foucault) marginalized and non-heteronormative groups, in order to uphold existing patriarchal power structures that benefit white cisgender men and discriminate against not only cisgender women but other marginalized and non-heteronormative groups. The examples I will give here in addition to the Kavanaugh hearing and subsequent politicization thereof are the 2017 Title IX discussion as well as the subsequent withdrawal of the 2011 "Dear Colleague" letter, both of which mark the perception of a threat of societal and political change – white heteronormative men's perceived powerlessness against women and minorities<sup>43</sup> as these groups are increasingly given a voice and, consequently, recognition – in the Trumpian United States, a time period during which, as mentioned above, derogatory, sexist comments are excused as "locker-room talk" which the president himself engages in. This chapter will thus make the argument that rape culture, and therefore rape, is political by showing that what is at stake in every "he said/she said" discussion is bigger than any individual case of sexual assault or sexual harassment, regardless of how much media attention it receives. What rape culture is concerned with is the preservation and perpetuation of white heteronormative patriarchal interests by framing them as matters of national security by means of purity rhetoric.

As in the historical analysis above, the focus of this chapter will not be on rape as such but the way it is treated societally as well as institutionally and represented culturally. However,

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<sup>42</sup> The belief in the purity myth has been demonstrated in a study finding that its participants, identifying as male and female, agreed with the statement that "[w]omen have a quality of purity few men possess" (Glick and Fiske, "The Ambivalent Sexism Inventory" 500).

<sup>43</sup> In *Angry White Men*, Michael Kimmel terms this perceived powerlessness "aggrieved entitlement" (n. pag.). This concept will be discussed below.

in order to facilitate an understanding of how rape can be considered within contemporary patriarchal power structures, it needs to be defined and considered within this context:<sup>44</sup>

Traditionally, the elements of adult rape have been (1) sexual intercourse; (2) between a man and a woman who is not his wife; (3) achieved by force or a threat of severe bodily harm; and (4) without her consent. In recent decades, legislatures have altered this definition in various ways: making the crime gender-neutral as to both perpetrator and victim; broadening the definition of intercourse to include all types of sexual penetration; changing the name of the crime (for instance, to 'criminal sexual conduct'); dividing it into degrees; and abolishing or modifying the marital exemption. (Bryden 320f.)

However, there are further requirements for a case to meet the definition of rape as the notions of force and resistance continue to influence the idea of what sexual assault looks like.<sup>45</sup> This is evident in the fact that "[i]n acquaintance rape cases, in most states, non-consensual sex is not rape unless the perpetrator employs force or a threat of force, or the victim is unconscious, drugged, badly drunk, underage, or otherwise incapacitated"<sup>46</sup> (Bryden 321). Furthermore, resistance must be physical as verbal resistance,<sup>47</sup> that is, non-consent, is not considered

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<sup>44</sup> As stated above, this thesis only uses the term "rape" in cases where penetration occurred or is alleged to have occurred; the term "sexual assault" will be used when this is not the case or if it is unclear if penetration occurred.

<sup>45</sup> In the Stanford case, a friend of Turner's describes what she considers rape, and why the case does not qualify as sexual assault, in a letter to the judge: "*This is completely different from a woman getting kidnapped and raped as she is walking to her car in a parking lot. That is a rapist. These are not rapists. These are idiot boys and girls having too much to drink and not being aware of their surroundings and having clouded judgment*" (Miller 273; emphasis original). Miller comments that the judge "[...] citing her as a source [...] endorsed her outdated, distorted definition of rape. We know that acquaintance rape is far more common than stranger rape" (273).

<sup>46</sup> The state of unconsciousness can become a point of contention as the Stanford case shows. Addressing the defendant in her victim impact statement, Miller recalls the defense's argument: "Your attorney has repeatedly pointed out, well we don't know exactly when she became unconscious. And you're right, maybe I was still fluttering my eyes and wasn't completely limp yet. That was never the point. I was too drunk to speak English, too drunk to consent way before I was on the ground. I should have never been touched in the first place" (344).

<sup>47</sup> "The [force-resistance rule] is most problematic if the woman explicitly declined the man's sexual overtures. Some men interpret 'no' as mere token resistance to sex. This male belief has been attributed to 'the traditional sexual script in which women's role is to act resistant to sex and men's role is to persist in their sexual advances despite women's resistance'" (Bryden 387). However, "[...] most women in [a] study (60.7%) reported that they had never engaged in token resistance [...]. As the authors of the study concluded, 'when a woman says no, the chances are that she means it'" (Muehlenhard and Hollabaugh qtd. in Bryden 389). Interestingly, what is at the center of the "token no" myth is, again, a woman's purity, that is, her alleged attempt to appear pure while engaging in behavior that is deemed impure.



resistance in most states unless the accused employs force (Bryden 321f.). The abuse of physical power is thus an integral component of rape and sexual assault in most states.

Yet, physical power, that is, force or aggression, is but one form of coercion that can be used to sexually assault another person. MacKinnon proposes to reconsider and redefine rape as "[...] a physical invasion of a sexual nature under circumstances of threat or use of force, fraud, coercion, abduction, or of the abuse of power, trust, or a position of dependency or vulnerability"<sup>48</sup> ("Rape Redefined" 474). This definition is firstly not limited to penetration but includes physical sexual transgressions in general. Furthermore, what is included in this definition is not only the use of force but the abuse of unequal power relations that exist both within a relationship<sup>49</sup> as well as within society at large in the form of "[p]sychological, economic, and other hierarchical forms of force – including age, mental and physical disability, and other inequalities, including sex, gender, race, class, and caste *when deployed as forms of force or coercion* in the sexual setting [...]" (MacKinnon, "Rape Redefined" 474; emphasis original). MacKinnon explains that

[w]hen rape is recognized as a crime of gender inequality, gender belongs on the list of inequalities that, when drawn upon as a form of power and used as a form of coercion in sexual interactions, make sex rape. [...] [t]he definition of sexual assault should begin with taking advantage of circumstances of inequality. [...] rape is an act of sex inequality, and sex inequality when deployed is a form of force, of compulsion [...]. ("Rape Redefined" 469)

This focus on gender inequality acknowledges the systemic inequalities and power structures that have historically influenced and continue to influence how cases of sexual assault are treated societally as well as institutionally and represented culturally. Here, the focus is not on the behavior of the accuser and whether or not they complied with the requirements that would then enable them to claim that they were in fact sexually assaulted. The focus is on the

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<sup>48</sup> MacKinnon specifies that "[c]onditions including drunkenness and unconsciousness, along with other forms of incapacity, would be positions of vulnerability" ("Rape Redefined" 474).

<sup>49</sup> Miller describes her perception of the role power plays on an interpersonal level between the parties involved in a case of sexual assault as opposed to consensual sex: "The phrase, sexual assault, is a little misleading, for it seemed to be less about sex, more about taking. Sexual assault is stealing. One-sided wants, the feeling of overriding the other. Real sex was meant to be exchange, the power shifting back and forth, responsive and fluid and playful" (262f.).

patriarchal power structures, manifest in rape myths, that facilitate and excuse transgressive behavior from men against women.

MacKinnon states that sexual assault needs to be considered within "[...] the context of historically unequal power relations, in which members of one group have more power than members of another" ("Rape Redefined" 442):

[...] when power is unequal, consent to sex is unlikely to be meaningful, or it becomes impossible to tell. Sex across the lines of these hierarchies is sometimes cognizable as lesser crimes in the criminal canon of sexual assault but the hierarchies are never called what they are: inequalities.<sup>50</sup> Consent is known to become meaningless in exceptional hierarchical settings when acquiescence is the only realistic option. The tabooed question is: when is this not the case?<sup>51</sup> ("Rape Redefined" 463)

From this perspective, the concept of consent/non-consent becomes irrelevant due to the power imbalances inherent in gender inequality. Coerced submission can be confused with consent because "[...] forced and threatening conditions are so standard a feature of relations between women and men under conditions of sex inequality that they can look like sex" (MacKinnon, "Rape Redefined" 447). The fact that consent and coerced submission are difficult to distinguish in the context of gender inequality by no means offers yet another excuse for perpetrators. In fact, it serves to underline the argument that the context of historically unequal power relations should be considered in a case of sexual assault, not a perpetrator's rationalization of the situation: "But the underlying equality question remains: in societies of sex inequality, why should the defendant's beliefs, constructed in a rape culture that glorifies and normalizes male force in sexual relations, rather than his actions, determine his culpability?" (MacKinnon, "Rape Redefined" 450).

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<sup>50</sup> "Never is it recognized that age is an inequality tantamount to a form of force, making children's powerlessness relative to adults, sometimes with sex added, the actual but silent justification for statutory rape laws. The same recognition is at once made and elided in statutes that prohibit sex between prisoners and guards, teachers and students, patients and therapists, and lawyers and clients" (MacKinnon, "Rape Redefined" 463).

<sup>51</sup> This, however does not render all sexual interactions transgressive or even criminal: "When a sexual connection is mutual, intimate, desired, and equal, nobody consents in the sense of 'mentally accepting without objection the moral or legal boundary crossing.' Enthusiasm, not resignation, is typically evident when tolerance of boundary violation is not what is occurring" (MacKinnon, "Rape Redefined" 465).

MacKinnon explains that the power imbalances inherent in an interaction cannot be eradicated by the presence of consent. At best, consent renders an interaction "[...] tolerated, or the less costly of alternatives out of the control or beyond the construction of the one who consents" ("Rape Redefined" 440). In fact, MacKinnon considers the concept of consent inherently unequal as it "[...] silently presuppose[es] that the parties to it are equals whether they are or not," ignoring any underlying power imbalances ("Rape Redefined" 440), as is the case in gender inequality.

The understanding that rape and sexual assault are indeed gender-based crimes is increasingly adopted by judicial authorities on an international level, whether these crimes are seen as "[...] predicated on the large numbers and vast disproportion by sex between perpetrators and victims, on gender roles and stereotypes of masculine and feminine sexuality, or on the hierarchically gendered social meanings and consequences of sexual victimization and perpetration" (MacKinnon, "Rape Redefined" 432f.). Gender-based violence is coming to be recognized as a form of discrimination as it is "[...] violence that is directed against a woman because she is a woman or that affects women disproportionately" (Committee on the Elimination of All Forms of Discrimination Against Women qtd. in MacKinnon, "Rape Redefined" 433). What is more, sexual assault as a form of gender-based violence not only constitutes discrimination against women, it furthermore functions as a means to construct and uphold a gender hierarchy<sup>52</sup> in which "[...] historically unequal power relations between men and women [...]" facilitate "[...] domination over and discrimination against women by men" (The United Nations General Assembly qtd. in MacKinnon, "Rape Redefined" 433). Indeed, "[...] violence against women, including rape, [has] been established as 'global, systemic and rooted in power imbalances and structural inequality between men and women'" (Secretary General of the United Nations qtd. in MacKinnon, "Rape Redefined" 434f.).

In order to consider sexual assault within the context of existing patriarchal power structures, that is, rape culture, I will adopt MacKinnon's understanding of sexual assault as a gender-based crime, that is, a concept that is rooted in gender inequality. However, it is

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<sup>52</sup> This gender hierarchy is for example displayed in body language: "[...] it is perhaps in their more restricted motility and comportment that the inferiorization of women's bodies is most evident. Women's typical body language, a language of relative tension and constriction, is understood to be a language of subordination when it is enacted by men in male status hierarchies" (Bartky 35). This is in stark contrast to a concept which has been termed "manspreading," in which male bodies on public transportation encroach on adjacent seats ("Manspreading" n. pag.) by "[...] sit[ing] with legs thrown wide apart, crotch visible, feet pointing outward, often with an arm and a casually dangling hand resting comfortably on an open, spread thigh" (Bartky 30).

important to emphasize that rape culture is not easily defined as male actions that oppresses women but rather a system that is upheld societally, institutionally, and culturally and oppresses all genders. Additionally, as the historical and ideological background above as well as the contemporary examples given below show, rape culture is not merely a set of structures regulating female and excusing male behavior but rather a system designed to preserve the status quo, namely the power of white heteronormative men, which does not only discriminate on the basis of gender but also on the basis of race and, arguably, socioeconomic status. To this end, this system trivializes, normalizes, tolerates, and excuses (less severe) sexually transgressive behaviors, such as street harassment, whose omnipresence in everyday social interactions leads to the trivialization and normalization as well as a greater tolerance and even justification of more severe sexually transgressive behaviors such as physical sexual transgressions and sexual assault.<sup>53</sup> This systemic process is illustrated in the rape culture pyramid<sup>54</sup> ("Rape Culture Pyramid" n. pag.).

At the very bottom, the pyramid lists concepts that are considered less severe but everyday behaviors and beliefs, namely sexist attitudes, rape jokes, locker-room banter, catcalling, non-consensual non-sexual touch, and stalking. These concepts are situated within the first level of the pyramid which depicts the process of normalization as they contribute towards the societal normalization of not just the behaviors and beliefs on that same level but also those on the higher levels. These behaviors represent the gender inequality within rape culture as they are engaged in disproportionately by the group who holds more power. In "Foucault, Femininity, and the Modernization of Patriarchal Power," Sandra Lee Bartky explains that "[...] men touch women more often and on more parts of the body than women touch men [...]" (30). What is more, "[h]igher status individuals may touch their subordinates more than they themselves get touched; they initiate more eye contact and are smiled at by their inferiors more than they are observed to smile in return" (Henley qtd. in Bartky 35). These seemingly innocuous behaviors thus reinforce the gender hierarchy that sustains patriarchal power structures.

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<sup>53</sup> Sociological studies show that on the level of the individual, objectification leads to dehumanization, which in turn leads to a greater likelihood to commit sexual assault: "[R]esearch demonstrates that men who implicitly dehumanize women (as either animals or objects) are also likely to sexually victimize them" (Rudman and Mescher 734). This process pertaining to the individual substantiates how the process of normalization operates on the societal level.

<sup>54</sup> Cf. fig. 1.

Less common but increasingly severe behaviors and beliefs that are likewise part of the first level within the rape culture pyramid but approaching the second level of the pyramid, namely degradation, include exhibitionistic behavior, unsolicited nude pictures, non-consensual sexual touch, non-consensual photography as well as videography, "revenge porn," and safe word violations. The degrading behaviors listed on the second level of the pyramid include coercion and manipulation, threats, victim-blaming, and shaming. Behaviors that are likewise part of the second level but considered more severe and approaching the third level, namely assault, are contraceptive sabotage and covert condom removal, which is also referred to as "stealthling." The third and final level of the pyramid lists molestation, drugging, and rape ("Rape Culture Pyramid" n. pag.).

In her memoir, Miller writes on the street harassment she experienced in Providence, Rhode Island, the summer after her assault: "No matter where I went, the same thing kept happening. [...] Walking down the street was like being tossed bombs. I fiddled with the wires, frantically defusing each one." And, more generally on everyday transgressive behavior: "It is [a woman's] job to know how to handle the stream of bombs, how to kindly decline giving her number, how to move a hand from the button of her jeans, to turn down a drink." And finally, on sexual assault: "When a woman is assaulted, one of the first questions people ask is, *Did you say no?* This question assumes that the answer was always yes, and that it is her job to revoke the agreement. To defuse the bomb she was given" (79ff.; emphasis original). Miller here constructs a connection between everyday sexual harassment, such as catcalling and groping, and sexual assault. What these behaviors have in common is, again, the notion that it is a woman's responsibility to refuse and resist unwanted advances, and furthermore prove that she did. What is also evident in the examples given by Miller is entitlement, that is, white cisgender male entitlement to female attention as well as female bodies.

This entitlement is not only demonstrated in the examples given by Miller and traceable in the historical analysis above, it is furthermore contained in the very idea that unless there is an acceptable amount of resistance, be it verbal refusal in the form of explicit non-consent or physical resistance, the assumption is that a woman's body, or her attention, is available to a man.<sup>55</sup> Miller asks: "But why are they allowed to touch us until we physically fight them off?"

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<sup>55</sup> This entitlement to female bodies is likewise evident in the fact that historically, rape in marriage was not considered a crime as women were "[...] deemed permanently consenting to sex with the men they married" (MacKinnon, "Rape Redefined" 444), thus irrevocably making their bodies available indefinitely.

Why is the door open until we have to slam it shut?" (83). The answer lies in the white cisgender male entitlement that drives rape culture.

At its very core, rape culture is the expression of what Michael Kimmel terms "aggrieved entitlement," that is, male entitlement to women's bodies. In *Angry White Men*, Kimmel defines "aggrieved entitlement" as the "[...] sense that those benefits to which you believed yourself entitled have been snatched away from you by unseen forces larger and more powerful" (n. pag.). He considers this concept in conjunction with the notion of victimization, writing: "[...] white men's anger comes from the potent fusion of two sentiments – entitlement and a sense of victimization" (Kimmel n. pag.). As the historical analysis above and the contemporary examples given below show, this sense of victimization is evident in the ways accused perpetrators are usually represented in public discourse – provided they are white, and usually also of acceptable social status.

Kimmel traces the entitlement felt by white men back to the increasingly unattainable idea of the American Dream. What is more, he explains that what he terms "aggrieved entitlement" is furthermore rooted in a vanishing masculinity ideal and identity: "[...] they'd lost their sense of themselves as men. Real men. Men who built this country and who, in their eyes, are this country" (n. pag.). Aggrieved entitlement, Kimmel writes, is expressed in "[...] men's rights activists fulminating about how feminist women have inverted the scales of gender justice, or the men who interpret their failures in the dating world to be the fault of gold-digger harpies,<sup>56</sup> inspiring them to mass murder, or, finally, the denizens of the extreme Right [...]" (n. pag.).

This extreme entitlement to women's bodies, cited as a reason to commit mass murder, is also commented on in Miller's memoir as she describes visiting a friend's house in Isla Vista, California, as the news broke of what would later be called the Isla Vista killings. As they were sheltering at the house while rumors about the details of the attack were shared via text message, an online video statement emerged (Miller 87f.), announcing and justifying the attack:

*Hi, Elliot Rodger here ... I don't know why you girls aren't attracted to me but I will punish you all for it. I'll take to the streets of Isla Vista and slay every single person I see there .... I take*

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<sup>56</sup> This belief has caused an online congregation, so to speak, of like-minded individuals. Referring to themselves as "incels," which stands for "involuntary celibates," members of this community identify as men whom women are not attracted to, hold misogynist views, and engage in hate speech on social networks. The community has been connected to several terrorist attacks based on misogynist beliefs (Hajarian and Khanbabaloo 169).

*great pleasure in slaughtering all of you [...] You denied me a happy life and in turn I will deny all of you life, it's only fair. I hate all of you. [...] This is a story of how I, Elliot Rodger, came to be .... This tragedy did not have to happen ... but humanity forced my hand. [...] I've been forced to endure an existence of loneliness, rejection and unfulfilled desires all because girls have never been attracted to me. [...] I will punish all females for the crime of depriving me of sex. (Miller 88ff.; emphasis original)*

Miller comments,

His cruelty had a narrative arc. He spoke like he had never wanted to do what he did, he was pushed to. And it was women who had made him suffer, who left him no choice but to execute his Day of Retribution. [...] His hostility was born of entitlement, self-pity. [...] In Elliot's world, the unspoken law was that women owed him sex, we existed only to receive him. Those were the rules, that was our purpose. Sex was his right and our responsibility. The punishment in his world for breaking his laws, for rejecting sex, was death. (90)

The Isla Vista killings are more than simply an extreme example of aggrieved entitlement. They are not an isolated attack but part of a series of similar attacks (Hajarian and Khanbabaloo 169) that show the systemic nature of the beliefs used to justify them. They show that Rodger was not just a single, mentally ill individual but a symptom of a culture that creates and perpetuates the entitlement that, if unmet, leads to the "[...] sense that those benefits to which you believed yourself entitled have been snatched away from you [...]" (Kimmel n. pag.), as discussed above. The entitlement evident in Rodger's video statement, his self-victimization, and the misogynist belief that women owed him sex are in line with Kimmel's argument that the anger white men feel is rooted in entitlement and a sense of victimization (n. pag.).

Of course, aggrieved entitlement is not always expressed to such an extreme, but it is evident in many seemingly harmless everyday interactions between men and women that demonstrate and uphold the existing gender hierarchy. In a 2018 TED Talk, actress Tracee Ellis Ross draws a connection between the innocuous and the horrific by retelling a female friend's

experience – one among many – of being physically moved out of the way by a man, commenting:

There's a culture of men helping themselves to women, and in this case, in a seemingly innocuous way, where a woman's body is like a saltshaker: 'Get out of the way so I can get to the fries – to the most egregious, violent and horrific situations. I imagine that some of you are wondering what the connection is between the innocuous and the horrific, two things that seem to be on opposite ends of the spectrum. Well, the common thread is the spectrum. The innocuous makes space for the horrific. (n. pag.)

The spectrum Ellis Ross describes here is the normalization process that is represented in the rape culture pyramid, the innocuous facilitating the horrific. However, she explains that these experiences on both ends of the spectrum, or the pyramid, should not be considered as substantially different, some less serious than others. The discomfort the innocuous causes cannot be minimized and trivialized as "not that bad" as it always also contains the horrific and evokes recollections of

[...] lifetimes of women dealing with men who assume they know better for us than we know for ourselves, being the property of husbands, landowners, and having old, white men tell us the fate of our lady parts; lifetimes of having our bodies used for love and objects of desire, instead of bodies that we get to wield and use as we choose; lifetimes of knowing that whether we play by their rules or not, we still have to tolerate harassment, assault and even worse; lifetimes of our bodies being used as property that can be hit and hurt, manipulated and moved and like objects that are not deserving of respect; lifetimes of not being able to express the anger of our bodies. [...] And if you add in the history of race – which is a whole other talk – it gets exponentially more complicated. (Ellis Ross n. pag.)

The proverbial molehill thus always contains a mountain of transgenerational experiences that amount to a culture of historically unequal power structures between men and



women, as explained above, characterized by male entitlement to not only female bodies but also female attention and furthermore positions of power from which decisions can be made that further reinforce the existing gender hierarchy, regarding, for example, female sexuality and reproduction as discussed in the chapter above. Consequently, rape culture is not about rape, and rape is not always about sex. As argued above, what rape culture is really concerned with is power. In the following, I will show how power structures function within rape culture.

As stated above, rape culture is in essence a set of power structures, not in the sense that it works, or rather is worked, against women but rather as a concept that manifests itself, albeit not by itself, in different social, political, judicial, and ideological environments and contexts. I have argued that rape culture is driven by male entitlement, and furthermore that rape is a crime of gender inequality (MacKinnon, "Rape Redefined" 431). What follows from this is that the power structures facilitating rape culture are likewise based on gender inequality.

In "Feminism, Marxism, Method, and the State," MacKinnon explains how sexuality can be considered as power,<sup>57</sup> stating that "[...] feminism fundamentally identifies sexuality as the primary social sphere of male power" ("Feminism, Marxism, Method, and the State" 529). Sexuality is thus the main sphere through which patriarchal power is expressed and exerted. What follows from this is that sexuality is "[...] a form of power [...]" (MacKinnon, "Feminism, Marxism, Method, and the State" 529). MacKinnon writes:

Gender, as socially constructed, embodies it, not the reverse. Women and men are divided by gender, made into the sexes as we know them, by the social requirements of heterosexuality, which institutionalizes male sexual dominance<sup>58</sup> and female sexual submission. If this is true, sexuality is the linchpin of gender inequality. A woman is a being who identifies and is identified as one whose sexuality exists for someone else, who is socially male. ("Feminism, Marxism, Method, and the State" 533)

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<sup>57</sup> Leo Bersani comments on "[...] Foucault's description of why Athenians could not accept the authority of a male leader who was sexually penetrated as an adolescent [...]" by stating that "[...] '[t]o be penetrated is to abdicate power'" (Bersani qtd. in MacKinnon, "Rape Redefined" 475f.). Conversely, to penetrate is to enforce power.

<sup>58</sup> MacKinnon establishes a connection between the male dominant ideology of sexuality underlying contemporary rape law and Sigmund Freud's writing: "[T]he achievement of the biological aim is entrusted to the aggressiveness of the male, and is to some extent independent of the co-operation of the female" (Freud qtd. in MacKinnon, "Rape Redefined" 475).

This notion of male (sexual) dominance and female (sexual) submission provides the basis for patriarchal power structures. However, while men have historically possessed – and still possess – greater structural power, that is, societal, political, and economic control, women in patriarchal cultures are considered to hold "dyadic power," that is, "[...] power due to men's dependence on women as wives, mothers, and romantic partners" (Guttentag and Secord qtd. in Glick and Fiske, "The Ambivalence toward Men Inventory" 520). This dependence of the powerful group on the subordinate group precipitates a situation in which women are perceived as the gatekeepers<sup>59</sup> for something that patriarchal cultures consider a resource, namely sex (Zillmann and Weaver qtd. in Glick and Fiske, "The Ambivalent Sexism Inventory" 493f.). This dependence results in a vulnerability which in turn may lead to resentment. This is reflected in popular cultural portrayals of women "[...] as manipulative 'temptresses,' such as Delilah, who can 'emasculate' men." Power is thus inherent in sex, and the patriarchal notion of dyadic power contains the "[...] belief that women use their sexual allure to gain dominance over men [...]" (Check et al. qtd. in Glick and Fiske, "The Ambivalent Sexism Inventory" 494).

Consequently, "[...] for some men sexual attraction toward women may be inseparable from a desire to dominate them [...]" (Bargh and Raymond, Pryor et al. qtd. in Glick and Fiske, "The Ambivalent Sexism Inventory" 494). In fact, patriarchal power structures are related to hostility toward women (Glick and Fiske, "Hostile and Benevolent Sexism" 120). Sexualized violence, or the threat thereof, is here employed as "[...] a means by which men control women to maintain inequality" (Brownmiller qtd. in Glick and Fiske, "The Ambivalence toward Men Inventory" 521).

Similarly, sexuality is used to express and exert power in war zones, both against women and men (cf. Crawford). This instrumentalization of sexualized violence not only confirms that sexual assault is not necessarily motivated by sexual desire but can also be employed to perpetuate power as well as subjugate individuals and groups; it furthermore indicates that sexualized violence against men can likewise be recognized as gender-based (MacKinnon, "Rape Redefined" 435), arguably as it entails an element of humiliation that is rooted in masculinity norms and ideals, most notably physical strength and domination.

Above, I have adopted MacKinnon's argument that sexual assault is "[...] a crime of gender inequality [...]" ("Rape Redefined" 469) and furthermore defined rape culture as a

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<sup>59</sup> This supposed "gatekeeping" behavior is arguably motivated by purity culture as a woman's sexual freedom, that is, her providing the "resource" of sex, would render her impure/immoral and thus reprehensible – constituting a misogynist Catch-22, so to speak.

system designed to preserve the status quo, namely patriarchal power, which does not only discriminate on the basis of gender but also on the basis of race and, arguably, socioeconomic status. I have further explained that rape culture trivializes, normalizes, tolerates, and excuses (less severe) sexually transgressive behaviors leading to the trivialization and normalization as well as a greater tolerance and even justification of more severe sexually transgressive behaviors. I have shown how this process of normalization is illustrated in the rape culture pyramid and moreover argued that in essence, rape culture is the expression of "aggrieved entitlement," that is, white male entitlement to women's bodies. Furthermore, I have explained how sexuality can be considered as a form of power. In the following, I will show how rape culture works, specifically how, using the notions of purity and pollution, patriarchal power structures construct rape myths that constitute an ideology.

Using Roland Barthes' theory on mythology, I will explain how these rape myths attach meaning to the context of sexual aggression as well as the behaviors of a perpetrator and survivor respectively which influences the cultural representation and thus perception of cases of sexual assault and consequently, how they are handled institutionally. In "Myth Today," Barthes introduces a semiological model for reading (popular) culture. Drawing on Ferdinand de Saussure's theory of signification, Barthes adds another dimension to Saussure's term. What Saussure refers to as "signification," Barthes identifies as only the first step in the greater process of signification. He labels this "denotation." The sign which is produced on this primary level by signifier and signified is in turn able to function as a signifier on the second level of signification which Barthes labels "connotation." The sign produced on this second level of signification is what Barthes refers to as "myth"<sup>60</sup> (Barthes 293; Storey 118f.).

Barthes understands myth as an ideology, an idea which represents certain values which are predominant in a society (Barthes 298; Storey 118f.), identifying three positions from which a myth can be read. By focusing on an empty signifier, the signification becomes literal again, thus reduced to a simple system: an example or a symbol for something. In contrast, by focusing on a full signifier yet separating meaning and form, the signification is resolved, thus exposing the myth as an imposture, an alibi. And finally, by focusing on the mythical signifier as an entity, the myth is read not as a symbol or an example nor as an imposture or an alibi; it is read

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<sup>60</sup> Myth does not necessarily refer to speech. Barthes states that anything which is conveyed by a discourse can be a myth (293). This includes oral speech as well as written speech but also modes of representation such as "photography, cinema, reporting, sport, shows, publicity, [...] painting, posters, rituals, objects" (Barthes 294ff.).

as the very meaning it constitutes. Here, the signification becomes a natural relationship between signifier and signified; the myth is perceived as a fact (Barthes 299f.; Storey 121f.).

Barthes explains that this third reading position enables the reader to recognize the interests and values of a society as represented by a myth. Here, the reader of myths becomes a reader of ideologies. This approach thus allows for the reader to explore and determine a myth's essential function (299), which in the following example reading the ideology of rape culture is victim-blaming: "A woman in a short skirt" would from the first reading position be nothing but a woman in a short skirt. If the rape myth that "provocative" clothing is to be understood as an invitation as well as blanket consent for any sexual interaction is attached as meaning to this form, "a woman in a short skirt" becomes, from the second reading position, which exposes the myth as an imposture or an alibi, "a woman in a short skirt" who is thus "asking for it." And finally, the third reading position, in which the myth is perceived as fact, understands "a woman in a short skirt" as "a woman in a short skirt who is thus asking for it."

MacKinnon states that mythology is how patriarchal power functions as "[...] [m]ale power is [...] not what it claims to be, namely, the only reality. Male power is a myth that makes itself true" ("Feminism, Marxism, Method, and the State" 542). What this means is that patriarchal power produces myths which constitute an ideology that understands itself as factual truth. MacKinnon here quotes Simone de Beauvoir saying, "[r]epresentation of the world [...] like the world itself, is the work of men; they describe it from their own point of view, which they confuse with the absolute truth" (de Beauvoir qtd. in MacKinnon, "Feminism, Marxism, Method, and the State" 537). MacKinnon comments, "[t]he parallel between representation and construction should be sustained: men *create* the world from their own point of view, which then *becomes* the truth to be described. This is a closed system, not anyone's confusion. *Power to create the world from one's point of view is power in its male form*" ("Feminism, Marxism, Method, and the State" 537; emphasis original).

In "Foucault, Rape, and the Construction of the Feminine Body," Ann J. Cahill explains this process of production, of power producing myths which then become reality. Although systems of punishment are focused on the body – "[...] even if they do not make use of violent or bloody punishment, even when they use 'lenient' methods involving confinement or correction" (Foucault 25) – power itself is exerted through "[...] various cultural and bodily methods of expressing and enforcing women's inferiority. It is rather to say that the effects of power do not stop at such blatant practices as corseting, foot-binding, clitoridectomies, and

forced sterilization, but that these are only the most obvious results of a discourse whose influence is far deeper and more subtle than originally thought" (Cahill 49f.).

Cahill thus states that "[...] power is not solely a punishing, authoritarian force which seeks to control the actions of subjects primarily by prohibiting certain ones [but] instead [...] a subtle, pervasive, creative force which seeks to influence actions on the level of desire and identity [...]" (46). In *Discipline and Punish: The Birth of the Prison*, Michel Foucault states, "[...] power produces knowledge [...] In short, it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge" (27f.).

Cahill explains that this understanding considers power not an authoritarian force emanating from a central source but rather as diffused throughout the structures within a society and productive in the sense that it creates social bodies and realities (Foucault qtd. in Cahill 46; Foucault 27). What this means is that while power originates from the dominant group, it is not directly and immediately employed by individuals belonging to that group. MacKinnon states that instead patriarchal power is delegated from institutions to individuals: "The use of the power of the state – typically in the hands of men, deployed to get the drop on others sexually so that they must acquiesce – amounts to the use of institutional male power as individual male power" ("Rape Redefined" 446). Thus, power is given from Brett,<sup>61</sup> representing institutional power, to Brock,<sup>62</sup> representing individual power. This is precisely the process through which patriarchal power perpetuates and diffuses itself. Foucault explains,

[...] this power is exercised rather than possessed; it is not the 'privilege,' acquired or preserved, of the dominant class, but the overall effect of its strategic positions – an effect that is manifested and sometimes extended by the position of those who are dominated. Furthermore, this power is not exercised simply as an obligation or a prohibition on those who 'do not have it'; it invests them, is transmitted by them and through them; it exerts pressure upon them, just as they themselves, in their struggle against it, resist the grip it has on them. (26f.)

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<sup>61</sup> As mentioned in the introduction, Brett Kavanaugh in his function as a Supreme Court justice is here understood as representative of institutions such as the Supreme Court.

<sup>62</sup> As mentioned in the introduction, Brock Turner is here understood as representative of privileged white cisgender men who experience lenient punishment as perpetrators in cases of sexual assault.

Consequently, "[...] the structures and dynamics of power actually create the possibilities of various social discourses by constituting the subjects who will undertake them. [...] [W]hat is significant is not only who has power over whom, but how power has produced the specific and characteristic moments of a discursive reality" (Cahill 47). In short, "[...] power and knowledge relations [...] invest human bodies and subjugate them by turning them into objects of knowledge" (Foucault 28).

The fundamental object of knowledge that is produced through patriarchal power structures, creating the ideology of rape culture that is then perceived as reality, is a feminine body on which rape myths are inscribed. Stating that there is no one feminine body as "[...] [d]efinitions of 'feminine' behavior, appearance, and character vary widely [...], and gender is only one means by which bodies are constructed and categorized," and that consequently, "[...] phenomenological attempts to discern that which is feminine [...] can run the risk of ignoring other factors in the construction of the feminine body, thus implicitly holding up one ideal of femininity to the exclusion of all others"<sup>63</sup> (Cahill 50f.), Cahill identifies the feminine body as "[...] the expression of a distinct power discourse which includes at a fundamental level the threat of rape [...]" (57).

MacKinnon explains this expression of the power discourse, that is, power creating knowledge by constructing the feminine body:

The objectively knowable is object. Woman through male eyes is sex object, that by which man knows himself at once as man and as subject [...] Objectivity is the methodological stance of which objectification is the social process. Sexual objectification is the primary process of the subjection of women. It unites act with word, construction with expression, perception with enforcement, myth with reality. ("Feminism, Marxism, Method, and the State" 538ff.)

Cahill explains that "[...] feminine bodies are produced within a context which, because of a hierarchy based on sex, marks them disproportionately and gender-specifically as weak, hostile, and responsible for the danger which constantly threatens them" (54). The feminine

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<sup>63</sup> "[...] [W]hite femininity [...] has a dominant, albeit not solitary, place in the construction of gender. [...] In certain cases, the dominance of this particular articulation of femininity serves to define women of certain ethnicities or classes out of their femininity (and thus, importantly, out of their very humanity)" (Cahill 51).

body, that is, a body on which the threat of rape is inscribed,<sup>64</sup> is thus constructed as a text that reflects the power relations that have produced it (Cahill 50). This text speaks of the rape myths constructed through patriarchal power structures, the victim-blaming beliefs and behaviors, and the responsibility/culpability shift they cause. It speaks of the threats continuously posed to the feminine body as it is defined on the basis of its vulnerability to sexualized violence, and also the feminine body's responsibility to avoid these threats, to refuse and resist the very concept that defines it within patriarchal power structures.

The danger posed to the feminine body is fundamentally rooted in gender inequality as

[t]hat danger is almost always specifically sexualized. That is, the reason that men can travel where women ought not to<sup>65</sup> is only that women can be and are raped (whereas men can be, but are not often), not that women can be and are mugged or beaten up (as in fact men can be, and are). For the male subject, the threat presented is one of the destruction of the body; for the feminine body, the trenchant threat is one aimed at their sexual being and freedom.<sup>66</sup> (Cahill 55)

The construction of the feminine body as one that is inherently at risk and a risk alike thus constitutes a way in which patriarchal power structures exert control over it. Subject to this control are not only certain times of day (or night), certain areas, and absence of accompaniment (Cahill 55) but furthermore control over the way the feminine body is regarded from within as "[a] woman experiences her own individual body as culpable for making all of these dangers possible. It appears that the feminine body is not only essentially weak, but that it somehow creates its own vulnerability. The feminine body [...] is that of a pre-victim"<sup>67</sup> (Young and

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<sup>64</sup> Cahill specifies that "[t]he truth inscribed on the woman's body is not that, biologically, all men are potential rapists. It is rather that, biologically, all women are potential rape victims" (56).

<sup>65</sup> "For a woman, the travelable world is a small place. Entire portions of each 24-hour period are deemed unsafe, and unless accompanied by a man (or, alternatively, many women), these hours should be spent in the safety of one's own home. Geographical areas which may be completely accessible to men are, for women, sites of possible (even likely) harassment, molestation, or rape" (Cahill 55).

<sup>66</sup> The feminine body is not only restrained in its motility but furthermore in its comportment in its constant effort to ward off the threat of sexualized violence: "[T]he fact that women tend to sit and stand with legs, feet, and knees close or touching may well be a coded declaration of sexual circumspection in a society that still maintains a double standard, or an effort, albeit unconscious, to guard the genital area. [...] [W]oman's body language speaks eloquently, though silently, of her subordinate status in the hierarchy of gender" (Bartky 36).

<sup>67</sup> In *The Macho Paradox: Why Some Men Hurt Women and How All Men Can Help*, Jackson Katz describes this informal sociological experiment: "I draw a line down the middle of a chalkboard, sketching a male symbol on one side and a female symbol on the other. Then I ask just the men, 'What steps do you guys take on a daily basis to prevent yourselves from being sexually assaulted?'" At first, there is a kind of awkward silence as the men try to

Bartky qtd. in Cahill 52). This identity of the pre-victim precipitates an anticipatory stance<sup>68</sup> in which certain behaviors are expected to cause harm. If any risks are taken, or rather, if not enough precautions are taken to shield the feminine body from harm,

[...] it can expect to be hurt. The woman who experiences her body in this way does not locate the dangers presented to her body as originating from outside of her body. Rather, they have as their source the fact and nature of her body itself. If, then, that body is hurt or violated, then the blame must rest on the woman's failure to sufficiently limit its movements. (Cahill 52f.)

Victim-blaming thus also entails self-blame, based on the belief that the feminine body is somehow to be held responsible for the sexually transgressive behavior it is subjected to, that it has provoked this behavior or at the very least failed to protect itself from it. As described above, patriarchal power is here "[...] manifested and sometimes extended by the position of those who are dominated" (Foucault 26f.). Cahill writes:

[...] perceiving the body as a liability positions it outside the female subjectivity in such a way as to endow it with a degree of alienation. Yet if the body is so distanced from the female subject, we may wonder whether that subject can be held at all responsible for the control of her charge.

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figure out if they've been asked a trick question. The silence gives way to a smattering of nervous laughter. Occasionally, a young guy will raise his hand and say, 'I stay out of prison.' This is typically followed by another moment of laughter before someone finally raises his hand and soberly states, 'Nothing. I don't think about it.' Then I ask the women the same question. 'What steps do you take on a daily basis to prevent yourselves from being sexually assaulted?' Women throughout the audience immediately start raising their hands. As the men sit in stunned silence, the women recount safety precautions they take as part of their daily routines. Here are some of their answers: Hold my keys as a potential weapon. Look in the back seat of the car before getting in. Carry a cell phone. Don't go jogging at night. Lock all the windows when I go to sleep, even on hot summer nights. Be careful not to drink too much. Don't put my drink down and come back to it; make sure I see it being poured. Own a big dog. Carry Mace or pepper spray. Have an unlisted phone number. Have a man's voice on my answering machine. Park in well-lit areas. Don't use parking garages. Don't get on elevators with only one man or with a group of men. Vary my route home from work. Watch what I wear. Don't use highway rest areas. Use a home alarm system. Don't wear headphones when jogging. Avoid forests or wooded areas, even in the daytime. Don't take a first-floor apartment. Go out in groups. Own a firearm. Meet men on first dates in public places. Make sure to have a car or cab fare. Don't make eye contact with men on the street. Make assertive eye contact with men on the street" (n. pag.).

<sup>68</sup> Miller comments, "[w]omen have been trained to notice micromovements, to scan and anticipate all subsequent action, constantly measuring how far threatening words are from realities. We are tasked with defending ourselves in every imaginable scenario, planning escape routes, walking with keys between knuckles, a natural instinct in our day-to-day routines" (279).



For who could hope to control this wild and weak mass of flesh? But insofar as it is able to be controlled at all, that responsibility rests squarely on the female subject. Only she can take that flesh, mold it in the image of the beautiful, and shelter it from the ramifications of its own countless failings. [...] If control is lost, ultimately only she bears the blame. (53)

Self-blame, like victim-blaming, both concepts that facilitate arguments used in favor of a perpetrator, are thus inscribed on the feminine body in its production. Consequently, this renders the socially produced feminine body not only that of the pre-victim as stated above but, notably, that of the "[...] *guilty* pre-victim [...]" (Cahill 56; emphasis original). What this means is that for the feminine body, sexual assault is a self-fulfilling threat, inducing "[...] overwhelming guilt and self-loathing [...]" in the guilty pre-victim "[...] who should have known but temporarily forgot that she was always at risk, that in fact the risk followed her everywhere she went, that it was inescapable. To have believed for even a moment that she was not in danger, for whatever reason, is felt to be the cause of the attack" (Cahill 60).

The rape myths related to victim-blaming and shaming, as well as those related to the victimization of the perpetrator, were substantially shaped by the nineteenth-century beliefs concerning female sexuality discussed above. However, while in the nineteenth century, these myths were stated explicitly, for example in the form of the chastity requirement and the resistance requirement, they became increasingly implicit as is evident in the Stanford case and the Kavanaugh hearing. Miller's retelling of the Stanford trial shows how the idea of the chastity requirement is still implicitly introduced in cases of sexual assault:

Technically, it is illegal to bring up a victim's sexual history in court. But even if never explicitly stated, it was alluded to. *Do you have a boyfriend. Were you exclusive. Are you sexually active.* [...] [The defense attorney] spoke of my sexual life as if it was something I was hiding, as if exposing this knowledge gave Brock the right to do what he wanted. I was the victim whose sexual choices were too indiscriminate to be respected. (262; emphasis original)

As argued above, rape myths are instrumentalized to discredit as well as blame survivors in cases of sexual transgressions and sexual assault. Based in purity culture, these myths are

employed to dismantle an individual's alleged morality and thus credibility in order to ostracize them. Especially partying and the consumption of alcohol are used to mark a survivor as culpable. Not only are rape myths instrumentalized to discredit sexual assault survivors, they furthermore excuse and support sexual transgressions committed against them, and consequently protect (white cisgender male) perpetrators. As the Stanford case shows, as a white, heteronormative male,<sup>69</sup> preferably from "a good family"<sup>70</sup> and of means, you can quite literally do no wrong. And as a woman or individual from other marginalized or non-heteronormative groups, it is your responsibility to refute the assumption that you did.

The history of victim-blaming is evident in the ways, following the moral reforms of the nineteenth century, culpability was attributed arbitrarily, that is, in whichever manner most beneficial to white patriarchal interests in a given case. The antebellum considerations regarding the ideas of personhood and consent in cases involving enslaved individuals, resulting in the elaborately constructed concept of willful submission (cf. Hartman), instrumentalized to justify sexually transgressive behaviors by white men against Black women, make visible<sup>71</sup> the processes behind victim-blaming – manipulation tactics which Bernstein terms the "[...] flexibility of ideology [...]" (33).

Just how flexibly these manipulations are employed can be demonstrated by the role alcohol plays regarding the concept of consent in cases of sexual assault. The ability to give or withhold consent,<sup>72</sup> on the part of the individual who experiences sexual aggression, is an essential component in cases of underage survivors: The stereotypical victim is underage, as consent cannot be given and is thus automatically withheld if there is no autonomy. However, as the Stanford case shows, in the present-day United States, an individual who is intoxicated

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<sup>69</sup> In the Stanford case, the accused was white, the accuser was Asian-American.

<sup>70</sup> The "good family" argument is for example used in this 2018 case: "The 16-year-old girl was visibly intoxicated, her speech slurred, when a drunk 16-year-old boy sexually assaulted her in a dark basement during an alcohol-fueled pajama party in New Jersey, prosecutors said. The boy filmed himself penetrating her from behind, her torso exposed, her head hanging down, prosecutors said. He later shared the cellphone video among friends, investigators said, and sent a text that said, 'When your first time having sex was rape.' But a family court judge said it wasn't rape. Instead, he wondered aloud if it was sexual assault, defining rape as something reserved for an attack at gunpoint by strangers. He also said the young man came from a good family, attended an excellent school, had terrific grades and was an Eagle scout. Prosecutors, the judge said, should have explained to the girl and her family that pressing charges would destroy the boy's life" (Ferré-Sadurní n. pag.).

<sup>71</sup> Generally, "[s]tructural violence is silent, it does not show [...], it is the tranquil waters" (Galtung 173).

<sup>72</sup> As the presence or absence of consent is a point of contention in contemporary sexual assault trials, I will here suspend MacKinnon's argument discussed above that the concept of consent/non-consent is irrelevant due to the power imbalances inherent in gender inequality, and thus sexual assault ("Rape Redefined" 463), and consider it within this context.

at the time of the assault will be held responsible,<sup>73</sup> that is, blamed, for sexual aggressions committed against them despite the fact that their inebriation prevented them from giving or withholding consent, the implication here being that if you consume an amount of alcohol that leaves you intoxicated, you accept the risk that you may be sexually assaulted and are therefore at least partly responsible for this assault.

In her memoir, Miller criticizes the societal beliefs, that is, rape myths, that place blame on survivors by assigning them the responsibility to not only refuse and resist but furthermore the responsibility to protect themselves<sup>74</sup> and predict the escalation of sexually transgressive behavior, while at the same time minimizing and trivializing sexually transgressive behavior that is deemed "not that bad," that is, behavior at the bottom of the rape culture pyramid that contributes to the normalization of sexual assault:

Society gives women the near impossible task of separating harmlessness from danger, the foresight of knowing what some men are capable of. When we call out assault when we hear it, Trump<sup>75</sup> says, I don't think you understand. Just words. You are overreacting, overly offended, hysterical, rude, relax!!! So we dismiss threatening statements and warning signs, apologizing for our paranoia. We go into a party or meeting thinking it's just a party or meeting. But when we are taken advantage of, and come crawling back damaged, they say, *How could you be so naive, you failed to detect danger, let your guard down, what did you think would happen?* (278; emphasis original)

Following her assault, Miller was thus blamed for Turner's behavior and painted as impure and immoral – in comments on online articles that furthermore suggested that "[...] [she] cried rape because [she] was ashamed [she] had cheated on [her] boyfriend" (Miller 66) as well as in court by questions which implied that "[...] she's practically an alcoholic, she probably wanted to hook up [...]" (Miller 342). She was questioned about her drinking habits,

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<sup>73</sup> The role alcohol played in the Stanford case will be discussed below.

<sup>74</sup> Miller comments: "[People commenting on articles online] seemed angry that I'd made myself vulnerable, more than the fact that he'd acted on my vulnerability. Drinking is not inherently immoral: a night of heavy drinking calls for Advil and water. But being drunk and raped seemed to call for condemnation. People were confounded that I had failed to protect myself" (47).

<sup>75</sup> The politicization of sexual assault in the Trumpian United States will be discussed below.

the clothing she wore the night of her assault, her relationship with her boyfriend, and other details deemed important to determine what happened:

*How old are you? How much do you weigh? What did you eat that day? Well what did you have for dinner? Who made dinner? Did you drink with dinner? No, not even water? When did you drink? How much did you drink? What container did you drink out of? Who gave you the drink? How much do you usually drink? Who dropped you off at this party? At what time? But where exactly? What were you wearing? Why were you going to this party? What'd you do when you got there? Are you sure you did that? But what time did you do that? What does this text mean? Who were you texting? When did you urinate? Where did you urinate? With whom did you urinate outside? Was your phone on silent when your sister called? Do you remember silencing it? Really because on page 53 I'd like to point out that you said it was set to ring. Did you drink in college? You said you were a party animal? How many times did you black out? Did you party at frats? Are you serious with your boyfriend? Are you sexually active with him? When did you start dating? Would you ever cheat? Do you have a history of cheating? What do you mean when you said you wanted to reward him? Do you remember what time you woke up? Were you wearing your cardigan? What color was your cardigan? Do you remember any more from that night? No? Okay, well, we'll let Brock fill it in. (Miller 341f.; emphasis original)*

Miller recalls how in particular her inebriation at the time of her assault was used against her in the trial in order to effectively silence her:

I was not only told that I was assaulted, I was told that because I couldn't remember, I technically could not prove it was unwanted. [...] It is the saddest type of confusion to be told I was assaulted and nearly raped, blatantly out in the open, but we don't know if it counts as assault yet. I had to fight for an entire year to make it clear that there was something wrong with this situation. [...] Worst of all, I was warned, because he now knows you don't remember, he is going to get to write the script. He can say whatever he wants and no one can contest it. I had no power, I

had no voice, I was defenseless. My memory loss would be used against me. My testimony was weak, was incomplete [...]. His attorney constantly reminded the jury, the only one we can believe is Brock, because she doesn't remember. (340)

Not only was Miller silenced, she was incapacitated, not just by her intoxication at the time of her assault but furthermore by the way she was represented by Turner's defense who painted her as "[...] the face of girls gone wild, as if somehow that would make it so that [she] had this coming for [her]" (Miller 345). Miller criticizes this focus on a survivor's behavior, specifically their decision to consume alcohol: "We [scrutinize] the victim's actions, instead of examining the behavioral patterns of sexual predators. How alcohol works to the predator's advantage, to lower resistance, weaken the limbs" (272). Yet, the focus is not on whether or not a survivor was able to resist, or refuse, potentially impaired by the previous consumption of alcohol which should serve to substantiate the argument that they were, in fact, not able to comply with the implicit remnants of the nineteenth-century resistance requirement. The focus is on their behavior, their character,<sup>76</sup> found to be impure/immoral due to the consumption of alcohol, which is thus argued to not comply with the implicit remnants of the nineteenth-century chastity requirement.<sup>77</sup> Consequently, they are found responsible for the assault against them.

In contrast, in the case of an intoxicated alleged perpetrator, alcohol can be used to excuse his actions as they are deemed not responsible for their behavior at the time: "*Some weight should be given to the fact that a defendant who is, albeit voluntarily, intoxicated versus a defendant who commits an assault with intent to commit rape, a completely sober defendant, there is less moral culpability attached to the defendant who is legally intoxicated. [...]* Alcohol freed Brock of moral culpability" (Miller 233; emphasis original).

This poses the question why someone is supposedly able to give or withhold consent when intoxicated but not able to ask for or recognize whether or not consent is given or withheld when intoxicated. Miller criticizes this double standard of "she should've known better, he couldn't have known better," addressing Turner directly in her victim impact statement:

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<sup>76</sup> Miller states, "[m]y character was just as much on trial as his character; my behavior, my composure, my likability, were also being evaluated" (193).

<sup>77</sup> Miller comments on the societal expectation of a "perfect victim," saying, "[t]o deny my messiness would be to deny my humanity. I don't believe there is such a thing as an immaculate past or a perfect victim. Yet now I felt I was being upheld to an impossible standard of purity, worried that failing to meet it would justify Brock raping me" (67).

You said, Being drunk I just couldn't make the best decisions and neither could she. Alcohol is not an excuse. Is it a factor? Yes. But alcohol was not the one who stripped me, fingered me, had my head dragging against the ground, with me almost fully naked. Having too much to drink was an amateur mistake that I admit to, but it is not criminal. [...] Regretting drinking is not the same as regretting sexual assault. We were both drunk, the difference is I did not take off your pants and underwear, touch you inappropriately, and run away. [...]

You said, I stupidly thought it was okay for me to do what everyone around me was doing, which was drinking. I was wrong. Again, you were not wrong for drinking. Everyone around you was not sexually assaulting me. You were wrong for doing what nobody else was doing [...].

You said, you are in the process of establishing a program for high school and college students in which you speak about your experience to 'speak out against the college campus drinking culture and the sexual promiscuity that goes along with that.' [...] You realize, having a drinking problem is different than drinking and then forcefully trying to have sex with someone? Show men how to respect women, not how to drink less. Drinking culture and the sexual promiscuity that goes along with that. Goes along with that, like a side effect, like fries on the side of your order [...].

Lastly you said, I want to show people that one night of drinking can ruin a life. A life, one life, yours, you forgot about mine. Let me rephrase for you, I want to show people that one night of drinking can ruin two lives. You and me. You are the cause, I am the effect. [...] If you think I was spared, came out unscathed, that today I ride off into sunset, while you suffer the greatest blow, you are mistaken. [...] Your damage was concrete; stripped of titles, degrees, enrollment. My damage was internal, unseen, I carry it with me. You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until today. (346ff.)

What is evident in Turner's statements is an unwillingness to take responsibility for one's actions. Citing the effect alcohol had on his decision-making ability, he represents himself as

likewise incapacitated by his intoxication, and yet he is allowed to not only share his version of events but create the narrative of what happened:

And then it came time for him to testify and I learned what it meant to be revictimized. I want to remind you, the night after it happened he said he never planned to take me back to his dorm. He said he didn't know why we were behind a dumpster. He got up to leave because he wasn't feeling well when he was suddenly chased and attacked. Then he learned I could not remember. So one year later, as predicted, a new dialogue emerged. Brock had a strange new story, almost sounded like a poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling onto the ground, and most importantly in this new story, there was suddenly consent. One year after the incident, he remembered, oh yeah, by the way she actually said yes, to everything, so. (Miller 342)

Miller is here not only silenced, her incapacitated body is instrumentalized to corroborate his narrative: "He had given himself permission to enter me again, this time stuffing words into my mouth. He made me his real-life ventriloquist doll, put his hands inside me and made me speak" (Miller 192). He is relieved of his accountability by means of his intoxication while she is held accountable because of hers; he is vindicated by his incapacitation while she is silenced by hers. Miller here draws a connection between her case and the systemic, oppressive nature of rape culture, commenting, "[e]rasure is a form of oppression, the refusal to see" (285) – oppression that is facilitated by patriarchal power structures aiming to protect (white cisgender male) perpetrators and discredit as well as blame survivors in cases of sexual transgressions and sexual assault.

As discussed above, rape culture facilitates a semiotic reversal of power, casting the traditionally powerful – (white) heteronormative men – as the powerless when faced with the temptation of the feminine body, not just under the influence of intoxicating substances but in general. The identity of the guilty pre-victim is thus not only premised on a failure to avoid the persistent threat of sexualized violence and a failure to refuse and resist sexual transgressions but is reinforced by the idea that "[...] culpable feminine sexuality [...] by its very existence alone incites men, who remain allegedly powerless in the presence of its overwhelming

temptation, to violence" (Cahill 56). The socially produced feminine body thus reflects the belief that "[...] the victim is morally responsible for the behavior of the assailant, at least until she can be proven sexually prudent or innocent" (Cahill 56). What is thus inscribed on the feminine body is the proverbial Scarlet Letter (cf. Hawthorne) that marks it as inherently culpable. It is furthermore marked by purity rhetoric as the feminine body's only saving grace pertaining its inherent culpability is the notion of sexual innocence, that is, purity. The proverbial Scarlet Letter, however, proclaims its presumed guilt due to its inherent pollution/immorality, marking the feminine body as in need of regulation.

The monitoring nature of the notions of purity/morality and pollution/immorality (cf. Douglas) is evident in the regulatory aspects of patriarchal power, that is, methods of discipline and punishment (cf. Foucault) expressed through patriarchal power structures. Danger in the form of the threat of sexualized violence, that is, the threat of sexual impurity and thus pollution, is met with self-regulation on the part of the feminine body. As described above, the guilty pre-victim disciplines themselves by confining themselves to a safe zone of behaviors, times, and places, thus striving to maintain purity/morality. If they fail to protect themselves against the constant threat of sexualized violence, they will be blamed for it, a prospective punishment in itself that serves to regulate the guilty pre-victim's behavior in anticipation of it.

As has been argued above, patriarchal power structures exert control over and influence not only the "[...] bodies, [...] gestures and [...] daily actions" (Foucault qtd. in Bartky 40) of individuals but furthermore their beliefs as "[p]ower now seeks to transform the minds of those individuals who might be tempted to resist it, not merely to punish or imprison their bodies" (Bartky 40). This is facilitated by an "[...] anonymity of disciplinary power and its wide dispersion [...]" as social discourses and subjects need not be institutionally bound<sup>78</sup> (Bartky 36f.). "[...] [T]he disciplinary power that is increasingly charged with the production of a properly embodied femininity is dispersed and anonymous; there are no individuals formally empowered to wield it; it is [...] invested in everyone and in no one in particular" (Bartky 41).

Consequently, patriarchal power is pervasive and anonymous. Bartky here invokes the Foucauldian concept of the Panopticon, explaining "[...] knowing that he may be observed from the tower at any time, the inmate takes over the job of policing himself. The gaze that is inscribed in the very structure of the disciplinary institution is internalized by the inmate [...]"

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<sup>78</sup> Bartky specifies: "Parents and teachers, of course, have extensive influence, admonishing girls to be demure and ladylike, to 'smile pretty,' to sit with their legs together. The influence of the media is pervasive, too, constructing as it does an image of the female body as spectacle" (36).



(41). Patriarchal power thus ensures "[...] a state of conscious and permanent visibility that assures the automatic functioning of power" (Foucault 201) as "[...] self-surveillance is a form of obedience to patriarchy. It is also the reflection in woman's consciousness of the fact that *she* is under surveillance in ways that *he* is not [...]" (Bartky 42; emphasis original). Self-surveillance thus results in self-discipline as the above example of the feminine body as the guilty pre-victim shows.

The concept of punishment is likewise implicit as there are no formal institutions charged with sanctioning disobeying bodies (Bartky 41). The patriarchal punishment that women and other marginalized and non-heteronormative groups experience in rape culture, if they are found to be impure and thus immoral, is as diffuse, pervasive, and anonymous as the power structures facilitating it. As stated by Ehrlich above, the regulation, that is, discipline and punishment, of feminine bodies is considered a society's responsibility (3). What "[...] a woman who is unable or unwilling to submit herself to the appropriate body discipline will face [...]" is "[...] a very severe sanction indeed in a world dominated by men: the refusal of male patronage" (Bartky 38).

This allocation of male patronage and punishment<sup>79</sup> is evident in the purity/pollution-based Madonna/whore dichotomy that, as mentioned above, is present in public discourse regarding sexual assault which dictates the protection of disciplined women, that is, disciplined by the patriarchal power structures discussed above, as well as the punishment of the proverbial temptress. Disciplined women are here understood as "[...] women in traditional roles [...]" (Glick and Fiske, "Hostile and Benevolent Sexism" 119), e.g., homemakers (Glick and Fiske, "The Ambivalent Sexism Inventory" 494) who furthermore "[...] [know] their place" (Jackman qtd. in Glick and Fiske, "Hostile and Benevolent Sexism" 120) in a patriarchal society as sisters, daughters, wives, and mothers.<sup>80</sup> The result is the myth of an "untouchable woman" that is based on the Madonna/whore dichotomy and thus perpetuated by purity culture, which provides a false sense of security to women who believe that if only they toe the line, they will

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<sup>79</sup> This is for example demonstrated by the fact that in nineteenth-century cases of sexual assault, white women were denied patriarchal protection if they were known to associate with Black men (Hartman 99) as this acquaintanceship marked them as impure and thus immoral. This marker of pollution/immorality as the basis for a refusal of patriarchal protection is further evidenced in the findings from the chapter above as women and girls who were found to be impure/immoral were societally scapegoated, not just in cases of sexual assault but in public discourse regarding female sexuality and reproduction (cf. Bernau; Moslener).

<sup>80</sup> Miller comments: "Brock had a sister my age. [His] French teacher had three daughters, [his] swim coach had a daughter and two sons, all close to my age. But it was no help to me that they had girlfriends and sisters and daughters. Somehow I was different, cast outside their range of empathy. In that courtroom, my identity had been reduced to something in the category of 'other'" (195).

be safe from harm and, should the improbable – made improbable due to their immaculate behavior –, that is, sexual assault, befall them, they would receive patriarchal protection in the form of judicial justice, restoring their besmudged purity. In the anthology *Not That Bad: Dispatches from Rape Culture*, Nora Salem describes a friend's reaction as she shares her experience of being sexually harassed: "You really only have yourself to blame."<sup>81</sup> I was angry at the time but, in retrospect, I see that my friend believed in the woman who was untouchable, the woman who could do the right things, the woman who could just 'be careful' and thereby escape the horrors that await so many of us" (152).

Miller comments in this belief, explaining that precautions taken by women to protect themselves against potential transgressions will not change the underlying culture of (white cisgender) male entitlement to the feminine body: "We are taught assault is likely to occur, but if you dressed modestly, you'd lower the chances of it being you. But this would never eradicate the issue, only redirecting the assailant to another unsuspecting victim, off-loading the violence" (168). The myth of the untouchable woman is thus a societal red herring, reinforcing the feminine body's responsibility. But it is also a nearly unattainable archetype as the binaries of purity and pollution necessitate that there is no quality that is neither pure nor impure, moral or immoral. One single blemish will pollute what would otherwise be considered pure and thus render it impure. The implication for individuals of whom purity is societally expected is consequently that a single mistake will lead to their impurity and thus immorality. What follows from this is that in a case of sexual assault, the odds are stacked against the accuser, as their character needs to be found absolutely pure – even if there is evidence or witness testimony to corroborate their testimony as the Stanford case shows.

The inscription of the Scarlet Letter of culpability on feminine bodies that are not protected by the shield of purity, although obviously not physical, is literal in the sense that it is textual in the Stanford case as Miller is silenced and the narrative is controlled and overwritten by Turner. In the Kavanaugh hearing, on the other hand, it is ideological in the sense that it is political as survivors of sexualized violence are silenced overall<sup>82</sup> by the Senate's

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<sup>81</sup> Miller explains this lack of female empathy and solidarity: "My DA would later tell me women aren't preferred on juries of rape cases because they're likely to resist empathizing with the victim, insisting *there must be something wrong with her because that would never happen to me*. I thought of mothers who had commented, *My daughters would never ...* which made me sad because comments like that did not make her daughter any safer, just ensured that if the daughter was raped, she'd likely have one less person to go to" (152; emphasis original).

<sup>82</sup> "Kirsten Gillibrand [...] called the hearing a 'very dark moment' for women. 'They saw men in power who were believing other men in power over women who suffered gravely,' she said in an interview. 'They saw that disbelief and dismissiveness of women and they felt disbelieved and dismissed themselves' (Zernike and Steel n. pag.).

decision to confirm a man to one of the highest offices despite severe allegations against him by several women (Gay Stolberg n. pag.; Gay Stolberg and Fandos n. pag.). What is particularly important in the Kavanaugh hearing is that while there were allegations of attempted sexual assault (Fandos and Shear n. pag.), this was not a case of sexual assault but rather a hearing to determine whether a candidate was indeed qualified for the office in question. His framing as a defendant, most notably by then-president Trump (Baker and Fandos n. pag.) as well as Kavanaugh himself as he states, "I'm innocent. I'm innocent of this charge" (Kavanaugh qtd. in "Memorable quotes and exchanges from Kavanaugh-Ford hearing" n. pag.), implies that this office is as much his right as his legally determined presumed innocence in a case of sexual assault, thus demonstrating his perceived entitlement to this position.

Kavanaugh here serves as the prototypical white cisgender man who fears that something he believes he is entitled to will be snatched away from him (cf. Kimmel). For other white cisgender men, the Kavanaugh hearing, which the New York Times referred to as "[...] a spectacle of tantrums, tears, preening and political ambition [...]" (Gay Stolberg and Fandos n. pag.) – on the part of Kavanaugh, that is –, thus represents a threat<sup>83</sup> to the status quo, that is, not only their place within a patriarchal society but white heteronormative patriarchal power at large. This perceived threat is met with the dismissal of Dr. Christine Blasey Ford's "[...] cautious testimony laced with a scientific description of how neurotransmitters code 'memories into the hippocampus' to lock trauma-related experiences in the brain" (Gay Stolberg and Fandos n. pag.) in an effort to silence survivors overall and protect not only Kavanaugh but the patriarchal power structures underlying white male heteronormativity. Rape culture is thus instrumentalized to regulate society, that is, control marginalized and non-heteronormative groups, in order to uphold existing patriarchal power structures that benefit white cisgender men and discriminate against not only women but other marginalized and non-heteronormative groups.

Miller comments on Kavanaugh's testimony,

I returned to the news to see Kavanaugh testifying. Exasperated, sniffing, snarky, sarcastic,

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<sup>83</sup> Miller comments, "[f]or years, the crime of sexual assault depended on our silence. The fear of knowing what happened if we spoke. Society gave us one thousand reasons; don't speak if you lack evidence, if it happened too long ago, if you were drunk, if the man is powerful, if you'll face blowback, if it threatens your safety. Ford broke all the rules. She had none of the requirements society tells us we need before we dare open our mouths. She had every reason to stay hidden, but stepped straight into the most public, volatile, combative environment imaginable, because she possessed the single thing she needed, the truth" (327).

inflamed with glistening eyes. When Senator Amy Klobuchar asked if he'd ever drunk enough not to remember, he said, *You're asking about blackout, I don't know, have you? I'm curious if you have.* I had been asked the exact same question. I had sat with restraint, never raised my voice, never retaliated. I wondered why a man, who was about to sit on the highest court of the land, could not maintain his demeanor, could only spit back, embittered by the unfairness of it all. (326; emphasis original)

Kavanaugh's aggrieved entitlement and sense of victimization (cf. Kimmel) are evident in his conduct when questioned in the hearing held to confirm him as a Supreme Court justice, in his statement that "my family and my name have been totally and permanently destroyed by vicious and false [...] accusations. The 10-day delay has been harmful to me and my family, to the Supreme Court and to the country" ("Memorable quotes and exchanges from Kavanaugh-Ford hearing" n. pag.). This white male entitlement and sense of victimization, although different, is likewise present in Turner's conduct in the Stanford case as he laments that he "[...] *[has] to sacrifice everything ... things can go from fun to ruined in just one evening*" (Miller 219f.; emphasis original) and that he has "[...] *been shattered by the party culture and risk taking behavior that [he] briefly experienced in [his] four months at school*" (Miller 281; emphasis original). Turner's father furthermore comments, likewise expressing the belief that the real victim in this case is, in fact, Turner:

*He will never again be his happy-go-lucky self, with that easygoing personality and welcoming smile. [...] I was always excited to buy him a big rib-eye steak to grill or to get his favorite snack for him .... Now he eats only to exist. [...] These verdicts have broken and shattered him and our family in so many ways. [...] That is a steep price to pay for twenty minutes of action out of his twenty-plus years of life.* (Miller 232; emphasis original)<sup>84</sup>

MacKinnon explains that in a setting of gender hierarchy, such as a case of sexual assault, jurors, who are obliged to look for reasonable doubt – and rightly so –, will "[...]

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<sup>84</sup> In stark contrast to this, Blasey Ford's father reportedly told Kavanaugh's father, "I'm glad Brett was confirmed" while golfing together (Bufkin n. pag.).

inevitably [...] measur[e] their views of her nature and worth against the consequences for him and his worth [...]" ("Rape Redefined" 453). The jury, and arguably society at large, focusses on the consequences a court ruling of "guilty" will have for a perpetrator. This perspective is also imposed on a survivor in a case of sexual assault as society "[...] force[s] her to think hard about what this will mean for his life, even though he never considered what his actions would do to her" (Miller 288). Miller comments, "[h]is was still the notable loss" (214), explaining:

He was talked about in terms of his lost potential, what he would never be, rather than what he is. They spoke as if his future was patiently waiting for him to step into it. Most of us understand that your future is not promised to you. It is constructed day by day, through the choices you make. Your future is earned, little by little, through hard work and action. If you don't act accordingly, that dream dissolves. If punishment is based on potential, privileged people will be given lighter sentences. [...] The judge argued he'd already lost so much, given up so many opportunities. What happens to those who start off with little to lose? Instead of a nineteen-year-old Stanford athlete, let's imagine a Hispanic nineteen-year-old working in the kitchen of the fraternity commits the same crime. Does this story end differently? [...] My point can be summed up in the line Brock wrote: *I just existed in a reality where nothing can go wrong or nobody could think of what I was doing as wrong*. Privilege accompanies the light skinned, helped maintain his belief that consequences did not apply to him. In this system, who is untouchable? Who is disposable? Whose lives are we intent on preserving? Who goes unaccounted for? (281f.; emphasis original)

Miller here criticizes the fact that rape culture not only discriminates on the basis of gender but also on the basis of race and, in many cases, socioeconomic status. This discrimination not only includes alleged perpetrators as landmark incidents such as the lynching of Emmett Till as well as the Central Park jogger case show but furthermore survivors from marginalized groups as "[a] function of rape culture is that it works especially hard to provide excuses for the rich young white men whose careers and futures are treated with more respect than the bodies of the women they assault (particularly when those bodies belong to women of colour [sic], sex workers, working-class women, disabled women or any combination of those

characteristics)" (C. Ford 287). The argument "innocent until proven guilty" thus essentially means the nearly impenetrable presumed purity, that is, innocence, of white male perpetrators as opposed to the presumed pollution, that is, guilt, of women and other marginalized and non-heteronormative groups.

In a society where public discourse increasingly allows for the voices and concerns of minorities and historically less powerful groups to be heard, the group that traditionally used to hold more power – and arguably still does for the most part –, that is, white heteronormative men, experiences a perceived powerlessness against women and minorities (cf. Kimmel). Increasing equality between all social groups, which is perceived as a removal of rights and privileges ostensibly rightfully held by white heteronormative men, results in a backlash in the form of a collective aggrieved entitlement (cf. Kimmel). In the Trumpian United States, this aggrieved entitlement, caused by fears of a #MeToo witch hunt (Twohey n. pag.), is expressed in an ideological proxy war in the form of the Kavanaugh hearing, the battling<sup>85</sup> sides representing an increasingly polarized society. The hearing and the Senate's impending decision represented much more than the confirmation of a Supreme Court justice – it had become a point of societal and political contention. This is evident in the way then-president Trump accused the Democratic party of playing a "con game" against Kavanaugh (Landler and Baker n. pag.) and repeatedly commented on the issue in unrelated contexts, thus politicizing it:

Trump mocked [Blasey Ford] at a rally days later in Mississippi: *How did you get home? I don't remember. How'd you get there? I don't remember. Where is the place? I don't remember. How many years ago was it? I don't know. What neighborhood was it in? I don't know. Where's the house? I don't know. Upstairs, downstairs—where was it? I don't know – but I had one beer. That's the only thing I remember.* The crowd laughed openly, clapping. (Miller 327; emphasis original)

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<sup>85</sup> "On September 23, 2018, a candlelight vigil was held for Christine Ford in Palo Alto when it was confirmed she would testify before the Senate Judiciary Committee. It felt strange calling it a vigil. Perhaps it was a collective strengthening before sending her into battle, knowing what she would face" (Miller 325).

This ideological proxy war is likewise evident in the 2016 surfacing of Trump's Access Hollywood tape, in which he comments, "Grab 'em by the pussy" (Makela n. pag.), and its subsequent presence in political discussions:

When Trump's *Access Hollywood* tape surfaced, the average person acknowledged what he said was vulgar, lewd, foul. Anderson Cooper asked Trump point-blank if he understood he was talking about sexual assault and the nation watched him shrug and say, *locker-room talk*.<sup>86</sup> In the public we grew tired. We heard the tape replayed one thousand times, debated two thousand times, pussy pussy, in print, on air, Democrats and Republicans arguing, *you're inappropriate, no you're inappropriate*, until it dulled on the ears. We grew used to the same patterns of deflect, defend, dilute. *The tape was from 2005, guys talking like guys*, they wanted us to knit our shit and move on. (Miller 277; emphasis original)

Miller comments, "[w]e live in a time where it has become difficult to distinguish between the President's words and that of a nineteen-year-old assailant" (278). In the Trumpian United States, the issue of sexual assault has thus become inherently politicized as the main parties side with alleged perpetrators and survivors as a group respectively, represented in the Senate's close vote, "[...] almost entirely along party lines [...]," to confirm Kavanaugh as Supreme Court justice (Gay Stolberg n. pag.). The deep divide between the parties is thus argued out over the bodies of women and other marginalized and non-heteronormative groups as an ideological battleground (cf. Brownmiller). Once again, female bodies are seen as threats (cf. Douglas), embodying political and societal changes, such as changing gender norms, an increasingly unclear masculinity ideal, and female sexual agency, their inherent pollution/immorality signifying danger in the form of threats to the status quo, that is, white heteronormative patriarchal power, threats which must be contained by means of framing them as a danger to society.<sup>87</sup>

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<sup>86</sup> "Instead of apologizing, he dragged it from the bus to the locker room, another place inaccessible to women. He never said it was supposed to be different, only said it was supposed to be private. He intended to keep us out, we were never meant to hear. He was not sorry for what he said, just sorry he was caught. Trump sounded like someone I knew" (Miller 278; emphasis original).

<sup>87</sup> These perceived threats of social and political change are likewise represented in the 2017 Title IX discussion as well as the subsequent withdrawal of the 2011 "Dear Colleague" letter, framing the handling and consequences

This chapter as well as the one above has demonstrated how arbitrary and very much biased the attribution of morality/immorality is in cases of sexual assault and sexual harassment, especially when instrumentalized politically. What is considered pure/moral or polluted/immoral can become inverted in public discourse, which shows how susceptible to manipulation this rhetoric is. This reversibility, depending on the underlying agenda, is for example shown in the example of abortion as both sides represent themselves as morally sound. As concluded in the chapter above, what is considered moral is thus arbitrary and object to manipulation as morality can mean both traditional family norms and also freedom of sexual expression (Griffith ix).

As likewise discussed in Chapter 2, the binaries of purity/morality and pollution/immorality are always present during times of cultural and political instability (Moslener 15), surfacing during times of conflict and crises (Duschinsky 1). Sexual morality is linked to national stability (Moslener 101) as the connection between sexual immorality and national insecurity is established through purity/pollution classifications (Moslener 4f.). In the Trumpian United States, the ideas of purity and pollution, expressed in the proverbial Scarlet Letter marking survivors in general and, in the Kavanaugh hearing Blasey Ford in particular, as inherently impure, immoral, and thus untrustworthy, are instrumentalized to protect traditional, that is, patriarchal, norms that uphold the power structures facilitating the aggrieved entitlement felt by white heteronormative men.

The national instability that is expressed in the politicization of the Kavanaugh hearing in particular and the issue of sexual assault in general is an increasingly polarized society in the Trumpian United States in which traditional masculinity has become an implicit issue underlying public discourse as women and other marginalized and non-heteronormative groups are increasingly heard and recognized. What the Kavanaugh hearing thus shows is that rape culture, and therefore rape, is political as what is at stake in every "he said/she said" discussion is bigger than a given case of sexual misconduct. What rape culture is concerned with is the preservation and perpetuation of white heteronormative patriarchal interests by framing them as matters of national security by means of purity rhetoric.

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of campus rape as a threat to heteronormative men instead of a means of support and justice for survivors (Alexandria n. pag.).



### **Conclusion: Boys Will Be... Held Accountable?**

In her memoir, Miller states, "I write to show how victims are treated at this moment in time, to record the temperature of our culture. This is a marker, and I hope that in twenty years this grueling aftermath of victimhood will feel foreign" (315). She further explains, "I wrote to expose the brutality of entitlement, gender violence, and class privilege in our society" (324). This thesis has similarly aimed to demonstrate how the rape culture of the #MeToo era, that is, the years spanning the events that gave rise to a resurgence of the #MeToo movement, namely the years 2016 to 2018, historically came to be and how it is ideologically justified.

I have argued that rape culture exists, that it is systemic, and that it constitutes an ideology constructed by rape myths. I have argued that rape myths are instrumentalized to protect (white cisgender male) perpetrators and discredit as well as blame survivors in cases of sexual misconduct. I have furthermore argued that rape culture constructs a rape script that needs to be followed for a case to be considered sexual assault, and that according to this script, a case of sexual assault is only considered sexual assault if both the perpetrator as well as the survivor fulfil certain requirements regarding not only their behavior but furthermore gender, race, socioeconomic status, and age. I have argued that in the case of cisgender women, another category to be considered is sexual history, that is, purity or impurity, anchoring rape myths in purity culture.

I have further argued that women's bodies function as an ideological battleground for political and societal change, and that perceived threats to the status quo are framed in public discourse by means of the purity/pollution dichotomy as moral threats posed by (female) bodies which are then met with control and surveillance. Within this context, I have argued that rape culture is driven by white cisgender male entitlement not only to (female) bodies but also to positions of power, and that rape culture is instrumentalized to regulate society in order to uphold existing patriarchal power structures that benefit white cisgender men and discriminate against not only cisgender women but other marginalized and non-heteronormative groups. I have thus argued that rape culture is not about sex but rather about power, and that rape culture is a concept that manifests itself in different social, political, judicial, and ideological environments and contexts.

To this end, I have traced the rape myths of victim-blaming, shaming, and victimization of the (alleged) perpetrator as well as the resulting responsibility/culpability shift, based on the

purity/pollution dichotomy (cf. Douglas) and expressed in the proverbial Scarlet Letter inscribed on feminine bodies, from nineteenth-century ideas of morality to the 2016 Stanford case as well as the 2018 Kavanaugh hearing. Based on the Kavanaugh hearing, I have shown that rape culture is instrumentalized to regulate and protect existing patriarchal power structures. Demonstrating that rape culture facilitates and supports patriarchal entitlement to (female) bodies as well as positions of power, this thesis has thus shown how young men like Brock Turner benefit from systemic rape culture and grow up to be men like Brett Kavanaugh who will then, while benefitting from this system, in turn be in positions to uphold the underlying power structures that enable rape culture.

The analysis above shows that the years 2016 to 2018 represent a "mixed bag," so to speak, of events within the context of rape culture. The Stanford case, despite being "[...] the perfect case, in many ways [as] there were eyewitnesses, Turner ran away, physical evidence was immediately secured" (Miller cover copy) resulted firstly in a trial in which the defense unabashedly instrumentalized rape myths such as victim-blaming, and secondly, additionally, a lenient sentence. This sentence however, and the subsequent public outcry, intensified by the reach<sup>88</sup> of Miller's victim impact statement, led to a 2018 recall of the judge in the trial (Miller 321), potentially helped along by the 2017 resurgence of the #MeToo movement.

Before this potential watershed moment, however, Donald Trump was sworn into office in January 2017, despite his so-called "locker-room" statements as well as allegations of sexual assault against him (Barbaro and Twohey n. pag.): "On January 20, 2017, four months after the release of the *Access Hollywood* tape, the nation watched Trump smile, lift his hand, be sworn in as president of the United States. I was shaking. It was the rattling, the sound of thousands of sliding Tic Tacs. *You can do anything*" (Miller 285; emphasis original).

And then, as the #MeToo movement, reactivated by the New York Times article in October 2017, "[...] made visible the overwhelming number of situations where assault and harassment happen, the way violence is embedded in our day-to-day lives, pointed out countless conversations and gestures we'd been taught to write off as insignificant" (Miller 290), a reckoning with perpetrators began: "High-powered men came down one after the other, or rather women came forward, and as a result these men came down" (Miller 289).

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<sup>88</sup> The Stanford case has reached such prominence that in fact a photo of Brock Turner is printed in a university criminal justice textbook next to the definition of "rape" (Brown n. pag.).

However, while well-known, powerful transgressors like Harvey Weinstein and Bill Cosby<sup>89</sup> were sentenced (Miller 289), many everyday cases of sexual harassment and sexual assault were still normalized, trivialized, tolerated, and excused, constituting the #MeToo paradox which "[...] topples the powerful, not the ordinary [...]" in high-profile yet merely representative trials (Taub n. pag.). Despite the #MeToo movement and its repercussions, rape culture is alive and well, and continues to be misunderstood and denied. Individuals who finally dare to speak out are scrutinized and treated suspiciously by a society asking, "[...] what does she want, why did it take her so long, why now, why not then, why not faster" (Miller 291).

Nonetheless, #MeToo proved to not just be a short-lived movement. In fact, "[...] the fight over [Kavanaugh's] nomination shows how the dynamics of the #MeToo movement have begun to thread their way into American life" (Zernike and Steel n. pag.). The backdrop of this movement arguably supported the allegations against Kavanaugh, especially when compared to the 1991 testimony of Anita Hill in the hearing to confirm Clarence Thomas as Supreme Court justice. Of course, neither Blasey Ford's nor Hill's testimony ultimately affected the confirmation processes of Kavanaugh and Thomas respectively. However, as Blasey Ford "[...] came forward reluctantly with decades-old claims, she was immediately embraced and supported by #MeToo activists and women across the country. The Republican men who run the Senate Judiciary Committee – two of whom remain from the time Ms. Hill appeared 27 years ago – were careful to publicly show her deference" (Zernike and Steel n. pag.).

Consequently, we are left with the question if and how societal attitudes towards sexual assault and sexual harassment have changed following the #MeToo movement. As an individual who has been publicly connected to not only the Stanford case<sup>90</sup> and the Kavanaugh hearing but furthermore the Thomas hearing in 1991, current president Joe Biden's statements regarding these incidents illustrate a change of opinion. Presiding over Thomas' confirmation hearing, Biden created a "[...] 'he said, she said' situation that did not have to exist" (Hill qtd. in Gay Stolberg and Hulse n. pag.), according to Hill. She furthermore states that "[...] she views Mr. Biden as having 'set the stage' for [the] confirmation of Justice Brett M. Kavanaugh [...]" (Hill qtd. in Gay Stolberg and Hulse n. pag.). Following the Kavanaugh confirmation, however, Biden reached out to Hill to apologize (Gay Stolberg and Hulse n. pag.). Of course,

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<sup>89</sup> Cosby's conviction would, however, be overruled in 2021, resulting in his release from jail (Dale n. pag.).

<sup>90</sup> Miller writes, "One day I heard from the White House. Joe Biden wrote me a letter. I was in disbelief. [...] In his letter, he wrote, *I see you*. What did it mean that the vice president of the United States of America had stopped every important thing he was doing, to write *I see you*" (250).

in the context of a presidential campaign, this can be understood as nothing but a gesture to appease an electorate. However, the fact that his electorate would view this apology as not only appropriate but as needed in order to show his alignment with the political zeitgeist of the post-#MeToo era indeed points to changing societal attitudes towards sexual assault and sexual harassment.

Miller writes:

History is where you will find people who have been through what you're experiencing. Not only been there but survived it. Not only survived it but changed it. Whose struggles informed them. History shows you what people have endured before you. The year before I was born, Anita Hill testified before the Senate. In 2018, she sent her support to Michele,<sup>91</sup> thanking her for forcing judges to take rape seriously, signing off, *All my best, Anita*. History shows that if you were in the minority, if no one believed you, it didn't mean you were wrong. Rather, it meant society was slow to catch up to you. And if those in the minority did not buckle, did not give up their truths, the world would shift below their feet. (316; emphasis original)

Survivors are still fighting for change, to be believed, to be even heard in the first place: "We don't fight for our own happy endings. We fight to say *you can't*. We fight for accountability. We fight to establish precedent. We fight because we pray we'll be the last ones to feel this kind of pain" (Miller 291; emphasis original). This fight is represented in individual struggles and performances such as Carry That Weight but also in bigger movements such as SlutWalk, aiming to challenge rape myths and dismantle rape culture. What the past 30 years but even the period from 2016 to 2018 have shown is that this deconstruction of the ideology of rape culture does not imply a question of if but rather when. Societal structures that are at least as old as the biblical depiction of Delilah cannot be eradicated overnight but they can and will be overturned eventually.

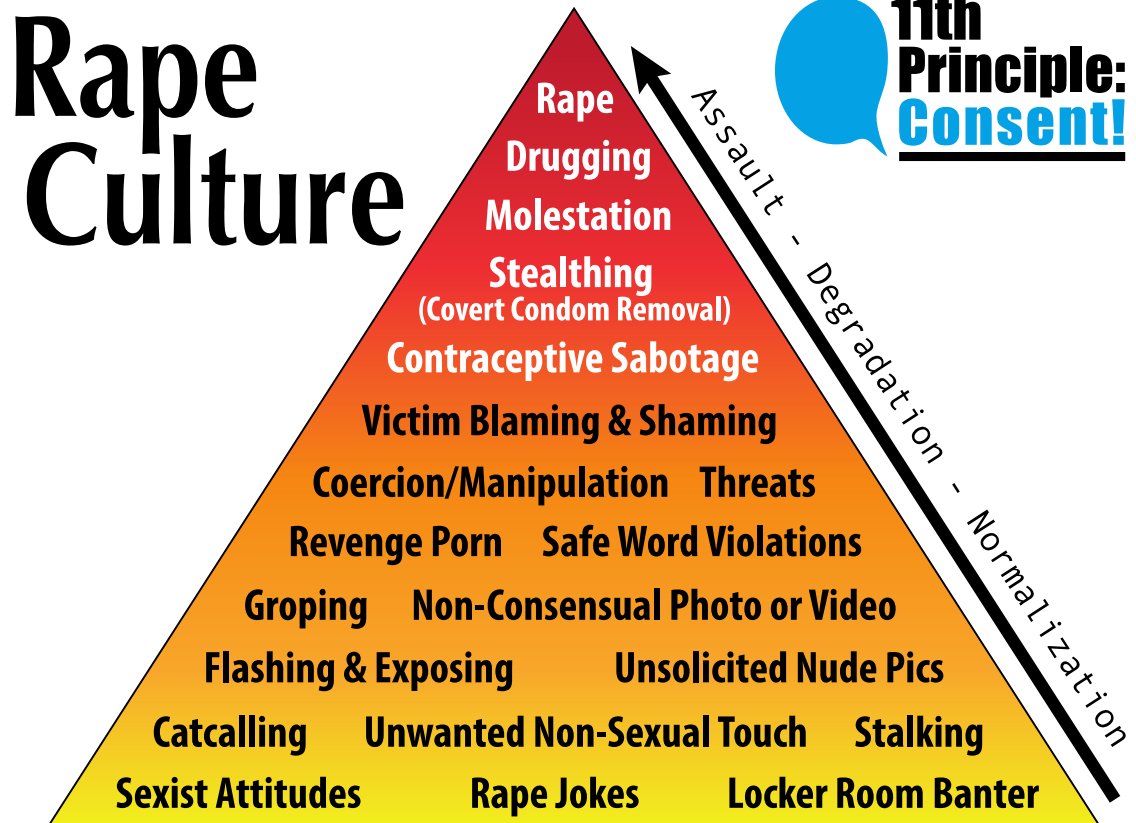
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<sup>91</sup> Michele Dauber, a "[...] Stanford professor and activist who demanded Stanford do more to stop campus sexual assault" (Miller 215).

**Appendix**

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Tolerance of the behaviors at the bottom supports or excuses those higher up. To change outcomes, we must change the culture.

**If you see something, say something!**  
**Start the conversation today.**

[www.11thPrincipleConsent.org](http://www.11thPrincipleConsent.org)

Fig. 1: Rape Culture Pyramid ("Rape Culture Pyramid" n. pag.)

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**Declaration of Authorship**

Hiermit versichere ich, dass ich die vorliegende Arbeit ohne Hilfe Dritter und ohne Zuhilfenahme anderer als der angegebenen Quellen und Hilfsmittel angefertigt habe. Die den benutzten Quellen wörtlich oder inhaltlich entnommenen Stellen sind als solche kenntlich gemacht.

Die „Richtlinie zur Sicherung guter wissenschaftlicher Praxis für Studierende an der Universität Potsdam (Plagiatsrichtlinie) - Vom 20. Oktober 2010“, im Internet unter <http://uni-potsdam.de/ambek/ambek2011/1/Seite7.pdf>, habe ich zur Kenntnis genommen.

UNTERSCHRIFT:

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## German Abstract

Diese Masterarbeit in der US-amerikanischen Kulturwissenschaft stellt die These auf, dass das Phänomen der rape culture ein soziokulturelles System gesellschaftlicher Machtstrukturen und kultureller Mythen darstellt. Basierend auf sogenannten Vergewaltigungsmythen konstituiert dieses System zudem eine Ideologie. Ziel der Arbeit ist es zu zeigen, wie diese Vergewaltigungsmythen instrumentalisiert werden, um (primär *weiße*, cis-männliche) Täter zu beschützen und stattdessen Betroffenen von sexualisierter Gewalt die Verantwortung zuzuweisen. So soll aufgezeigt werden, dass junge Männer wie Brock Turner, die von patriarchalen Machtstrukturen profitieren, zu Männern wie Brett Kavanaugh aufwachsen, und dass diese nicht nur davon profitieren, dass die rape culture ihr übergriffiges Verhalten entschuldigt, sondern dass sie zudem darauf gestützt an Machtpositionen gelangen, durch die sie als Entscheidungsträger diese der rape culture zugrundeliegenden Strukturen im Gegenzug aufrechterhalten können.

Dabei konzentriert sich die Arbeit auf die Vergewaltigungsmythen des sogenannten Victim-Blamings und Shamings sowie der Viktimisierung von Tätern. Diese Mythen werden im Rahmen einer Analyse von Zeitungsartikeln aus dem 19. Jahrhundert herausgearbeitet und in das 21. Jahrhundert verfolgt. Basierend auf Mary Douglas' Theorie zu Reinheitsvorstellungen wird aufgezeigt, inwiefern sich nicht nur soziale Kategorien, nämlich Geschlecht, *race*, sozioökonomischer Status und Alter, sondern auch die sexuelle Reinheit oder Unreinheit von Betroffenen auf die gesellschaftliche Bewertung von Vergewaltigungsfällen auswirken.

Darüber hinaus zeigt die Arbeit, wie weibliche Körper als ideologisches Schlachtfeld für politische und gesellschaftliche Veränderungen in den USA fungieren, und dass empfundene Bedrohungen des patriarchalen Status Quo im öffentlichen Diskurs als moralische Gefahren dargestellt werden, die von weiblichen Körpern ausgehen. Die Arbeit argumentiert, dass die rape culture von (*weißem cis-*) männlichem Anspruchsdenken auf weibliche Körper, aber darüber hinaus auch auf Machtpositionen im patriarchalen System angetrieben wird. Sie zeigt auf, wie dieses System die rape culture instrumentalisiert, um seine zugrundeliegenden Strukturen aufrechtzuerhalten, die (cis) Männer begünstigen und im Gegensatz (cis) Frauen sowie andere marginalisierte und nicht-heteronormative Gruppen benachteiligen. Dies wird anhand einer Analyse des Stanford-Vergewaltigungsfalles von 2016 sowie der Kavanaugh-Anhörung von 2018 dargestellt.