

Final Remarks: What to Do?

My aim in this book has been twofold. First, I sought to give a social theory that systematically maps the phenomenon of rape and explicates the sexist ideology of which rape is a part, and, second, to provide a prescriptive conceptual analysis that tracks the phenomenon of rape adequately but at the same time aims at a conceptual change. To do so, I have proposed the method of emancipatory amelioration (EA) that yields a social theory of rape and a normative cluster model of the concept. More precisely, I have drawn upon the insight that rape is a contested concept and upon the apparatus of social structures to argue that rape is a social practice and, as such, is part of a sexist ideological framework. The wrong of rape is thus not only an individual wrong but lies in the fact that rape as a social practice helps to sustain and reproduce social and structural injustice. I have argued that the normative cluster model tracks adequately the insights of the social theory. I have also argued that these insights have implications for how we hold perpetrators of rape accountable and for how we show our solidarity with its victims.

Let me quickly recap what I have argued for in this book. In order to elucidate what rape is and how it is situated in the social world—including its relation to social injustice—I have argued that we have to understand how the concept of rape is used in everyday contexts. In the first chapter, I provided insight into the use of the concept and its problematic consequences. I have argued that the concept of rape is contested—hardly anyone is in agreement as to how to understand the concept best—and that its dominant working understanding fails to track most forms of rape. In the second chapter, I argued that we can track the various forms of rape with the help of a cluster account. However, this cluster failed to track the gap between the various forms of rape and the dominant working understanding. I have thus proposed that a conceptual analysis of rape has to be based on a social theory of rape and I have specified five desiderata that such a theory has to fulfill. In the third chapter, I began developing a method that can yield a social theory of rape as well as a prescriptive conceptual analysis. This method—the method of emancipatory amelioration (EA)—consists of two steps: first, a social theory

of the phenomenon and critical analysis of the status quo, and, second, the amelioration of the concept. In the fourth chapter, I applied the first step of the method and argued that rape is a social practice and part of a sexist ideological framework and as such contributes to social and structural injustice. In the fifth chapter, I applied the second step of the method of emancipatory amelioration (EA) and developed a normative cluster model of rape grounded in insights from the social theory of the first step. The account I proposed is a cluster model that includes ten properties, each of which has to be realized for an act to be tracked by the concept: sexual activity, violence, means of physical coercion, means of psychological coercion, ability of resistance, lack of consent, capacity to consent, interpersonal relationality, context, gender inequality and heteronormativity. However, according to my proposal, it is left open to which degree each property is realized—thus while some properties are realized in their most extreme way, others can be realized in less extreme ways. The most extreme realization of each property is located at the core of the cluster and the closer an act in all its properties is located at the core, the more definite it is an act of rape. The further away it is located, the more it falls within the gray area that stretches between the act of rape and its neighboring categories, such as domestic abuse, unproblematic sex, etc. Finally, in the sixth chapter, I looked at the implications that understanding rape as part of a sexist ideology has for our treatment of perpetrators and our solidarity with victims of rape. I have argued for holding perpetrators accountable instead of punishing them (at least in most cases of rape) and I have argued for what I have called emancipatory solidarity. In other words, this book not only provides answers to the use of the concept and a rich social theory of the phenomenon as well as a prescriptive conceptual analysis of the concept, but also tackles questions that result from the social embeddedness of the phenomenon.

In closing, let me, first, provide prospects of how to counter rape, and, second, note two limitations of the approach I have pursued in this book. First, locating rape as a social practice within a broader framework of sexist ideology informs our theory insofar as it suggests that in countering the sexist ideology we should focus on education instead of punishment. I now suggest some specific practical tools to counter the prevalence of rape in particular and the sexist ideology in general. (1) If part of the problem of rape is systematic hermeneutical misfire—if some perpetrators fail to make intelligible what they are doing as an act of harm and rape—then we need to aim for an educational process. What is needed to counteract the sexist ideology and its proneness to rape is education about what harms and what (should) count as rape. Education about what harms and about different forms of sexualized violence (including rape) can be done by talking about sex and consent in high schools, colleges, etc. This form of education is not about learning facts but about discussing what it means to engage in intimate contact with another person. The focus

should be on desires, communication, negotiation, and respect. This is also in line with the contestedness of the concept of rape—the concept invites talking and adolescents are eager to talk about it and discuss it. Furthermore, such education should also include training the ability for critical thinking. Individuals who are trained in critical thinking are more likely to question rape myths and other sexist beliefs. And it tackles systematic hermeneutical injustice as well as systematic hermeneutical misfire. Being trained in critical thinking opens ways to listen to our own feelings of being morally wronged and to engage in a discourse about our experiences.

(2) Another way to counteract the sexist ideology and its proneness to rape is to train how to communicate physical and emotional boundaries. Most people do not communicate their boundaries out of fear that the other person will be disappointed or sad. And this is not only true for sexual activities. For example, we often tell our children that they should hug or kiss relatives even when they do not want to. We might say: “Give your grandfather a hug, otherwise he’ll be sad.” Or: “Sit on your aunt’s lap, don’t you love her?” And we start doing this when children are very young and simply cannot communicate verbally whether they want to or not and we continue doing it throughout their childhoods. We, as adults, parents and teachers, also tend to trivialize childrens’ games even if they upset some children. For example, kiss chasey is a game in which boys chase girls and try to kiss them or tickle them. We might think that this is cute, because it is about children playing— but it also teaches boys to ignore the will of girls. (cf. Rodie 2017) Girls in particular are socialized in a way that is counterproductive in this respect. While we teach boys to “play rough”, we teach girls to be nice and gentle. (cf. Fine 2010: Chapter 17-21) This is a dangerous combination. While some feminists suggest that, as women, we should train in self-defence in order to be able to say “no” effectively (cf. Cahill 2001: 198-207), I contend that we should start much earlier to train our abilities to communicate our physical and emotional boundaries. Deanne Carson, a sexuality educator, argues that we can teach children about consent as young as three. She argues that while three-year-old children know very well what they want and how to say “stop”, 10-year-old children know that their bodies are their own, but do not feel able to say “stop” because they do not want to hurt another person’s feelings or learned not to make a fuss. (cf. Carson 2017)

Teaching children consent does not necessarily mean teaching them about sex. Instead, we can teach them to articulate whether they want to be hugged or not and that they might want to be hugged one day but not the next or by one person but not another. Or, we can teach them by communicating our own boundaries, as parents and educators. Schroeder et al. (2017) have collected a few ways in which children as young as one-year-old can learn about consent without having to sit them down for “the talk”: teach children to ask permission before touching someone; teach kids to help others who may be in trouble;

teach kids that “no” and “stop” are important words; never force a child to hug, touch or kiss anybody, for any reason; allow children to talk about their bodies in any way they want, without shame; encourage them to talk about what feels good and what doesn’t; teach kids to stop playing once in a while to check in with one another; build their self-esteem, etc. And the older they get, the more teenagers should be encouraged to talk about sexuality and consent. This is in line with what Pamela Foa (1978) points to about the wrong of rape. It is not so much about rape, but about our sexual activities in general: we are constantly failing to respect each other and each other’s boundaries. Thus, sex education should concentrate on respect and our abilities to communicate our desires as well as our boundaries.

(3) For teenagers, it is especially hard to learn about sex, consent, and desire in ways that are critical to the sexist ideology. Besides learning from parents, doctors, or teachers (and mostly sex education classes do a really bad job here), teenagers learn most of what they know from popular media. This is not to say, as some suggest, that teenagers learn all they know from pornography (cf. Paul 2005), but it is to say that they learn from a wide spectrum of media including but not limited to pornography. Other sources are: films, shows, books, magazines, advertisement, computer games, music videos, social media networks, and so on.¹ Michelle Anderson writes that the “amount of popular media children watch is massive. [...] Today, through multitasking, youth pack in almost eleven hours of media content into the seven and a half hours they spend consuming media each day” and, unsurprisingly, “popular media includes a high level of sexual content.” (2010: 88) In other words, if teenagers spend seven and a half hours consuming media each day, then there simply is not much time left to communicate with others and learn about sex in ways that are critical of the sexist ideology portrayed by media. Thus, an important part of counteracting the sexist ideology and the proneness to rape is about changing the popular media.

So far, in its best way, media mostly “celebrates uncommunicative (almost exclusively heterosexual) intercourse, in which two people do not practice safe sex or discuss their desires and boundaries” (Anderson 2010: 89). In a slightly less ideal way, it portrays sex “as a game or competition” (Kim 2006: 450), and in its least ideal way, it depicts rape scenarios as “normal sex”. (Langton 2009; Wolf 1991: 58) Thus, the best sex teenagers can learn is uncommunicative, unprotected, heterosexual intercourse, the worst is rape. See, for example, Sara’s encounters with Paul in *Orphan Black*. Despite the fact that Sara is a strong and self-confident woman, her sexual encounters with Paul alternate between

1 | And they not only learn about sex and gender norms this way, but also about body norms, which exclude disabled or fat bodies, and can lead to body shame and eating disorders.

using sex to distract him from something else or sex laden with fear. And while *Gossip Girl* rightly portrays Chuck again and again as overstepping young girl's sexual boundaries, and being scolded for it by his friends, the overwhelming majority of sexual encounters of all characters happen by surprise in the heat of the moment: uncommunicative, unprotected, heterosexual intercourse. And these are only two shows popular among teenagers. A lot needs to be done to portray more than heterosexual intercourse and to show that communication is an essential part of what makes a sexual encounter satisfying for all involved.

Furthermore, girls especially (but also boys) need to be taught about sexual desires and how experiencing sexual intimacy is about finding out one's own desires and the desires of the other person. This is a thin line, because images of what women desire (and what men desire)—there are hardly any images of what gender non-confirming persons desire—influences what women and men do desire. And even though these desires are false in the sense that they are installed by the sexist ideology, they become real when we adopt them—thus, what we truly desire and what we falsely desire is hard to navigate. If, as a girl, I grow up in a social world in which the sexual objectification of women is portrayed as desirable for both, the woman and her partner, then not only do I think of sexual objectification as a “normal” component of sexual activity, but I might also adopt my own sexual objectification as desirable and satisfying. In Anderson's words: “As a result of massive exposure to popular media, teens tend to ‘internalize the standards’ they are taught: that power for a female derives from her ability to present herself in a sexualized fashion.” (2010: 94) This leads to self-sexualization. But if teenagers are “trained” to desire what is sexist, we face a dilemma in our education attempts. On the one hand, we do want to arrive at a way of having sex that is mutually enjoyable and critical of sexist behavior, but, on the other hand, we want to encourage (especially young) teenagers to do what they desire. But under the sexist ideology, these two can be mutually exclusive. However, a first step is to talk about desires and come to acknowledge that we do not need to follow desires that leave us unsatisfied even though we have adopted them. And a second step is to critically engage with our own desires and to find ways in which to practice them that are neither harmful to another person or ourselves nor reproduce the sexist ideology even further.

Second, let me note two limitations of the normative cluster model that I have pursued in this book. The first limitation concerns my focus on adult relations. I have not considered sexual abuse of children and minors and, furthermore, I have not discussed acts of statutory rape. Both—sexual abuse of children and acts of statutory rape—pose different questions and problems than what I have been concerned with here. For example, sexual abuse of children poses questions of dependency (in stronger terms than between adults, even if the adults occupy different positions of power) and questions of when someone

is informed enough to engage in sexual relations. Acts of statutory rape pose similar questions and problems including a discussion of teenagers engaging in sexual acts in ever-younger ages. However, I am confident that sexual abuse of children and statutory rape can be accounted for either within the normative cluster account of rape or as a neighboring category. While statutory rape might be part of the normative cluster of rape—a branch might need to be grown at the tree accordingly—sexual abuse of children might need its own category that could be structurally similar to the rape category and occupy a neighboring place in the forest close to the rape tree. More research needs to be done to be able to account for both—sexual abuse of children and statutory rape—in adequate and rich ways.

The second limitation concerns my focus on cases, legal definitions, and uses of the term in the United States, the United Kingdom, and Germany. In other words, my focus is solely on so-called Western countries. This is partly because of lack of space and partly because I feel confident discussing rape myths, statistics, word usage, etc. in Western countries but not in others. However, I think that one benefit of the proposed normative cluster account of rape is that it is flexible enough to include other examples and conceptions. More time and energy would be needed to extend the scope of the project. Such an extended analysis should include philosophical and legal studies of countries other than Western countries.² And, in consequence of the ongoing “refugee crisis”—and here we should include not only refugees coming to Western countries but the bigger numbers of refugees who seek safety in other non-Western countries—such an extended analysis should include not merely war and genocidal rape, but also rape in detention camps and of refugees in general.³ (cf. Chonghaile 2015; Farand 2017; Townsend 2017) Nevertheless, I remain confident that my proposed normative cluster account of rape can offer fruitful ways to encompass more cases and aspects.

2 | See Baxi (2014) for rape crimes and their silencing effects in India, and Bonthuys (2008) for legal debates in South Africa. Regarding other crimes of sexist ideologies, such as honor killings and human trafficking and prostitution, see Townsend (2011); Baxi et al. (2006); Romo (2015). Finally, see Westmarland and Gangoli (2011) for international approaches to rape legislation.

3 | See Askin (2003) for an international approach to rape crimes in war.