Chapter 4:
Rape and Ideology

Corresponding to the first element of the method of emancipatory amelioration (EA), Chapter 4 offers a social theory of rape. The first step of the argument establishes rape as an accepted social practice and shows that it is best understood as part of a sexist ideology. In a second step, the chapter turns to the normative dimension and argues that rape is not just an individual wrong but that it gives rise to and perpetuates structural injustice.

4.1 Introduction

In the first and second chapters, I argued that rape is a contested concept and that its dominant working understanding is distorted by rape myths. I argued that we can better understand rape as a cluster concept. I then sketched such a cluster account of rape and presented possible problems, one of which was the following: despite the fact that the proposed cluster theory can account for the various forms of rape in the world, it does not explain the gap between the phenomenon of rape and its main working understanding. In the last chapter, I sketched a method—emancipatory amelioration (EA)—that can yield a social theory of rape and a prescriptive conceptual analysis. The following two chapters pursue the application of the method of emancipatory amelioration (EA): Chapter 4 engages in the first step, Chapter 5 in the second step of the method. This chapter presents a social theory of the phenomenon of rape and systematically maps how rape is embedded in the social world. Once we have a theory of rape and its social role, we can start disentangling the faulty conceptions and attitudes of rape from its standing in the real world. This chapter and the next (Chapter 5) use the method of emancipatory amelioration (EA) to 1) develop a theory that accounts for rape as a social phenomenon adequately and 2) articulate a normative cluster theory of rape that adequately tracks the phenomenon as laid out by the social theory.

I show that we fail to understand the phenomenon of rape adequately—that is, we fail to explicate the striking gap between the existence of rape and the distorted dominant working understanding—if we do not take into account its social embeddedness. In Section 4.2, I bring forward two main arguments: (1) that rape is a social practice (Section 4.2.1), and, (2) that it is, in most cases, an accepted practice (Section 4.2.2). I use Haslanger's framework of social structures to make these points. I next locate rape as a social and mostly accepted practice within a broader framework of a sexist ideology. (Section 4.3) To do so, I give a brief summary of existing theories that locate rape within a broader social system (Section 4.3.1), and then use the framework of social practices to give an account of sexist ideology (Section 4.3.2). The idea of sexist ideology takes its reference from Haslanger's social structure framework and from Barbara Fields' account of ideology as an everyday form of life. A sexist ideology, I argue, has two fundamental features: (1) it is a holistic system (the holism claim), and (2) it has gained a life of its own (the self-operative claim).[1] Finally, I explicate the role of rape myths as ideological beliefs. (Section 4.3.3) In the last section, 4.4, I argue that locating rape as a social practice within a broader ideological framework has implications for the kind of wrong that rape is. It is not only an individual wrong (Section 4.4.2), but as a social practice it also helps to sustain social and structural injustices (Section 4.4.1). I make three claims: (1) that the sexist ideological framework contributes to, reproduces, and maintains social and structural injustice, (2) that it masks the structural character of the injustice, and (3) that rape as part of sexist ideology helps to sustain and perpetuate social and structural injustice. Understanding rape as part of an ideological framework and clarifying the injustice perpetuated and masked by the structure provides a more plausible account than those that view rape merely as an individual wrong.

4.2 Locating Rape

In this section, I bring forward two main arguments: (1) that rape is not just an act but a social practice, and, (2) that it is, in most cases, what I call, an 'accepted practice'. Roughly, the idea is that the more a case of rape diverges from the dominant (and false) paradigmatic case of physically aggravated stranger rape, the more it is accepted and legitimized in the social world. This acceptance is caused by an epistemic distortion about the act in question; by masking the act

1 | This seems to contradict my statements about the social structure being fragmented and not a unified structure. As I explain in this chapter, the holism claim is about the coherence of the system and its prevalence. This does not mean that there are no counterpoints to the dominant understandings and practices.

as an act of non-rape, it becomes accepted. To argue for claims (1)-(2), I use Sally Haslanger's framework of social structures. Unless we understand the ways in which rape is embedded in social structures that produce and reproduce it, we fail to explain how sexualized violence structures our lives. Locating rape as a social and accepted practice within a broader framework of social structures means engaging in a critical analysis of rape and its place in the given social structures. In other words, it means applying the first step of the method of emancipatory amelioration (EA) that I proposed in Chapter 3 and systematically mapping the phenomenon of rape as it exists in the world.

4.2.1 Rape as a Social Practice

Obviously, rape is some sort of act; one (or more) person(s) perform(s) an act on another person or subject that person to an act. Yet, rape is more than that. First, it is not one act, but a cumulation of diverse acts (e.g., undressing, fixating, overpowering, penetrating, and / or many more). Second, it has a specific social meaning. It is made intelligible by specific schemas that we apply to the acts. The fact that rape is only intelligible within a social structure that imposes a specific meaning onto the cumulated actions suggests that rape is not merely an act, but rather a social practice. To gain a more detailed understanding of rape as a social practice, I utilize Haslanger's framework of social structures and social practices.[2]

According to Haslanger, a social structure is constituted by interlocking social relations, i.e., social structures are networks of social relations. Those social relations are the result of various social practices. Social relations can be relations between people (e.g., being a parent of) or relations to things (e.g., cooking). Social relations are constituted through social practices.[3] And a social

2 | Similar to Haslanger's account, Sewell thinks of social practices as an essential brick in the construction of social structures. (Sewell 1996, 1992) And, Giddens famously argued for a "dual" account of social practices according to which they are governed by the social structure but, simultaneously, constitute the structure. (Giddens 1981) I come back to this interdependence.

3 | Consider, for example, the act of cooking rice. Haslanger says: "Cooking rice is an instance of a more general practice of cooking, and regular engagement in the practice is constitutive of a social role: cook. Being a cook relates one in specific ways to other persons (not only the customer or family, but also the farmer, grocer, garbage collector, sources of recipes, including traditions, cookbooks, etc.), and also relates one in specific ways to things (foodstuffs, sources of heat, water, utensils). Cooking is only possible within a social structure that provides the ingredients, skills, tools; the norms for taste, texture and ingredients; the distribution of labor of cooks and consumers, etc." (Haslanger 2017: 20)

practice comes into being through the interplay of resources and schemas. Social practices are (mostly) "collective solutions to coordination or access problems with respect to a resource" (Haslanger 2017: 20, emphasis in original). For example, the rules and norms of traffic management provide guidance in regard to traffic. In other words, according to an Haslangerian account:

> Practices consist of interdependent schemas and resources 'when they mutually imply and sustain each other over time.' Sets of interdependent practices constitute social structures.[4] (Haslanger 2017: 21, emphasis in original)

What are resources and schemas according to this account? Schemas "are clusters of culturally shared mental states and processes, including concepts, attitudes, dispositions, and such, that enable us to interpret and organize information and coordinate action, thought, and affect." (Haslanger 2017: 21) Concepts are here meant in a psychological sense. In contrast to concepts in philosophy of mind and language, where they are a constituent of thought or of a term, according to a psychological perspective they are simply a mechanism for storing default information.[5] In other words, schemas "are abstract entities that are instantiated (or tokened) in particular psychological states of individuals." (Haslanger 2017: 21) There are two different schemas that work hand in hand: cultural schemas and psychological schemas. Cultural schemas are those that have public standing because they are shared and include social meanings. In order for those "social meanings to function, they must be recognized, but they need not be endorsed." (Haslanger 2017: 21) Cultural schemas are mostly internalized by individuals and help them think and act fluently in social contexts. Psychological schemas, on the other hand, are those schemas that "process and store information that is the basis for various behavioral and emotional dispositions." (Haslanger 2017: 21) Of course, cultural schemas

4 | See also Sewell (1992: 13). Note that there are certain differences between Haslanger's and Sewell's account of social structures. Sewell defines resources as a source of power *per se*, while Haslanger thinks that something is a resource only by having positive or negative value and the resources that are taken to have positive value are a source of power. Further, for Sewell, interdependent resources and schemas constitute social structures, while, according to Haslanger, they constitute social practices that then taken together constitute social structures. Finally, it is unclear whether Sewell thinks of the interdependence between schemas and resources as causal *and* constitutive, as Haslanger does. Sewell's account of schemas and resources draws on Giddens, who takes social structures to be constituted by rules and resources (or "rule-resource sets"). (Sewell 1992: 4-13) See also Giddens (1976, 1979, 1981, 1984).

5 | For a detailed account, see, for example, Machery (2009).

influence our psychological schemas. And even though they vary and can be changed over time and context, they are nevertheless "sticky and resist epistemic updating." (Haslanger 2017: 21) Cultural schemas constitute our social practices.

Resources, on the other hand, are not just economic stocks or material objects, but everything that has positive or negative value in any sense (practical, moral, religious, etc.). Resources with positive value are a source of power. According to Haslanger, resources and schemas are interdependent and they create so-called looping effects. (2017: 22) Sewell has illustrated the same thought with the following image:

> A factory is not an inert pile of bricks, wood, and metal. It incorporates or actualizes schemas, and this means that the schemas can be inferred from the material form of the factory. The factory gate, the punching-in station, the design of the assembly line: all of these features of the factory teach and validate the rules of the capitalist labor contract. [...] In short, if resources are instantiations or embodiments of schemas, they therefore inculcate and justify the schemas as well. (1992: 13)

A factory is not just a material object, but is constituted by interdependent schemas and resources. Working in a factory is a complex network of social practices, e.g., punching-in, working the assembly line, taking lunch breaks, etc.

The interdependence between schemas and resources is constitutive as well as causal. According to Haslanger, without schemas we would be unable to interpret something as a resource. For example, a particular schema enables us to make something intelligible as food, that is, as a resource to be eaten: "What it is to be food is not just a matter of what is edible, since not all edible things are known to be or count as food; food is what is intelligible to us as to be eaten." (Haslanger 2017: 22) To think of something as food is to locate it within a framework of reasons. We eat certain types of things because they are taken to be food and we feel disgusted by other (sometimes edible) things because they are not. We can therefore say that schemas and resources are constitutively interdependent. There is also a causal relation between schemas and resources. Identifying something as a specific resource (for example, food) creates schemas that guide us through questions of gathering, producing, or cooking food. And these schemas then affect how we think of certain resources. That is, when schemas evolve they can highlight new resources and when resources change, they can make it so we need new or modified schemas. Since this is a highly complex process that often happens without awareness, the resulting social practices can be "congealed and dissociated from the interests and functions that were their original impetus." (Haslanger 2017: 23)

I claim that rape is a social practice. In arguing for this claim I follow the Haslangerian account of social practices sketched above. First, rape is constituted by schemas and resources. Remember that following Sewell, Haslanger takes resources to be anything that "can be used to enhance or maintain power" (Sewell 1992: 9). For example, human resources can be physical strength, dexterity, emotional commitments, and knowledge, or animate and inanimate materials. (Haslanger 2012: 415, 463) A simple understanding of rape might be that rape is a resource itself, it can be used to enhance or maintain power over the victim and over women in general. (cf. Brownmiller 1975: 15) Yet, I claim that this explanation fails to capture the underlying dynamics of acts of rape. Part of the reason for why acts of rape are used to maintain or enhance power is that rape has specific social meanings. It is not a resource but a social practice that is constituted by interdependent resources and schemas. Take the following example:

> After his friends left, we're sitting on the couch and he leans over and he kisses me and I'm thinking, "It's a date, it's no big deal." So then we started kissing a little bit more and I'm thinking, "I'm starting to enjoy this, maybe this isn't so bad." Then the phone rang and when he came back I was standing up. He grabbed me from behind and picked me up. He had his hands over my eyes and we were walking through his house. It was really dark and I didn't know where on earth he was taking me. I had never actually walked through his house.
> He laid me down [on a bed] and kissed me. ... He starts taking off my clothes and I said, "Wait—time out! This is not what I want, you know," and he said to me something like this is what I owed him because he made me dinner.
> I said, "This is wrong, don't do this. I didn't go out with you with this intent."
> He said, "What do you call that on the couch?" I said, "I call it a kiss, period."
> And he said, "Well, I don't." [...]
> The whole time I'm thinking, "I don't believe this is happening to me." [...] he grabbed me and threw me on the bed and started taking my clothes off. I'm yelling and hitting and pushing on him and he just liked that. He says, "I know you must like this because a lot of women like this kind of thing." Then he says, "This is the adult world. Maybe you ought to grow up some."
> I finally got to the point where there was nothing I could do. (Warshaw 1994: 16)

Some of the resources at work here are the man's superior physical strength (he can easily lift her up), the empty house (she is in his house alone with him), the woman's emotional commitment (she does not want to mistrust someone she knows), the date situation, and so on. Those resources stand in relation to schemas that make them intelligible. At the same time, the resources guide the schemas they both—the woman and the man—apply to the situation at hand.

According to Haslanger, schemas "are clusters of culturally shared mental states and processes, including concepts, attitudes, dispositions, and such, that enable us to interpret and organize information and coordinate action, thought, and affect." (2017: 21) The schemas at work in this example and in the social practice of rape in general are mostly rape myths. As I have shown in Section 1.2.2, a 'rape myth' "is an inaccurate assumption about rape" (Burrowes 2012: 2). In the case above, the man likely holds the belief that once sexual interaction like kissing has started, there is consent to sex and / or that women like to be overpowered sexually. Additionally, he also holds certain attitudes towards women that grant them less sexual respect than men are granted. The woman, on the other hand, is not necessarily free of these false beliefs and attitudes. She might not want to hurt his feelings. She might think that she led him on by kissing him, which hinders her from reacting quickly and judging the situation correctly in the beginning. Often, rape myths are myths about male entitlement: what men are entitled to and what they can legitimately expect from another person. Both the man and the woman are socialized into believing that men are entitled to a woman's body in some contexts.

As I have shown before, rape myths reflect societal attitudes. A sexist society therefore creates and maintains rape myths. But rape myths or schemas in general also maintain a sexist society. Schemas and resources are constitutively and causally related. Without the schemas, we fail to make something intelligible as a resource; without the myth that women want to be overpowered sexually, the man would fail to understand his physical strength as a resource. The myth affects how he thinks of certain resources. And knowing about the resource of physical strength creates schemas of how and whom to overpower. Haslanger writes that reality "'pushes back' when we come to it with the wrong or an incomplete schema" (2012: 415). But reality does not push back in cases like the one above. Interpreting the given resources the way the man does in the example, is tolerated and accepted by the given social system.[6] It is the dominant schema at work.

Second, acts of sexualized violence constitute specific social relations. The act of rape is one instance of maintaining or establishing power over another person. The act is also constitutive of the social role of the rapist and the victim. Being a victim of rape relates one in specific ways to other persons, e.g., the rapist, the police, the medical personnel, psychological personnel, other persons involved, etc. It also relates one in specific ways to things, e.g., one's own body, medical tools, one's mattress, etc. The act of rape is only intelligible

6 | I say more about this in Section 4.2.2 below. And, in Section 4.3, I show how the social practice of rape is masked by a dominant schema. But remember also what I argued in Chapter 1: the dominant working understanding of *rape* is distorted by rape myths.

within a social structure that involves certain schemas and certain resources (including other social practices, e.g., few or no institutional punishment for certain acts of rape). Think of it this way: previously, we might have lacked the hermeneutical resources to conceive of an act of forced sex in marriage as an act of rape. The schemas needed for marital rape did not exist. The act in question was still an act of rape, but it was masked by the existing hermeneutical schemas and resources; the act was not intelligible as an act of rape. Furthermore, the social practice of rape does not only constitute social relations between specific individuals, but also between members of different social groups. The threat of rape that women and gender non-conforming people fear brings about specific social relations to those that can potentially commit rape and institutions that do not prosecute rape charges. And, finally, the social practices and resulting network of social relations create a specific social structure that makes it possible for certain individuals to rape (and get away with it) and for others to be raped or live in fear of being raped. This social structure is fed and kept in place by an interplay of schemas, resources, practices, and relations.

I have argued that rape is one of many social practices that constitute the social structure. As a social practice, rape is constituted by interdependent schemas (e.g., rape myths) and resources. Further, it works together with other social practices to build social relations and, finally, the social structure.[7] However, rape is not just any social practice, but, what I call, an 'accepted practice'. Some forms of rape, mostly those that mirror the prevailing image of stranger rape, are deemed unacceptable, while most forms of rape are deemed acceptable because they are masked by dominant (and false) views of what constitutes rape and what does not. I argue for this claim in detail next.

4.2.2 Rape as an Accepted Practice

Rape is a social practice and as such, it is part of a framework of social structures. I now ask whether rape is tolerated, accepted, and / or justified by the social structures of which it is a part. I claim that most forms of rape—all those diverging from the physically aggravated stranger rape case—are, what I call, 'accepted social practices'. Roughly, this claim has two elements. First, something is an accepted practice if it is recognized as condemnable, but is only rarely sanctioned (or if it is only weakly sanctioned), and, second, if most of its instances are reinterpreted and therewith made acceptable. In the case of rape, it is not that people genuinely think that raping another person is blameless, but that cases which do not mirror stereotypical stranger rape are not taken to be rape. Thus, by making them intelligible as something else, they become

7 | I say more about this in Section 4.3.2.

accepted.[8] Furthermore, in the cases that are taken to be cases of rape, the sanction is very weak—in other words, raping and getting away with it, is a real option for many. Therefore, since it is de facto accepted in the social structure, rape as a social practice is reproduced.

Consider the following case. On the night of August 11, 2012, a high-school girl was raped by two high school football players in Steubenville, Ohio. The intoxicated girl left a party that night with four football players. While she was passed out in the backseat of the car, her breasts were exposed and one of the football players, Trent Mays, penetrated the victim's vagina with his fingers (a so-called 'digital penetration' that is an act defined as rape according to Ohio law). His friends filmed and photographed the abuse. The four football players later brought the unconscious victim to the basement of a house, where Mays attempted to rape the victim orally by forcing his penis into her mouth. She was stripped naked and another of the football players, Ma'lik Richmond, digitally penetrated her vagina. Their friends again took photos and shared them with friends that were not present. The abusive acts were documented on Facebook, Twitter and via text messages—none of the friends present and none of the people who received text messages or read about the crime on social media reported the abuse to the authorities. (cf. Harding 2015; Macur and Schweber 2013; Oppel 2013)

The case became well known for the following two aspects: the general misrepresentation of the incident and the institutional failures of justice. Let us consider each aspect in turn. (1) The general misrepresentation can be seen in the following two ways: the attitude of the perpetrators and friends, who failed (or wanted to fail) to see the incident as one of rape, and the general victim blaming that occurred in the aftermath of the incident. First, the

8 | As discussed in Chapter 1 and 2, the paradigmatic instance of rape is that of stranger rape, i.e., a stranger lurking behind a bush in the middle of the night waiting for a woman to physically overpower and sexually penetrate. This story is not new, as Estrich (1987: 4) reports, Harry Kalven and Hans Zeisel of the University of Chicago have made a distinction between aggravated and simple rapes in the mid-1960s. For more on their distinction and its application in a study of American juries, see Kalven and Zeisel (1966). Aggravated rapes include extrinsic violence (e.g., guns, knifes or physical violence) or one or more perpetrators who are strangers to the victim. Simple rapes, on the other hand, do not include any of these features: they are cases in which a perpetrator acts alone, is known to the victim, and does not use any extrinsic violence. Most would agree that the act of an aggravated rape or a stranger rape is morally wrong, that the victim could not have prevented the act, and that the perpetrator(s) should be punished for the act. Not so when it comes to other forms of rape (or, in Estrich's words, "simple rapes"). (cf. Harding 2015; Warshaw 1994) And this is because those other acts are not taken to constitute acts of rape.

perpetrators seemed to have failed to understand what they were doing as an act of rape. Trent Mays sent a text message after the crime was revealed that said: "I shoulda raped her now that everybody thinks I did," but "she wasn't awake enough". What hinders May from understanding the act as rape are the prevalent schemas about rape, e.g., that unconscious individuals cannot resist, and that they therefore consent, and / or, that sexual acts short of the penile penetration of the vagina are not acts of rape, and that rape is only committed by strangers but not between acquaintances.

Second, the general misrepresentation of the incident can also be seen in the fact that none of the friends reported the rape to the authorities, neither during the night nor afterwards, although many knew of it. Ohio investigators confiscated 15 cellphones and two tablets with photos and hundreds of messages from more than 20 students. One explanation for why they did not report it, is that they failed to make the incident intelligible as an act of rape and therefore a crime that ought to be reported to the authorities and a wrong against a woman that should be prevented. Instead, they, likely, believed in rape myths that turned the incident in question into an accepted "prank". Furthermore, some of them held attitudes along the lines of "some girls deserve to be raped." The underlying myth is that some women—those labelled 'bad' women—deserve to be abused, and when this happens, it is not actually rape because she "asked" for it. A Steubenville baseball player, Michael Nodianos, tweeted the following about the unconscious girl: "Some people deserve to be peed on", which was then retweeted by others. He and his friends also made an online video in which they joke about the incident. In the video, Nodianos says: "They peed on her. That's how you know she's dead, because someone pissed on her." (McCormack 2013; Oliver 2016)

Third, and lastly, the general misrepresentation of the incident can be seen in the victim blaming of the abused girl. The massive evidence in forms of text messages and photos shared between friends and on social media and the discussions on social media in the aftermath—in which the girl is blamed for ruining the lives of promising high school football players—tells a devastating story of the prevalent attitudes of victim blaming. Not only individuals on social media blamed the victim, but the media reaction in general took to victim blaming. On March 17, 2013, CNN's Poppy Harlow said that is was "incredibly difficult, even for an outsider like me, to watch what happened as these two young men that had such promising futures, star football players, very good students, literally watched as they believed their lives fell apart." And, further, CNN, Fox News and MSNBC revealed the victim's name in their broadcasts, which resulted in direct attacks on the victim; this is, for good reasons, against journalistic "good behavior." (cf. Davidson 2013; Edwards 2013; Fung 2013; Knowles 2013; Wemple 2013)

(2) The case also involved the institutional obstruction of justice. In the beginning, police refused to investigate the case, despite the overwhelming photographic evidence. Only because of media coverage and individual calls to investigate, did they take up a full investigation. Further, when the police investigation was finally on its way, it was hindered and the case was allegedly covered up by school officials and local authorities to protect the athletes and the school, e.g., text messages were shown as evidence that coach Reno Saccoccia tried to cover for his players. Finally, both perpetrators served sentences of not much more than one year in juvenile detention only. They were released in 2014 and 2015. None of the adults charged with obstructing justice were sentenced, although Steubenville City Schools superintendent Michael McVey resigned his post (he was later hired as an elementary school principle in the Ohio Local School District). In comparison, most of the individuals who tried to bring attention to this case were later either harassed by the parents of those involved and other adults on social media or sentenced for leaking documents. (cf. Ferenstein 2013; Harding 2015; Oppel 2013; Preston 2013; Reisenwitz 2014) The whole institutional system worked against understanding this incident as rape. It is not that all these people involved genuinely think that raping another person is ok, rather they hold rape myths and rely on hermeneutical resources that reinterpret what happened not as an act of rape but as an act in which the victim is to blame. Taking into account this case and its aspects suggests that a majority of rape cases (excluding the stereotypical ones) are accepted social practices that are sustained by other (and partly institutionalized) social practices and rape myths.

Furthermore, even in cases that are taken to be cases of rape by those involved, the sanction is often very weak. In the Steubenville case, even when the court finally acknowledged the nature of the incident as rape, they sentenced the perpetrators to ridiculously short sentences. Young says, about group violence in general, "[g]roup violence approaches legitimacy, moreover, in the sense that it is tolerated. Often third parties find it unsurprising because it happens frequently and lies as a constant possibility at the horizon of the social imagination. Even when they are caught, those who perpetrate acts of group-directed violence or harrassment often receive light or no punishment. To that extent society renders their acts acceptable." (1990: 62) I hold that the same can be said about acts of rape. Even in the rare cases of physically aggravated stranger rape (which are widely considered to be instances of rape), society renders the acts tolerable by institutionally dismissing them or by sanctioning them mildly. Sometimes this is done by showing sympathy for the perpetrators through handing out short sentences (as in the Steubenville case or the aforementioned case of Brock A. Turner), sometimes by institutional rules that reinterpret instances of rape.

An example of such institutional rules is the following. In most states in the USA the minimum marriage age is 18. However, states allow exceptions in which children younger than 18 can wed. One exception is that children aged 16 and 17 can marry with parental consent, even though it is rarely investigated whether the child is willing to marry or not. Indeed, even in cases where the child is crying while being married, the clerk has no authority to intervene. The second exception for children aged below 16 to marry is with judicial approval. Many states do not specify any minimum age in these cases. In New Jersey between 1995 and 2012, 3,481 children were married. Most of them were age 16 and 17 and married with parental consent, but 163 of them were between age 13 and 15 and married with judicial approval.[9] 91 % of the children were married to adults and 90 % of the children married were girls.[10] In most cases, the age difference between the child and the person she is married to is more than 4 years, which is the age difference beyond which sexual relations fall under statutory rape; that is, in most cases, young girls are being married to much older men. (cf. Reiss 2015) One such story is Sherry Johnson's. She was 11 years old when she got pregnant from being raped by a man in her church. Her marriage with her rapist, who was 9 years older, was arranged partly to cover up the rape. (cf. Kristof 2017) In these cases, marriage makes the statutory rape legal. The institutions work directly towards making rape acceptable.

In line with the Steubenville case, I claim that rape as a social practice is accepted if it has the following features: (1) A general misrepresentation of the act over different contexts and a long period of time; (2) institutional support for the practice of rape (e.g., in the form of short or no sentencing, the lack of investigations, failure to provide care for the victim, and so on); and (3) the existence of social structures that provide a coherent narrative for the general misrepresentation and institutional failures.[11] The perpetrators in the Steubenville case made individual decisions to take part in assaulting an unconscious girl, however, their decisions only become intelligible when we take into account the background schemas (e.g., that assaulting unconscious girls is a prank and not rape), resources (e.g., that they could get away with it

9 | For more numbers, see Kristof (2017). Surveys found that child marriages in the United States take place in immigrant communities from countries in Africa, Asia, Europe, and the Americas as well as in "American" families. Often they take place in religious communities including Muslim, Christian (especially Catholic), Hindu, Buddhist, Sikh, the Orthodox Jewish community, Mormon, and Unification Church. (Reiss 2015)

10 | This is consistent with global results; i.e., child marriage and forced marriage disproportionately affect girls and women. (Reiss 2015; UNICEF 2017)

11 | Similar claims have been brought forward by other feminist theorists; see, for example, Card (1991).

without much sanction), and their social position as privileged football players. The schemas at work legitimized the acts, placed the blame on the victim, and re-defined the assault as appropriate sexual behavior. They brought it about that the media did not condemn the act and that the involved institutions (the school and the police) actively refrained from investigation. The fact that these resources were in place reproduced the underlying schemas. It is because of this specific social structure that the general misrepresentation of the act and the institutional support became part of a coherent story instead of leading to resistance by the bystanders, the police, or others.

Other paradigmatic instances of rape as an accepted practice can be found at colleges and in the military. A Pentagon study showed that there were three sexual assaults every hour in the military in 2012. (Brook and Zoroya 2013; Whitlock 2012, 2013) The cases that became known in the military had the following features: victim blaming attitudes, discouragement of victims to come forward, abuse of positions of power. Kelly Oliver (2016), for example, reports two cases in which those in charge to prevent sexualized violence in fact perpetrated it.[12] This not only shows the general attitude towards sexualized violence in the military but it also sends a message to those who are victimized. The military response to those incidents is marked by a general misrepresentation of the act in question and a victim blaming attitude, e.g., the advice of one military chaplain to an army sergeant who was raped by another soldier was that "the rape must have been God's will and that she should go to church more often" (Mulrine 2012). Furthermore, military culture and military institutions discourage victims from reporting sexual assaults and rape. Military culture is the culture of a boot-camp in which you have to be strong to survive; snitching on your fellow soldiers is a sign of weakness. Reporting rape can also (and often does) ruin military careers.[13] Very few reports lead to charges and convictions, meaning that the victim has to deal with her rapist even after a report. (cf. Lawrence and Penaloza 2013) Rape in the military context goes hand in hand with misrepresentations of rape, a victim-blaming culture, and its institutional mishandling.[14]

12 | Oliver reports that in 2013, Lieutenant Colonel Jeffrey Krusinski, who was in charge of sexual assault prevention programs for the Air Force, was himself charged with sexual battery, and two weeks later a sexual abuse educator at Fort Hood (Texas) was charged with sexual assault and running a prostitution ring. (2016: 82-3)

13 | Myla Haider, a former employee in the Army's Criminal Investigation Command, who was expelled for reporting her own rape, states: "I've never met one victim who was able to report the crime and still retain their military career. Not one" (Lawrence and Penaloza 2013).

14 | See also the documentary *The Invisible War*: Dick (2012).

This is similar in cases of rape on college campuses.[15] More than 16 percent of college women are sexually assaulted while in college in the United States. (cf. DiJulio et al. 2015; Fisher et al. 2000; Krebs et al. 2007) Most victims say that the questions they were asked by university officials when reporting their rapes expressed attitudes of victim blaming and the reinterpretation of the rape. For example: What would you do differently to prevent the rape? Were you drunk? What were you wearing? Did you say "no"? (Dick 2015: 10:25-11:35) They also say that reporting rape is made difficult by the universities and that university officials try to discourage people from reporting. Some victims got advised to "drop out till it blows over" or were told that there is not enough evidence; others got no response from the university at all or had their cases not processed, and some university officials expressed more concern about the perpetrator's needs than the victim's. All this "advice" has silencing effects on those victimized. (Dick 2015: 11:38-12:00) And it partly explains why 88 percent of women sexually assaulted on campus do not report the crime. (cf. DiJulio et al. 2015; Fisher et al. 2000) Not acting on reports of rape (or acting on it only with very little consequences) means that the perpetrators can get away with it and that they can repeatedly commit rapes and other assaults. Faculty and university administration report that they regularly hear about perpetrators accused of rape by more than one student. A study by Lisak and Miller shows that less than 8 percent of men in college commit more than 90 percent of sexual assaults and that repeat offenders commit an average of six or more acts of sexual assault. (Lisak and Miller 2002) Furthermore, not acting on the reports, sends a signal to victims and perpetrators (including potential perpetrators).

I conclude that rape is an accepted social practice in the sense that (1) it is rendered into something else and thus accepted, and (2) it is institutionally protected. This sends a particular signal to (potential) perpetrators in two ways. First, it is more likely that they fail to understand acts of rape as acts of rape; and, second, it is more likely that those who do understand this exploit the system that masks the nature of rape. This is not to say that there are no critical views against the general misrepresentation of rape, the victim blaming attitudes that go along with it, and the institutional failure to achieve justice for victims of rape. Rather it is to say that the dominant structure is one in which critical

15 | Note that in studies on rape at college campuses, the focus is on aggravated cases of rape—cases that involve beatings or physical violence beyond the bodily transgression or rape drugs. They are cases of deliberate rape, in which the perpetrator knows exactly what he is doing. In Chapter 6, I introduce a distinction between these deliberate cases and cases that are due to internalized rape myths in which the perpetrator cannot necessarily grasp that he commits violence against another person; as in the Steubenville case, for example.

views are seldom and hard to fight for. The systematic, ideological masking of rape is determined by 1) how much effort it takes to be critical of the prevalent view or to have views counter to these attitudes, and by 2) how little blame is put on those exploiting and / or reproducing the system. I take up the question of ideology in the next section and the question of responsibility within the sexist system in Chapter 6.

4.3 Rape and Sexist Ideology

Understanding rape as an accepted social practice embedded in a social structure allows us to think of it in terms of a theory of ideology. If rape is part of a sexist ideology, this can explain its pervasive and constraining character even further and it can make sense of the ways in which some perpetrators fail to understand their acts for what they are. In the first section, Section 4.3.1, I have a brief glance at existing theories that place rape within a social system of sexism, patriarchy, or gender inequality. From these, I take on board two valuable ideas: (1) that such a social system is holistic (brought forward by MacKinnon)—I call this the holism claim—and (2) that such a system has a life of its own (brought forward by Card)—I call this the self-operative claim. These ideas essentially run against the classic feminist view that all men use rape as a tool to keep all women in a state of fear. In other words the idea that rape has a particular function: that men consciously use rape to oppress women and maintain their powerful status quo. If the ideological system is indeed holistic, as I will argue, then the story is more complex. First, not every man uses rape and is conscious about its function, and, second, men are not the only key-players of the ideological framework. If the system gained a life of its own, then it is not just one social group that actively brings it about. It thus becomes harder to pin down who is responsible and who is suffering from the system. In the second section, Section 4.3.2, I argue that we should understand rape as a social practice within a sexist ideology. I bring forward an account of a sexist ideology with the help of Haslanger's framework of cultural techné and Barbara Fields' account of ideology as a day-to-day framework. Understanding the sexist system as an ideological system has at least three benefits: (1) it can explain the pervasive character of sexualized violence; (2) it explains how all social groups are situated within the ideology; and (3) it shows how the system as such is marked by contradictions and therewith provides a way to break free of the system—a prerequisite for a social theory and critical analysis, as I argued in Chapter 3. Finally, I end the section on sexist ideology by showing how this understanding allows us to think of rape myths as ideological beliefs. To do so, I use a theory by Tommie Shelby. (Section 4.3.3)

4.3.1 What Is a Sexist Ideology? A First Approach

Before I bring forward an account of a sexist ideology of which the social practice of rape is a part, I briefly have a look at existing accounts that claim that rape is part of some social system. The idea that rape is more than a single act, but is instead a system, ideology, or institution is not a new thought. Wilhelm Reich speaks of a "rape ideology" as the once prevalent attitude to have sexual intercourse that was not mutually desired. (1974: 27) However, while he lingers on the idea of a "sexual ideology" as the framework of sexual repression within authoritarian societies (1974: 40), he does not specify what a "rape ideology" is. Let us therefore briefly turn to some feminist scholars that have entertained the idea of a patriarchal system or a system of male supremacy.

Susan Brownmiller argues that the system of rape is based on the physiological features of human bodies. While men are structurally capable of raping, women are structurally vulnerable to being raped. (Brownmiller 1975: 13-4) After the first accomplished rape, it became men's weapon with which he could show his superior strength. According to Brownmiller then, rape is structural in the sense that men are capable of doing it and women are vulnerable to have it done to them. Furthermore, it is used systematically to keep all women in place, i.e., it forces them into a deal with men to be protected on the condition that they grant sexual access to the one man that protects them from all the other men. Rape is thus used to establish a protectorate first and patriarchy second. (Brownmiller 1975: 17)

Susan Griffin expresses a similar thought, when she writes that women are never without the fear of rape. (1971: 26) She explains that there are two contradicting myths—the one of the abnormal rapist and the one of rape being a natural behavior. She then shows (1) that not merely abnormal but normal men rape too, but that acts of rape by "normal" men are unintelligible. Rather, in these cases another myth comes into play: that all women want to be raped and that they therefore provoke being raped. According to Griffin, the sexual heteronormative system divides men into two categories: those that rape and those that protect vulnerable women from rape. It creates a protection racket against the myth of the abnormal rapist. But women do not get protection for free, they have to earn it through chastity, virginity, or monogamy. Women who are raped are thus not worthy of the protection and therefore brought the rape on themselves. And, (2) rape is not a natural behavior but must be learned. Furthermore, even though rape is theoretically against the law, this should not lead us to suspect that it "is not in fact encouraged as part of our culture." (Griffin 1971: 27) Culture teaches men to be aggressive and woman to be passive; it links male sexuality to violence. (Griffin 1971: 28-9) In other words, heteronormativity is inextricably linked to male dominance and female submission. Culture and society teach men to rape and encourage rape as a

practice when it is committed; "rape is not an isolated act that can be rooted out from patriarchy without ending patriarchy itself." (Griffin 1971: 35)

In a similar vein, Catharine MacKinnon argues that rape is a problem of the inequality between women and men. She makes two distinct but interdependent claims to support her account of a system of inequality: first, the distinction drawn by feminists between rape as violence and non-rape as sex is as mistaken as the distinction drawn by the male point of view between rape and sex. And, second, rape is part of a holistic system of gender inequality. Let us consider each claim respectively. First, the male point of view makes sharp distinctions between rape and sexual intercourse, between acts of sex and acts of sexualized violence. However, according to the experience of women, these distinctions are not as sharp as they might seem. The "normal" acts that women experience daily are not so easily distinguished from the abuses they suffer; women are also violated by the "normal" forms of sex. (MacKinnon 1987c: 86-7) While feminist movements labelled acts of rape 'acts of violence' (instead of sex), MacKinnon highlighted the fact that sexualized violence does not center around sexual gratification but power. In this sense, MacKinnon also brings into focus the social institution of heterosexuality: the sharp distinction—from the male point of view—between rape and sex results in most acts of rape being defined as "normal" sex; as long as there is not enough violence, it is sex. This not only leads to low reporting and conviction rates of rape, but also to women who believe that what happened to them was not rape, even though they were forced. (MacKinnon 1987c: 88) According to MacKinnon then, the social institution of inequality between women and men is inter alia (re)produced by the unfair treatment of women, the retaliation against women who report sexualized violence and the failing legal system. (1987b: 82)

Second, the social institution of inequality makes it not only the case that acts of rape are unintelligible as acts of rape, but that they are considered "normal" sex. The social institution defines every aspect of sexual behavior. MacKinnon concludes that we have to broaden the concept of rape for the pragmatic reason of tackling the systematic character of sexualized violence. (1987b: 82) She takes a holistic stance: by arguing for a broader understanding of rape, she shows how the (false) definitions of rape cannot be understood without understanding what it means for sexuality and our social lives in general. By defining sexuality via male power, sexuality becomes the tool that makes rape unintelligible and our social lives unequal. (MacKinnon 1989b: 130) Accordingly, rape is the necessary outcome of a system in which heterosexuality means male dominance and female submission; to "be rapable" (MacKinnon 1989b: 178), therefore, is the social position of a woman.

Claudia Card claims that rape is an institution and a form of terrorism, in other words, that rape is a terrorist institution. She argues that rape is a kind

of historical practice (similar to war or punishment).[16] According to Card, a practice is "a form of social activity structured by rules that define roles and positions, powers and opportunities, thereby distributing responsibility for consequences." (1991: 297-8) Practices that are well established can be called an 'institution'. According to Card, rape is a well established practice and therefore an institution. (1991: 297-8) This should not imply that those participating in the institution of rape do so knowingly; rather, they think of what they are doing as natural behavior caused by the provocation of women. Once a practice is institutionalized, it does not need to be supervised because the individual actors who reproduce it find their own reasons and excuses for what they do. (Card 1991: 298) Card argues, thus, that rape as an institution is not the plan of a couple of individuals who impose it on others, but takes on a life of its own. The task of rape (subordination and subservience of women to men) and the rules of rape (conferring consent upon a woman's status, her appearance, or the situation) become the second nature of its participants: "the rules become 'second nature,' like the rules of grammar, and those guided need not be aware of the rules as learned norms." (Card 1991: 299) Therefore, first, not all who follow the rules (or norms) and impose the threat of rape on others, actually commit any acts of rape. Second, those who do commit rapes do not consciously follow the rules or even support them, they might instead have their own individual reasons.

Card argues further that rape is a form of terrorism. In support of this claim, Card addresses the following points. First, even though it is officially prohibited, "governments have been better at protecting men from accusations of rape than at protecting women from rape." (Card 1991: 300) Rape is terrorism only from the viewpoint of the woman. Second, it plays a major role in shaping sexual politics by imposing a constant danger to women, making it so that women need to find protection in the form of another man and therewith adapt their sexual (and non-sexual) life accordingly. Third, it has two targets: the "bad girls" who suffer from it and the "good girls" to whom the "message is sent by way of the treatment of the former." (Card 1991: 302) The "good girls" might not feel the threat, but they nevertheless receive the message: comply with men's demands, otherwise you will be next. Similar to Brownmiller and Griffin, Card here focuses on the male-protection racket as a central piece

16 | I previously argued that rape is a social practice and a part of a social structure. While Card uses 'practices' and 'institutions' interchangeably, according to the Haslangerian framework that I have taken up, an institution involves more processes than just schemas and resources and should therefore not be used interchangeably with 'practice'. I say more in the next section (Section 4.3.2).

in the sexual structure.[17] The institution of rape brings it about that women succumb to men's will in general. It does so by distinguishing between the man who protects and the man who rapes and between the "good girl" and the "bad girl". Even in cases in which the state penalizes those who rape, it supports the protection racket by not doing anything against the continued threat of rape and the benefit of that threat for men. Thus, for Card, rape is an instrument that shapes sexual politics.

To summarize quickly, Brownmiller argues that rape is "a conscious process by which all men keep all women in a state of fear." (1975: 15, emphasis in original) For her, the use and threat of rape creates a system in which women succumb to men out of fear. Men consciously bring this system about. While Griffin also argues that men benefit from the patriarchal system of a male-protection racket, she abstracts from the idea that men bring this process about intentionally. Rather, she indicates that the patriarchal system works through various myths. MacKinnon and Card follow this line of thought by arguing that rape is not a conscious tool by which a sexist social system is brought about. Rather, for MacKinnon, rape is one extreme part of a system of inequality; this system is produced by rape and helps reproduce rape at the same time. Similarly, Card regards rape as an instrument that shapes sexual politics. Yet, Card seems to place more weight on rape (re-)producing sexual politics, while MacKinnon shows the holism in which rape, sexualized violence, sex, gender, and inequality work together to create a heteronormative system.

I agree with Griffin, MacKinnon, and Card—contra Brownmiller—that rape (in itself or as part of a system) is not a conscious tool for keeping women in place. Rather, via myths and practices it (re)produces a system that takes on a life of its own. Not everyone who rapes or benefits from it is aware of the rules and norms that govern the practice. And it is far from the case, that everyone who commits rape, does so with the intention of keeping all women submissive.[18] Furthermore, I agree with Card and especially MacKinnon that rape is the most extreme part of a holistic system of inequality, a system that shapes sexuality and social lives.[19] And it does so through myths, practices, concepts, etc.; it is, in Marilyn Frye's words, "an attitudinal-conceptual-cognitive-orientational complex" (1983: 41).

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17 | A similar point is also made by Peterson (1978) when she argues that rape is a practice specified by a system of rules. These rules include roles, moves, penalties, etc., that give rape its structure as a practice.

18 | Nevertheless, a man might still use rape to keep his victim in place in any particular case.

19 | Not all feminist scholars of rape agree with this claim. Baber (1987), e.g., argues that while rape is indeed bad, most of the work that women are doing outside of the home is more seriously harmful than rape.

However, contra Card, I think that rape does not have one function (to bring about the male protection racket and its patriarchal structure) and contra MacKinnon and Card, I do not think that all men benefit from the system of male dominance and female submission. Card's argument mostly hangs on the specific social structure to which rape contributes. The patriarchal structure comes into place by the terrorist institution of rape that "gives an incentive" for women to succumb to men under the male protection racket. However, I contend, rape has more functions than one—not only on the individual level, but also on the institutional and social level. While Card (similarly to Brownmiller and Griffin) is right to argue that rape brought about a specific patriarchal structure of chastity, virginity, and monogamy, this might not be the case anymore or at least not the only outcome. The patriarchal structure changed over the last centuries, husbands and fathers are not necessarily in control of the family anymore and there are other ways to conform to the sexist structure besides adopting patriarchal relations.

Furthermore, rape is not only used to structure patriarchal relations. Consider the following contexts. First, it is used in war to destabilize the opposing communities. As Mari Mikkola argues, "[w]omen in [...] conflict areas are sexually violated (among other reasons) because they are seen as the representatives of their communities and the facilitators of the communities' continuation." (2016: 157) By targeting women, they seek to destroy the communities of the enemy. And, second, at the time of writing, rape is used as a tool in South Africa to "correct" gay men and lesbian women. Carter reports the story of a woman, Simphiwe Thandeka, who was "correctively" raped more than once. She was raped at 13 years old by an uncle "who didn't approve of her 'boyish' ways." (Carter 2013) And some years later, her uncle arranged a marriage for her to "cure" her of her sexuality. Both examples have to do with the structure of sexuality and social lives, but not in the narrow way of conforming to patriarchal relations. Rape in war acknowledges the role women play for their communities, which is why they are targeted. However, they are not targeted only to break up their marriages or the prospect of marriage, but also for dismantling their ties to the communities in general. Corrective rapes target a person's assumed sexuality and sexual preferences, but not simply to have them marry. Rather, it is to have them conform to the general sexist structure, that is, the heteronormative structure.

Finally, Card and MacKinnon argue that the patriarchal structure and male dominance is beneficial for men. It gives them access to women and gives them the power to shape the world according to their view.[20] However, not all men benefit from the system of male dominance. Toxic masculinity is

20 | See MacKinnon (1989b: 118) for this point. For an explanation of MacKinnon's metaphysics and an illuminating critique see Mikkola (2016).

often described as "the constellation of socially regressive male traits that serve to foster domination, the devaluation of women, homophobia, and wanton violence." (Kupers 2005: 714) Toxic masculinity, then, is both problematic for men who conform to it and for those who do not. It is, obviously problematic for those who do not conform to it because they become a target for sexualized violence, physical abuse, and hate crimes. And it is problematic for those who do conform to it, as it restricts them from seeking help (physically and mentally), expressing their feelings, and experiencing love or friendship. (Sattel 1976; Strikwerda and May 1992) And, further, toxic masculinity is problematic because it brings men to prison and bears the risk of being infected with, e.g., HIV. (Tschaepe 2015)

From the above discussed literature, I take on board, first, the idea that rape is part of a holistic sexist system that gives meaning to rape itself and sexuality and gender in general. Rape is not simply a tool that results in a specific outcome (i.e., sexist relations), rather it is part of a holistic system that has an interdependent structure. A social practice such as rape keeps the sexist system alive and affirms it, but at the same time, the system also reproduces rape as a social practice. One way this can be seen is by looking at the practice of date rape. While some acts of date rape are performed intentionally by the perpetrator insofar as he is willingly negligent of the feelings and sexual boundaries of his date, other acts are committed with the belief, that the date does enjoy what is happening. Being taught by a sexist system that women want to be overpowered and enjoy being overpowered can de facto result in the belief that a woman means "yes" when she says "no."[21] This is related to, second, the insight that rape is not the intentional power of all men over all women, but that the system, in which the practice of rape is situated, has taken on a life of its own (beyond the control of individual agents) and is damaging for everyone—women, men, and gender non-confirming people. This implies that rape as a social practice should be made intelligible not in a restricted way of patriarchal relations, but as part of a sexist structure. Not every rape necessarily has a particular function, rather the possibility of being raped (of being rapable) works to control choices of women and gender non-conforming people. By acknowledging that the social structure undergoes changes (and moving from a patriarchal framework to a sexist framework is one of those), the social group that is in danger of rape changes accordingly; e.g., women, some male prisoners, trans persons, gay persons, persons with disabilities, undocumented persons, etc., are all disproportionally targeted as rape victims. The sexist social structure is in two respects not just about women being oppressed: (1) because of intersectionality (race, class, etc., are important, interlocking components

21 | I say more about this in Chapter 6.

in the analysis of gender relations), and (2) because members of other social groups are affected too (e.g., gender non-conforming people).

In what follows I show how rape as a social practice plays a role in reproducing a sexist structure in line with Haslanger's above sketched account of social practices. This alternative account acknowledges the interdependent structure of practices and schemas, on the one hand, and the interdependent character of said structures and the system, on the other hand. Furthermore, I argue that we should understand this specific social structure as a sexist ideology by using Haslanger's framework and Fields' account of day-to-day ideologies to adequately capture the holism of the sexist system and the way in which it takes on a life of its own.

4.3.2 What Is a Sexist Ideology? A Second Look

In the following account of sexist ideology, I take on board two insights from the discussion above: (1) Rape is part of a holistic structure that gives it meaning and gives meaning to sexuality in general. And, (2) rape is part of a self-operative structure.[22] A structure is self-operative if it is constituted by interdependent schemas and social practices. This interdependence makes it the case that the structure takes a life of its own. MacKinnon and Card, besides their insightful views on a sexist system as holistic and having a life of its own, exclusively focus on the dichotomy of men versus women and the idea that all men benefit (in MacKinnon's case per definitionem) from the sexist system.[23] I instead suggest an account of a sexist ideology that takes seriously the claim of holism and the claim that the ideological structure is self-operative. By doing so, I can account for the fact that not only women are subjected to acts of rape and that not only men help to reproduce the sexist structure. Furthermore, I take on board the already established claims from Section 4.2.1 and 4.2.2 that rape is an accepted, social practice. It is accepted in two respects. First, in the sense that many acts of rape are reinterpreted as not rape and are therefore deemed permissible. And, second, in the sense that the act of rape is not sanctioned (or at least not strongly) and is therefore made acceptable.

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22 | I use social structure and social system interchangeably in thinking of a social structure as a holistic system.

23 | According to MacKinnon, being a man or being a woman is defined in terms of being sexually submissive or being sexually dominant. A man, therefore, cannot be sexually submissive by definition: rather, a male person who is sexually submissive would count as a woman. Note also that there is a difference between the claim that all men benefit from the system and all men are structurally privileged. I say more about the first claim in this chapter and return to the latter claim in Chapter 6.

According to Haslanger (2017), the interplay of resources and schemas constitute a social practice. Many social practices in turn create social relations, i.e., relations between people (e.g., being a parent) and relations to things (e.g., cooking). And, finally, networks of social relations constitute a social structure.[24] Using Haslanger's framework, I make two interrelated claims: (1) The social practice of rape is made intelligible by the social structure of which it is a part and, at the same time, helps to perpetuate that structure. (2) The social structure is best described as a sexist ideology that is pejorative, holistic, and self-operative. I, first, spell out Haslanger's framework for social structures and explicate what she understands ideologies (or, in her words, 'cultural technés') to be. I then show how this framework leaves out the holism and the self-operative claim. I therefore use insights from Barbara Fields' account of ideology to undergird Haslanger's framework and show how rape as a social practice fits into the picture. Finally, I explicate how this broader understanding of rape as part of a specific sexist ideology can account for the fact that rape is an accepted practice and that social actors within this ideology act against their own interests. This is an important insight because it shows how not only men but also those targeted by acts of rape help to reproduce it—and therefore provides a more accurate account of sexualized violence in the social world than either Card or MacKinnon.

Roughly, according to Haslanger's theory, a social structure (and its social practices) consist in many interdependent cultural schemas—schemas that are shared in public. Taking all these cultural schemas together is what Haslanger calls a cultural techné. It is because of the cultural techné that we know how to act and behave in the social structure.[25] The cultural techné gives meaning to social practices such as rape or other sexualized acts. Haslanger's notion of ideology can be explained in more detail with help from her account of social practices and social structures. As a reminder, social structures are networks of social relations, and these social relations are the result of various social practices. Social practices are constituted by interdependent resources and schemas that mutually sustain and imply each other over time; they are "collective solutions to coordination or access problems with respect to a resource." (Haslanger 2017: 20) A social structure is a structure in which individuals communicate and act together, engage with the world, and so on. We can understand a social structure as the framework in which life happens. The social structure as well as its constituting social practices consist inter alia in cultural schemas. Cultural schemas have public standing. They include social meanings and have the following two features: (1) in order to

24 | For a detailed explanation, see Section 4.2.1.

25 | For reasons of simplicity, I sometimes simply talk of (cultural) schemas and social practices (including institutions) as the main constituents of a social structure.

function, they must be recognized (but not necessarily endorsed), and (2) they are often internalized by individuals and play a crucial part in their thought process. Cultural schemas allow "individuals to act fluently in social contexts." (Haslanger 2017: 21) Cultural schemas give meaning to the framework of the social structure. In short, the social structure consists in particular social relations, social practices, and resources. What then is an ideology according to this view? The two available candidates are: the social structure or cultural schemas. Haslanger argues that:

> Social structures and the practices that constitute them consist partly in cultural schemas—the public meanings and such that enable us to interpret each other and coordinate. Call a set of interdependent schemas governing a social structure a cultural techné. A cultural techné provides us with the know-how to be part of a social group. An ideology is a cultural techné that organizes us (a) in relations of domination and subordination (either through the production and distribution of goods, or in the constitution of selves), or (b) to resources whose value is misconceived or not recognized. (2017: 23, emphasis in original)

According to Haslanger, then, an ideology is both: a social structure and cultural schemas. A set of interdepend cultural schemas—schemas with public standing—is a cultural techné. A cultural techné is what gives meaning to the social structure. A social structure does not function without a cultural techné that governs it. How does a cultural techné turn into a pejorative ideology? The cultural techné turns into an ideological techné, or simply an ideology, if it reproduces relations of domination and subordination, or if the value of resources is misconceived or not recognized.[26] Thus, let us say, a cultural techné is ideological if it is inherently unjust.[27] Because the ideology, accordingly, is made of both a social structure and the cultural techné that governs it, it

26 | Even though Haslanger places explanatory weight on the social practices that form part of an ideology, she focuses on the epistemological organization of these practices.

27 | According to Geuss, pejorative ideologies are forms of consciousness. Forms of consciousness are particular constellation of beliefs, attitudes, dispositions, etc. Haslanger's cultural techné, on the other hand, are the sets of interdependent schemas that govern a social structure. These schemas include beliefs, attitudes, dispositions, etc. In both cases, then, the terms describe a set or constellation of beliefs, attitudes, dispositions, and so on, that form or govern a social structure. Geuss argues that pejorative ideologies are false in virtue of certain properties: (a) a form of consciousness is ideologically false in virtue of some *epistemic* properties of the beliefs which are its constituents; (b) a form of consciousness is ideologically false in virtue of its *functional* properties; (c) a form of consciousness is ideologically false in virtue of some of its *genetic* properties. (Geuss 1981: 13, emphasis in original)

includes mental states (or, in Geuss' words, forms of consciousness) as well as social practices.

However, this account of ideology leaves to be desired the holism claim and the self-operative claim—two claims that I have taken on board from the section before.[28] Let us turn to Barbara Fields' account of ideology for a solution. According to Fields,

> [i]deology is best understood as the descriptive vocabulary of day-to-day existence, through which people make rough sense of the social reality that they live and create from day to day. It is the language of consciousness that suits the particular way in which people deal with their fellows. It is the interpretation in thought of the social relations through which they constantly create and re-create their collective being, in all the varied forms their collective being may assume [...]. As such, ideologies are not delusions but real, as real as the social practices for which they stand. (1990: 110)

Similarly to Haslanger's account, Fields argues for an entanglement of social structures and their cultural technés. Ideology is everyday life (including its social relations and practices) made intelligible by a framework of interpretation. In fact, Fields describes the social terrain that social agents negotiate in a way congruent to Haslanger's use of a cultural techné. Fields argues that ideology is not a set of attitudes or beliefs, that social agents can endorse or throw away, but that it is a negotiated social terrain "whose map they keep alive in their minds by the collective, ritual repetition of the activities they must carry out in order to negotiate the terrain." (1990: 113) And, similarly to the way that schemas and resources can change according to Haslanger, Fields argues that the social terrain can change and if it does, social agents need to change their activities and their map. Being able to change the social terrain—the material world—is what it means to have power. Thus, let us say both Fields and Haslanger subscribe to a roughly similar claim: ideologies are real day-to-day experiences within a certain framework of interpretation that makes them intelligible.

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28 | This becomes particularly obvious in the following example. Haslanger asks us to consider an oligarchy as one example of ideology. In said oligarchy, the ruling elite are themselves invested in a particular ideology and structure society accordingly. The masses then live in an ideological social milieu, but themselves reject the ideas behind it. (Haslanger 2016: 8) Even though I agree with Haslanger that whether a system is ideological should not hang solely on the beliefs of the people living in it, I disagree that oligarchy is an ideological structure. It misses the essential insights that ideologies take on a life of their own: there is no single ruling elite that controls everyone else according to their ideas. And it misses the fact the ideologies are holistic: they creep into every aspect of society, unconsciously shaping those living within the system, and thereby making it hard to reject.

How can Fields' understanding of ideology account for the holism and the self-operative claim in ways that Haslanger's account could not? Haslanger argues that "[a]n ideology is a cultural techné that organizes us (a) in relations of domination and subordination (either through the production and distribution of goods, or in the constitution of selves), or (b) to resources whose value is misconceived or not recognized." (2017: 23, emphasis in original) According to this view, how widespread the cultural techné is and how it is governed is left open. According to Fields, on the other hand, ideologies are coherent and based on lived experiences. They are coherent in the sense that they are plausible to those within the ideology: "they help insiders make sense of the things they do and see—ritually, repetitively—on a daily basis." (Fields 1990: 110) This, Fields specifies, does not imply that they are coherent or plausible to anyone outside the given ideology. They are based on lived experiences in two ways. First, they make sense of our lived experiences, and, second, they bring it about that we—ritually and repetitively—experience the same social practices. Indeed, it is through the experienced rituals that ideology is (re)created and verified. And the ritual character of the experiences is twofold: it is based on the rationalization of a social practice and the constant re-enactment of it, e.g., we stop at a red traffic light because it is an advantage to do so and because of the constant re-enactmant of that advantage. Thus, ideology is holistic insofar as it is a coherent framework that governs our lived experiences—not just in a particular context but within the whole social structure. And, it is self-operative insofar as the rituals and social practices that we engage in over and over again change their meaning according to the overall framework—without us being conscious of this process. As Fields argues, ideology is not a material entity that can be passed on like an object, it is not a collection of dissociated beliefs and attitudes, a "Frankenstein's monster" that is created and then takes a life of its own, or a doctrine or dogma—it is not governed but reproduced by social practices and the framework of interpretation. (1990: 110-1)

While Fields' account can provide a coherent image of the holism and self-operative aspect of ideology, the falseness of ideology is not necessary but potential. Ideology can potentially have functional properties (e.g., it can mask social contradictions or it can legitimize certain social institutions or social practices that are unjust) or it can have epistemic properties (e.g., the ideology can depend on the mistaken epistemic status of its constituent schemas or it can depend on the false belief that a particular interest of a powerful group is the general interest) that make it false.[29] That is, according to Fields' account, we could have an ideology in which our lived experiences are governed and made intelligible by a specific framework of interpretation without this being

29 | Geuss lists several epistemic, functional, and genetic properties that render a form of consciousness—or, in Haslanger's words, a cultural techné—false. (Geuss 1981)

based on inaccurate beliefs or it being unjust for anyone subject to it. Haslanger, on the other hand, specifies that an ideology is unjust due to the fact that its cultural techné organizes the social structure in relations of domination and subordination or to resources whose value is misconceived or not recognized. (2017: 23) What we therefore need is to pair Haslanger's and Fields' accounts:

An ideology is a social structure, constituted by ritualized social practices, governed and made intelligible by a coherent cultural techné that organizes us in relations of domination and subordination.

Rape as a social practice is part of a sexist ideology. What is a sexist ideology according to the account of ideology I have spelled out above? A sexist ideology is a sexist social structure, constituted by ritualized social practices, governed and made intelligible by a coherent cultural techné that organizes us in relations of domination and subordination. Some social practices that constitute the ideological sexist social structure are, for instance, rape, domestic abuse, sexualized violence, forced marriage, forced surgery of intersexed persons, and many more. The coherent cultural techné relies on binary gender relations, in which men who conform to the ideals of (toxic) masculinity have power over others, and in which challenging the given binary gender relations leads to sanctions. To be coherent, the cultural techné works with a range of schemas (including rape myths) that make intelligible the (broadly speaking) sexual social practices. The sexist ideology underwent a long development from a more classical patriarchal structure to the modern social form we have today—however, its core of sexism was not interrupted. Thus, when I speak of the sexist ideology, I have in mind a whole range of social practices (rape being only one) and public schemas, such as sexualized violence, domestic abuse, homo- and transphobia, gender division of labor, male networks (e.g., fraternities), glass ceilings, unequal payment, that are often described by terms like 'sex/gender system', 'gender inequality', 'gender norm structure', 'heteronormativity', 'patriarchy', 'male supremacy', etc.[30] (cf. Kerner 2009)

When I speak of a sexist ideology, I have in mind the state of gender and sexual inequality that exists in most societies. Consider the UK as an example. In the UK, gender inequality manifests as a gender pay gap for full-time employment of 9.4 % (Wild 2015); 27 % of women (in comparison to 16 % of men) earned less than the living wage (Helm 2013). Furthermore, 90 % of

30 | Well known analyses of the phenomenon "without a name", as Marilyn Frye calls it, concern the sexual exploitation of women, the mechanism of the division of labor, the workings of social reproduction, and the dichotomy of gender relations and heteronormativity brought forward by Butler (1990, 1993, 2004); Fraser (2013); Haug (1996, 2001); MacKinnon (1987a, 1989b, 1995).

single parents are women and 42 % of single parents live in poverty. (Bennett 2015) Single parent poverty overwhelmingly burdens women. And one out of nine pregnant women or new mothers are treated so poorly when it comes to maternity leave that they quit their jobs. (Topping 2015) Women also suffer from more domestic abuse and sexualized violence. On average, 100 women each year are killed by their intimate male partners (by contrast, around 30 men are killed in domestic contexts each year—and in one out of every three cases the killer is another man). (London 2016) One in five women experiences at least one sexual offence since the age of 16, and one in twenty experiences rape, attempted rape, sexual assault, or attempted sexual assault. Conviction rates are very low; only 15 % of incidents are reported and roughly 7 % of the incidents reported to the police result in a conviction. This suggests that the percentage of actual rapes that result in a conviction is around 1 %. Not merely women suffer from higher rates of abuse, but also trans*persons, people with sexual orientations other than heterosexuality, people who do not confirm to the binary gender system or the dominant gender norms, and so on. There were 1008 homophobic hate crimes reported in 2012 and 2013 in London alone and 50 transphobic crimes; yet, transphobic crimes are massively underreported and there is anecdotal evidence of individual trans people who are the target of over 50 transphobic crimes each year. (Antjoule 2013) A sexist ideology might not be realized in the exact same forms globally, but in most cultures and countries it exists in similarly realized ways.

Rape as a social practice within this sexist structure is supported by other social practices and by a cultural techné that make certain acts unintelligible or mask certain interpretations by providing alternative and false understandings. As I have argued before, the social practice of rape is (mostly) an accepted practice (Section 4.2.2). We can now say that the cultural techné includes public schemas that bring it about that some acts of rape are not intelligible as acts of rape and are therefore deemed permissible, e.g., acts of rape by acquaintances, acts of rape that lack physical violence, acts of rape within the prison system, or against trans*persons are unintelligible as acts of rape. And, furthermore, even those acts that are intelligible as acts of rape enjoy an institutional structure that protects its perpetrators, e.g., victims of rape are not taken seriously and perpetrators are not sanctioned or, if they are, with only mild sentences. This twofold acceptance of rape is maintained by the cultural techné and other social practices and, at the same time, confirms and maintains these schemas and practices.

Note, again, that the holism-claim does not imply that we cannot critique the ideology. This would be implausible considering that any social structure is fragmented and includes counter-scripts, norms, and practices. Instead, it implies that once we are embedded in it, we are unlikely to break free of it immediately from one moment to the next. It is a process over time which

likely has set-backs. As I explained before, the fact that I know that female body norms are part of the sexist system does not mean that I can reject them with ease. In fact, they may make me feel better. The holism of the sexist ideology shows itself in the sense that it is hard work to go against it. It is nevertheless possible. To understand ideology as day-to-day experiences "must make room for contest and struggle" (Fields 1990: 111). Ideology is not a single experience that all social actors within the ideology share, rather it is a kaleidoscope of experiences that all gain meaning (in different ways) from the cultural techné. It thus allows for contradicting schemas within the same ideology.[31]

The theory of ideology given above accounts not only for the holism and self-operative claim but furthermore for two related claims. Ideology in this sense can account for (1) why social agents act against their self-interest and (2) why there are contradicting schemas within the cultural techné. Because of the ritual repetition of certain social practices, we lose sight of what the actual meaning behind them is and, at the same time, we lose sight of our own interests. We engage in certain social practices because conforming to them is often the easiest way to get around in the social world. As Simone de Beauvoir correctly argued a long time ago, it is often easier for women to be complicit with men than to be in solidarity with other women. (1968: 2nd book, 2nd part) This explains how women come to act against their own self-interest and be complicit in a sexist ideology that ultimately wrongs them.[32] This does not necessarily mean that women who are complicit with men do so consciously— often this is the only way they learned to behave. The sexist ideology of which rape is a part epistemically misguides social actors; it gives them reasons to act against their own interest. Suarez and Gadalla (2010) found that more men than women believe in rape myths.[33] And that individuals with negative attitudes towards women or other marginalized groups are more likely to adopt such myths. However, these studies show that not only men believe in false myths about rape. Furthermore, Peterson and Muehlenhard (2004) found that women who experienced rape often subscribe to rape myths and interpret their own experience along the lines of the false myths. There is psychological

31 | And, as I have argued in Chapter 3, these contradictions—when they become apparent in our lived experiences—can be the starting point for the method of emancipatory amelioration (EA), as was the case for this book when the gap between lived experiences and the dominant working understanding transpired.

32 | Even though this is true for the social group of women, it can and should not be expanded to those social groups that are targeted as rape victims because they fall outside of the given gender norms, e.g., trans*persons, gay persons, inter persons. These individuals often do not have the possibility to be complicit with a more privileged group.

33 | See also Anderson (2004a); Anderson et al. (1997); Earnshaw et al. (2011).

support for these findings, i.e., believing that what happened was, at least partly my own fault, makes it possible to believe that if I behave well, it will not happen again. Not engaging in self-blame means acknowledging that I am not free of the threat of rape.

To summarize so far, rape is a social practice that gains its accepted character from being part of a sexist ideology. The sexist ideology is constituted by ritualized social practices, and is governed and made intelligible by a coherent cultural techné (that includes rape myths) that organizes us in gendered relations of domination and subordination. The sexist ideology is pejorative, holistic, and self-operative. Furthermore, it contributes, reproduces, and maintains social practices such as rape and masks the contradicting practices and schemas. Social agents within the ideological structure are therefore epistemically distorted and act against their self-interest. Thus, the sexist ideology explains the illusive, pervasive, and false character of sexualized violence (including rape). Before I turn to an explanation of the unjust character of a sexist ideology, I explicate how ideological beliefs play a role in the ideological structure outlined above. A central task is to explain the interplay of practices and rape myths, thus illuminating the epistemic situation of the actors within the system; rape myths can then be understood as ideological beliefs.[34]

4.3.3 Rape Myths as Ideological Beliefs

Having said that rape is part of a sexist ideology, we can now understand rape myths as ideological beliefs.[35] As a reminder, rape myths are "attitudes and beliefs that are generally false, but are widely and presently held, and that serve to deny and justify male aggression" (Lonsway and Fitzgerald 1994: 134). Rape myths "follow a pattern whereby, they blame the victim for their rape,

34 | So far, I have described rape myths as schemas—including not merely beliefs but also attitudes, dispositions, etc. Thus, it would be better to speak of 'ideological schemas' here instead of 'ideological beliefs'. I think that rape myths are better described as schemas, they are not merely beliefs, but also attitudes, and so on. (And more needs to be said about psychological research about the exact character of schemas to elaborate on this claim.) Nevertheless, I use the term 'ideological belief' because it is an established term. I am convinced though that what I say about ideological beliefs in the following could be said about ideological schemas too. The important point of the discussion is not the technicality of schemas or beliefs, but rather the idea that beliefs (or, alternatively, schemas) can distort our understanding of the concept of *rape*.

35 | While, for example, Jenkins (2016) focuses on the way rape myths can obscure the victims' understanding of their own experiences, I contend that thinking of rape myths as ideological beliefs takes into account the way victims' understanding *as well as* the perpetrator's understanding is undermined.

express a disbelief in claims of rape, exonerate the perpetrator, and allude that only certain types of women are raped" (Grubb and Turner 2012, emphasis in original). I have distinguished what I call "She asked for it"-myths and "It wasn't really rape"-myths above; the first are myths that blame the victim for what happened, the second are myths that define rape exclusively as physically aggravated stranger rape. I have, furthermore, argued that rape myths have two functions—an explanatory function and a justificatory function—and that they are widespread and prevalent.[36]

Rape myths are schemas in a sexist ideology. To show that rape myths in this structure are best understood as ideological beliefs, we first have to get a better grasp on what ideological beliefs are. Following Shelby, we can say that beliefs are ideological[37], if

a. "The beliefs in the subset are widely shared by members in the relevant group; and within the group, and sometimes outside it, the beliefs are generally known to be widely held."
b. "The beliefs form, or are derived from, a prima facie coherent system of thought, which can be descriptive and/or normative."
c. "The beliefs are a part of, or shape, the general outlook and self-conception of many in the relevant group."
d. "The beliefs have a significant impact on social action and social institutions." (Shelby 2003: 158)

Let us take each aspect in turn. First, the beliefs are widely shared by members in the relevant group. Since I have argued that the sexist ideology is a holistic system, the beliefs need to be widely shared by members in the social structure in general—but not by everyone. To recap some of the studies presented in Section 1.2.2: Burrowes (2012) found the following numbers of negative attitudes towards rape victims: 18.3 % (United Kingdom), 29.5 % (Canada), 32.9 % (Hong Kong), and 51.5 % (Malaysia).[38] McGee et al. (2011) found that 40.2 % (of 3,210 participants of the study) claimed that accusations of rape were often false.[39] Furthermore, McGee et al. (2011) found that over 29 % of participants believed that victims hold some responsibility for the rape, e.g.,

36 | See Section 1.2.2.

37 | Haslanger (2016), in my view, correctly criticizes Shelby for being too cognitivist about ideology. Instead, on her model, social practices play a distinct role in social structures and ideological structures. However, Shelby's account of ideology can help in shedding light on the issue of ideological beliefs—as long as we do not ground our theory of ideology solely in those beliefs.

38 | See also Ward (1995).

39 | Similar results can be found in Anderson et al. (1997); Pollard (1992).

women wearing tight clothes invite rape. Studies by Edwards et al. (2011) and Lonsway and Fitzgerald (1994) broadly confirm these findings, i.e., between 25 % and 35 % of study participants agree with rape myths. However, when using open-ended questions, Buddie and Miller (2001) found that 66 % of college students endorsed rape myths. And Basile (2002) and Feild (1978) found similar numbers when conducting research with non-college students. Often individuals do not agree directly with victim-blaming statements but affirm them when asked indirectly. McMahon (2010) found that 53 % of college students agreed that a victim's dress or intoxication led to her assault. Rape myths are believed by 20 % to 60 % of individuals from all social backgrounds. Considering the fact that not many beliefs and attitudes in general are shared by members of all social groups, 20 % to 60 % can indeed be said to be widely shared. Rape myths are therefore widely shared by members of all kinds of social groups.

Second, the beliefs form, or are derived from, a prima facie coherent system of thought. Consider Griffin's argument that rape is part of a coherent system of heteronormativity. This system divides men and women into those individuals who sexually dominate and those who sexually submit. Furthermore, it creates a protection racket under which those who submit are protected by "good" men from "bad" men. (Griffin 1971) Yet, both "good" and "bad" men dominate sexually—the first do so in ways condemned by the system but necessary to reproduce the protection racket, the second do so in line with the system under the idea of the protection racket. As I have argued above, every seemingly coherent system includes contradictions and thus so does the sexist (or, heteronormative) system. Those contradictions are explained away, e.g., by the flawed distinction between "good" men and "bad" men as well as "good" women and "bad" women. The coherent system of thought referred to by Shelby can therefore only be purportedly coherent. Furthermore, the system of thought (and, we might add, materialist resources and practices), the sexist ideology, is descriptive and normative. For example, it tells us that women are submissive (e.g., advertisement that portrays women in submissive postures) and that they ought to be submissive (otherwise, they are "bad" women and risk being raped). Or, that there are only two sexes (e.g., operations of intersex persons) and that there ought to be only two sexes (hate crimes against persons, who do not confirm to the binary gender system).

Third, the beliefs are part of the general outlook and self-conception of many in the relevant group. As I have shown above, rape myths not only dictate understandings of sexual behavior but also align with broader conceptions of gender roles and their respective social position within the system. In the case of the sexist system, the coherent system of thought is necessarily embedded in a general outlook of sexuality and its gendered roles and positions. This is also suggested by empirical research: there is a correlation between rape myths

and traditional gender roles. Victim blaming attitudes were shown to be higher when the victim of a rape behaved in ways inconsistent with traditional gender norms. (cf. Acock and Ireland 1983) Furthermore, sexualized attacks on, for example, trans*persons can be explained in these terms similar to corrective rapes—rapes that serve the misguided purpose of correcting a person's sexual orientation or chosen gender.

Fourth, the beliefs have a significant impact on social action and social institutions. As I have argued before, rape myths as schemas are only one part of social structures: social practices (that is, social action) is the other. They are interdependent. Rape myths therefore have an impact on social action. Consider the notion of consent as an illustration of the impact of ideological beliefs. Taking seriously the way that we, as social agents, are part of a sexist ideology has implications for what we understand consent to be. Take, for example, Luis Pineau's insightful discussion of when it is reasonable to assume that consent is indeed given. Pineau (1989) argues that, empirically speaking, women do not tend to enjoy the kind of sex that results from (psychological) pressure from a date. And if this is true, then it is unreasonable for a man in that situation to assume (given the absence of active participation) that his date consents, since people usually do not consent to things in which they have no interest. This is correct assuming that, first, even under ideological influence, we know what we want, and second, that we do not make choices against our best interest. However, this is questionable. The ideological system can bring it about that women's consent (or lack of consent) does not matter in some situations. Remember, for example, the Australian rapist for whom the refusal of the woman did not even matter in his narrative of rape. Due to certain myths, the victim's consent becomes irrelevant when the incident is not stranger rape. According to this view, one could argue, that the victim does not physically resist the sexual advances, because she believes that her lack of consent is irrelevant anyways.[40] This is compatible with Pineau's theory: it is then still unreasonable for the perpetrator to assume that consent was given—even though he might not be able to understand this due to the sexist ideology in which he takes part.

Yet, one could also argue that the victim is unaware of the fact that her lack of consent would not count. After all, she is as much part of the ideology as he. Instead, she does not consent because she believes that, as a girl, it is her "duty" to have sex with her date (e.g., she thinks she has led him on, she owes him, etc.). This is problematic for Pineau's theory because it assumes that neither the perpetrator nor the victim know what they want and are influenced by common rape myths. Thus, neither the perpetrator nor the victim might be able to reasonably judge the situation. Furthermore, it might be the case that

40 | I am thankful to Katharine Jenkins for this interpretation of Pineau (1989).

the victim does believe that her consent counts, but chooses against her best interest. Growing up in a system that taught her that women are submissive (and that they sexually enjoy being submissive!) enables the victim to consent to an act that is clearly not in her best interest but is, instead, a false interest. She either chooses to have sex that she does not really desire or she is so deeply influenced by false beliefs of what is "sexy" that she actually does believe that a sexual act which does not fulfill her desire is in her interest. This is incompatible with Pineau's claim that it is unreasonable for the perpetrator to assume that the victim consents because it is not in her interest—maybe it really is not in her interest, but she consents anyways. MacKinnon, thus, argues that because of the social structure (or in my words, the sexist ideology) of gender inequality, no woman can give real consent to a heterosexual act. (1989b: 178) Clearly, this is a hard pill to swallow (and maybe too hard). For now, let it suffice to say that consent becomes a questionable concept when the ideological context is taken seriously; it can, e.g., be rendered inapplicable by rape myths. If consent is rendered inapplicable by ideological beliefs, then this has direct consequences for our social action. Thus, rape myths have direct consequences for our social actions.

What is the impact on social institutions? In Section 1.2.2, I argued that rape myths have an impact on police investigations (and legal investigations in general) and on institutional proceedings. Edwards et al. (2011) lists the following ways in which rape myths can be endorsed by individuals and have an effect on social institutions: (1) Rape myths have an effect on legal institutions. For example, Gylys and McNamara (1996) found that 43 % of prosecuting attorneys from the research sample showed rape myth acceptance.[41] Harding (2015) reports the high acceptance of rape myths of police officers. Burrowes (2012) shows that jurors are influenced by rape myths in their decision making. Rape myths affect the investigative work, the trial, and the decision making during the trial and at the end. They also affect the way victims and perpetrators are treated.[42]

(2) Rape myths have an effect on religious institutions. Research suggests that a substantial number of clergy hold rape myths. (cf. Sheldon and Parent 2002) The study shows that clergy often base their judgements about responsibility for rape on the woman's resistance, her behavior, and her marriage status. Furthermore, the study shows that the more fundamentalist and sexist the clergy were, the more they harbored victim blaming attitudes. As clergy are for many individuals the first persons of authority in whom they can confide and since clergy play an important part in shaping a community, these

41 | Krahe et al. (2008) came to similar conclusions about German students of law.

42 | For a drastic example, see Armstrong and Miller (2015).

attitudes can affect the reporting rate, the self-blame of victims, and the general sexist atmosphere in the community.[43]

(3) Rape myths have an effect on media institutions. Advertisements, for example, use depictions of sexual violence against women to sell (unrelated) products (cf. Green 2013) and movies use the portrayal of sexualized violence against girls for excitement (cf. Oliver 2016). Edwards et al. write that "results from a content analysis of prime-time television dramas found that 42 % of storylines depicting a women "wanting" to be raped, 38 % depicted a victim lying about rape, and 46 % featured women "asking" to be raped" (2011: 763). Bryant and Oliver (2009) find that media has a notable impact on its consumers. It is therefore only reasonable to assume that rape myths in media also have an impact on the consumers. This is in line with other research: Franiuk et al. (2008) show the prevalence of rape myths in newspaper headlines and that men exposed to these headlines are more likely to endorse rape myths afterwards and to misjudge rape cases.[44]

And we can add to Edwards list: (4) Rape myths have an effect on educational institutions. Victims of rape who reported their experience to the college or university administration are often confronted with rape myths and victim blaming attitudes directly. For example, they are asked the following questions: what would you do differently in retrospect? where you drunk? what were you wearing? did you so no? (cf. Dick 2015) Not only did the administrators show a high degree of rape myths acceptance, but so did the college students themselves. Bleeker and Murnen (2005) found that members of fraternities showed a high degree of rape myths acceptance and, correlatively, valued images of women in degrading postures or situations. Sawyer (2002) found that male athletes, especially freshman and sophomore athletes involved in team-based sports, believed that half of all reported rapes are invented by the woman. In educational institutions, rape myths can lead to more rapes, to less reporting, and to a generally less sympathetic atmosphere for rape victims. This is similarly true for military institutions (cf. Oliver 2016) and the family as an institution. By questioning victims who had prior sexual relations with the perpetrator, rape myths make it harder for victims of marital rape to be believed, to report the incident, and to understand what happened to them as rape. In other words, (5) rape myths have an affect on military institutions. And (6) rape myths have an effect on the family as an institution. Rape myths therewith can be said to have an effect on social institutions or, better, they permeate the social system (including its institutions) and are reproduced by these institutions.

43 | For a personal account, see also Fortune (2005).

44 | See also Malamuth and Briere (1986) for a general study on the impact of sexual violence in media.

Furthermore, and in line with common conceptions of ideology, we can characterize ideological beliefs in the way they present the world. Geuss writes that we can think of a form of consciousness (e.g., a system of thought) as "ideological if it contains an 'objectification' mistake," in other words, "if it contains a false belief to the effect that some social phenomena is a natural phenomena" (1981: 14). In this sense, rape myths naturalize the sexual difference between women and men—women as submissive and men as dominant. By doing so, they distort the sexist injustice that exists between men and women by portraying it as natural and therewith just. And they portray the binary gender system in general as natural—despite research to the contrary. (cf. Voss 2010, 2011) In light of Shelby's work on ideological beliefs (including the 'objectification mistake'), we can conclude that rape myths are indeed ideological beliefs: (a.) they are widely shared, (b.) they help form and, at the same time, are derived from a prima facie coherent system of thought, and within that system they are descriptive as well as normative; (c.) they are part of the general outlook of gender roles, sexuality, and heteronormativity; (d.) they have significant impact on social action and social institutions; and—adding to Shelby—(e.) they contain an 'objectification mistake' by masking the gender injustice as a natural system. In short, rape myths are part of the set of public schemas that constitute the cultural techné of a sexist ideology. They are ideological beliefs.

4.4 The Injustice of Rape

I have argued that rape is a social practice which is part of a sexist ideology. Thus, rape as a social practice is made intelligible and is perpetuated by the sexist ideology, and at the same time, it helps perpetuate the sexist ideology. The sexist ideology is constituted by ritualized social practices, and is governed and made intelligible by a coherent cultural techné (including ideological beliefs such as rape myths) that organizes us, as social agents, in gender relations of domination and subordination. The sexist ideology is pejorative, holistic, and self-operative. What does it mean to say that the ideology is pejorative? One way to understand this is by saying that the ideology is false. Geuss argues that an ideology is false (or pejorative) if its epistemic, functional, and / or genetic properties are false. (1981: 12-22) For example, if the ideology masks the existing social contradictions, then is has epistemic properties in virtue of which it is false. However, in line with Haslanger, I have subscribed to the claim that the ideology is not pejorative by being false in virtue of some of its epistemic, functional, or genetic properties (even though that is true as well of the sexist ideology), but by sustaining injustice. I have said that: an ideology is a social structure, constituted by ritualized social practices, governed and

made intelligible by a coherent cultural techné that organizes us in relations of domination and subordination. Such relations sustain social and structural injustice. If rape is part of a sexist ideology that sustains injustice, then it is plausible to think that rape contributes to injustice as well.

In the following, I show what is wrong with rape. I analyze how sexist ideology sustains injustice and show what this means for the social practice of rape. One way to understand how the sexist ideology sustains injustice is by analyzing the relations of domination and subordination that constrain members of social groups. In regard to the social practice of rape, I bring forward three claims: (1) the sexist ideological framework contributes to, reproduces, and maintains social and structural injustice, (2) it masks the structural character of the injustice, and (3) rape as part of the sexist ideology helps to sustain and perpetuates social and structural injustice. (Section 4.4.1) Finally, I show how a theory of rape grounded in an analysis of ideology fares better than other accounts that treat rape merely as an individual wrong. To exemplify this, I have a closer look at two of these accounts and show that they treat the wrong of rape as an individual flaw. This approach lacks the structural dimension of rape, and hence, is insufficient. (Section 4.4.2)

4.4.1 Rape and Structural Injustice

I have said that a sexist ideology organizes social agents in gender relations of domination and subordination. I will now claim that, by doing so, it sustains social and structural injustice. According to Mikkola (2016), the three paradigmatic forms of injustice are discrimination, domination, and oppression. Thus, if a sexist ideology organizes social agents in gender relations of domination and subordination, it thereby sustains injustice because domination is a paradigmatic form of injustice.[45] By organizing social agents in relations of domination and subordination, sexist ideology brings about a state in which some social groups are forced to follow rules that are set by others and that prevent them from determining the conditions for their own actions. (cf. Mikkola 2016: 223) Remember though, that I have argued that an ideology is holistic and self-operative. It can therefore not merely be the case that one dominant group sets rules for other dominated groups. Rather, the ideology is constituted by ritualized social practices that are not the result of a scheme of an elite but that gain a life of their own over time—it might therefore be the case that no one profits from the existing rules but that everyone follows them

45 | Mikkola is here loosely guided by Young, who defines injustice in terms of two social conditions: oppression and domination. (Young 1990: 38) For other accounts of injustice or limits of traditional theories of justice, see Benhabib (1986); Lovett (2010); Sandel (1982); Shklar (1990); Taylor (1985b).

and therewith everyone prevents themselves from determining the conditions for their own actions.

Being prevented from determining the conditions for one's own actions can then be spelled out in the following way. In a social structure, the possibility-spaces of social agents are constrained by their relations to each other as defined within the structure. For example, women and men are members of distinct social groups and they are constrained by their relations within the given structure; men occupy the role of power over women and women occupy the role of being submissive.[46] In regard to sexualized violence, this means that men are described as sexually aggressive, while women are taken to be sexually passive. Sexualized violence between men and women is the result of the understanding of the distinct behavior of these two social groups (men and women) when they interact. Women are constrained in their choice of resisting sexualized violence and men are constrained in their choice of how to interact with women sexually. The fact that a man overpowers a woman is not incidental to the social understandings in the structured whole.

Consider the following. Scott Anderson claims that whether psychologically pressuring someone to have sex is rape should acknowledge underlying gender dynamics. Pressure to have sex is distinct from other interpersonal pressures because sexual pressure helps to reinforce gender hierarchy. There is a difference between men pressuring women to have sex and vice versa: more men than women will actually use violence if they cannot achieve their goal with psychological pressure, and more men have the ability (in most cases) to resist such violence without being harmed. (Anderson 2005b: 366) This is not to imply that all men who psychologically pressure will resort to physical violence, but rather that a woman is justified in drawing that conclusion because it is a common experience for many women. Further, it is not to imply that all men use this technique knowingly. Yet even if a man is unaware of the physical backup of his pressure and may never touch the woman without her consent, he nevertheless makes it harder for the woman to tell whether he would actually use force as a last resort or not. (Anderson 2005b: 366-7) For Anderson, standing in the social position of a woman means having to fear sexualized violence, while standing in the social position of a man means having the option to use sexual pressure. When we, as social agents, consider how to act in a certain context, we are normally guided towards one choice or another by our personal attitudes, habits, and dispositions of those engaging with us. However, not every choice is open to us because we are set within a social structure in which we can only choose within our choice architecture—

46 | There are of course exceptions; some white women have power over black men, some economically privileged women have power over less privileged men, etc. My claim here is merely in regard to the structural system of sexuality.

that is, within the structure that defines which choices are open to us and which are not. The social structure defines our social positions and the relations between different social positions and therewith determines which choices are open to us and which are not.

In a sexist ideology, we are placed in positions of domination and subordination in which any behavior that does not conform with heteronormativity, the binary gender system, and the given gender norms is constrained. For example, male prisoners that do not behave in particularly masculine ways are judged to "invite" sexual activities. A Human Rights Watch report reads that "prisoners fitting any part of the following description are more likely to be targeted: young, small in size, physically weak, white, gay, first offender, possessing 'feminine' characteristics such as long hair or a high voice; being unassertive, unaggressive, shy, intellectual, not street-smart, or 'passive'; or having been convicted of a sexual offense against a minor." And, being a member of LGBTQ-communities invites violent and sexualized hate crimes. Particularly trans*persons have to face violent acts of hate crime, in many cases leading to their death.[47]

Second, the cultural techné of the sexist ideology masks the structural character of injustice. The cultural techné presents a powerful script that masks the social and structural dimension of injustice at work; instead, it presents social practices such as rape as individual wrongs. For example, by blaming the individual behavior of the victim who got too drunk and was sexually violated, by finding fault in the individual who did not conform to his assigned gender, or by focusing on the psychological disability of the rapist (or, alternatively, his skin color or class), the acts become individualized. To illustrate this, consider the following example:

A young Illinois woman stopped to rest while biking along an isolated reservoir near the college town of Carbondale. A stranger approached and struck up a conversation. After chatting with him for a few minutes, she got on her bicycle and started to leave. At that point the man, Joel Warren, put his hand on her shoulder. When she said, "No, I have to go now," he replied, "This will only take a minute. My girlfriend doesn't meet my needs." He added, "I don't want to hurt you."

Perhaps Warren only meant "We'll both enjoy this." But to the woman his comment sounded ominous, a hint of what he might do if she resisted him. In any event, she had

47 | See, for example, the statistics published online by the Office for Victims of Crime: https://www.ovc.gov/pubs/forge/sexual numbers.html, accessed: March 15, 2017. See also the 2010 report by the National Intimate Partner and Sexual Violence Survey: www.cdc.gov/violenceprevention/nisvs/, accessed: March 15, 2017, and the report by the National Transgender Discrimination Survey: Grant et al. (2012).

little time to consider nuances. Warren quickly lifted her off the ground and carried her into the woods. He was six feet two inches tall and weighed 185 pounds. With no one else in sight, the young woman, who was only five feet two and weighed 100 pounds, did not attempt to scream or fight back, actions that she feared might prompt him to start choking or beating her. Once Warren had her hidden from view, he pulled off her pants, pushed up her shirt to expose her breasts, and subjected her to several acts of oral sex. (Schulhofer 1998: 1)

The fact that Warren, a man, targeted the young cyclist, a woman, is not random. The cyclist's (and arguably, the perpetrator's) decision of how to act is relationally constrained. The cyclist is socialized to be submissive, her experience of being a woman tells her that resistance can be even more dangerous than submission, her physical body is not trained to physically resist, a voice in her head tells her that she is (at least, partly) to blame. The cyclist's and the perpetrator's choices regarding sexual access are not independent—they are both socialized into believing that women's sexual behavior is passive and men's is active and aggressive. Even though the cyclist's choice is rational and autonomous, it is so only given the social context of gender relations, physical restrictions, a specific system of male entitlement, etc. The cyclist's choice is constrained by the available choice architecture.[48] However, the cultural techné presents a different story in which the young woman was at the wrong place at the wrong time and happened to come across a dangerous man. Or, alternatively, she waited for him to find her because she secretly desired to be physically overpowered by a stranger. Both explanations mask the social and structural dimension of the wrong that the woman endures.

Third, rape as a social practice is a constituent part of the sexist ideology and therewith helps to sustain and perpetuate social and structural injustice. If rape is a social practice and as such part of what constitutes the social structure of sexist ideology, and if the sexist ideology sustains social and structural injustice,

48 | Focusing on structural constraints provides insights into regularities that hold between individuals that occupy similar positions within the social structure. Individuals whose choices are similarly constrained tend to act in similar ways, even if their personal histories, identities, etc., differ. In other words, even if the cyclist and myself have different attitudes and characters, our choices to resist sexual attacks are similar given the social constraints we both experience. Note, that structuring causes are not only mediated by the cyclist's belief about what options of resistance are available, but the material world and the social structure of gender roles is also a factor in explaining the cyclist's beliefs and the overall pattern of her choices (and other women's choices). (cf. Haslanger 2015) In other words, individuals who are situated at similar nodes in the social structure show regularities in their available choices. This can also explain how specific men or trans*persons can come to have their choice architecture constrained.

then rape as social practice helps sustain social and structural injustice. Sexist ideology sustains social and structural injustice insofar as the cultural techné of the sexist ideology organizes social agents in constrained gender relations of domination and subordination. The cultural techné, furthermore, masks the structural component of the injustice. As a constitutive part of the sexist ideology, rape helps to sustain social and structural injustice. Thus, part of what is wrong with rape is that it is a social practice which as such helps to sustain social and structural injustice.

4.4.2 What Is Wrong with the Wrong of Rape?

In the last section, I argued that rape as a social practice is part of a sexist ideology and that it therefore helps to sustain social and structural injustice. I now show that understanding rape as part of an ideological framework accounts for injustice in ways that other views fail to do. To do so, I concentrate on two accounts that I take to be paradigmatic for the view that rape is a moral wrong. Most would agree that rape is a grievous wrong, although many disagree why this is the case. Gardner and Shute (2000) argue that what is wrong with rape is that it is morally unlicensed objectification: a rapist objectifies his victim by treating her as a mere instrument to be used. Their investigation is guided by the insight that the moral wrongness of rape must be found in the most basic instance of rape—that is, in an instance of rape that is completely stripped of distracting epiphenomena—and that this wrongness must be able to differentiate between rape and other instances of violence, i.e., what is the specific wrong about the most basic instance of rape? They bring forward the following example of a—in their words—"pure" case of rape:

> It is possible, although unusual, for a rapist to do no harm. A victim may be forever oblivious to the fact that she was raped, if, say, she was drugged or drunk to the point of unconsciousness when the rape was committed, and the rapist wore a condom. [...] Then we have a victim of rape whose life is not changed for the worse, or at all, by the rape. [...] She has no feelings about the incident, since she knows nothing of it. [...] Remember: in our example the incident never comes to light at all. (Gardner and Shute 2000: 196)

What is wrong with rape in this basic example, is that the rapist objectifies the victim and he does so because he treats her as a mere means to his own ends.[49] Using a discussion of objectification by Nussbaum (1995), they argue

49 | This closely mirrors the Kantian view of denying someone's personhood by using them as mere means to one's end and not as ends in themselves. A similar view to the one by Gardner and Shute (2000) is brought forward by O'Neill (1985). She argues that

that the rapist objectifies the victim by instrumentalizing her, i.e., the rapist uses the victim as an instrument or tool for his own ends. (Gardner and Shute 2000: 204) And, as Mikkola correctly points out, Gardner and Shute need to be committed to saying that what is wrong is the sheer instrumental use of a person for some sexual ends. (2016: 154) Otherwise the wrong of rape becomes indistinguishable from the wrong of other violence. While the wrongness of rape must be basic and essential to rape (that is, rape must be wrong even in the absence of harm), a rape can be made worse by aggravating factors.[50]

Let us have a look at another, and in my view more plausible, account of what is wrong with rape. Archard argues that rape is wrong because it is "an indefensible harming of a legitimate interest in safeguarding what is central to our personhood" (2007: 390). Archard distinguishes between an act's hurtfulness (the pain and discomfort of the act), harmfulness (the setback to one's interests), and wrongfulness (the indefensible setback to one's interests). While the wrongfulness is constitutive of rape, the hurtfulness and harmfulness are not. To make this claim, Archard distinguishes further between core and aggravating harms: core harms are those that are done by any act of rape, aggravating harms, on the other hand, are additional harms (such as violence, brutality, the context of the rape, etc.). Note that both harmfulness and wrongfulness are defined as the setback to one's interests; however, wrongfulness is an indefensible setback while harmfulness is not. Thus, to see the wrongfulness of rape, we have to identify those setbacks that are indefensible. To do so, Archard uses a spatial model to understand interests.[51] According to this model, interests "occupy a space which helps to define the self

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rape is objectionable because no consent is given to the act by the person subjected to it. On this view, it is morally objectionable to treat others in ways to which they do not consent. To do so treats another as a thing or tool, which cannot consent to the ways in which it is used. Thus, it fails to treat others as persons who can choose and thus withhold consent from actions which affect them. (1985: 254)

50 | See Mikkola (2016) for a critique of the view which Gardner and Shute bring forward.

51 | This model is loosely guided by the network model of interests brought forward by Feinberg; everyone has goals in life and to work towards those goals, certain welfare interests need to be in place: "continuance of a foreseeable interval of one's life, and the interests in one's own physical health and vigor, the integrity and normal functioning of one's body, the absence of absorbing pain and suffering or grotesque disfigurement, minimal intellectual acuity, emotional stability, the absence of groundless anxieties and resentments, the capacity to engage normally in social intercourse and to enjoy and maintain friendships, at least minimal income and financial security, a tolerable social and physical environment, a certain amount of freedom from interference and coercion." (Feinberg 1984: 37)

or personhood, and the most important interests are those that are closest to, are at the core of, a person or self" (Archard 2007: 387)—they are the interests that define us as individuals. And, according to Archard, part of one's core interests is sexuality. In other words, sexuality is one interest that defines who we are. Rape violates the self by violating the sexually embodied self; it murders the soul.[52] (Archard 2007: 390) And by doing so, it is an indefensible setback of one's interests in sexual integrity. It is, according to Hampton (1999: 123), a moral injury insofar as it damages the value we have as ends in ourselves.[53]

According to these accounts, the wrongness of rape is framed purely in individualistic terms; it is about an individual's interests or personhood and another individual's transgressions. By focusing on the wrongs done to individuals, these theorists overlook the ways in which the individual is conditioned by her social contexts and her relations to, and dependencies on, others. The focus on individuals misses the structural aspect of rape: rape is not merely morally wrong in an individualistic sense, but also in the sense that it helps to sustain social and structural injustice. I contend that the accounts discussed above fail to account for an important aspect of rape—the fact that rape sustains social and structural injustice—and that my account fares better. Interestingly, Gardner and Shute acknowledge the structural dimension in regard to gender in the beginning of their text. They write that rape is mostly experienced by women and that it can thus be hard—especially for men—to dissect it philosophically. (Gardner and Shute 2000: 194) However, while this acknowledgement of the structural dimension of rape did not stop them, as men, from dissecting the moral wrongness of rape, it did get lost in their own account.

I have argued that rape is embedded in the social world, it is not simply an individual act but rather a social practice consisting of interdependent schemas and resources. As such, it is constitutive of the social structure and is, simultaneously, maintained by it. I have shown that we cannot understand the phenomenon of rape correctly, if we fail to grasp its role in the social world. Rape as a social practice is—in most forms—an accepted practice. It is (1) rendered legitimate by being reframed as something other than rape, and (2) accepted insofar as it is seldom sanctioned by the structure's institutions. Furthermore, I have argued that rape is part of a specific social structure marked by sexist ideology. This ideology can be characterized as pejorative, holistic and self-operative, which thereby explains the pervasiveness of sexualized violence. Understanding rape as part of a sexist ideology makes it plausible to see rape

52 | For the assertion that rape is 'a form of soul murder', see also Henderson (1988: 225).

53 | See Congdon (2016) and Bernstein (2006, 2015) for detailed accounts of moral injury. See Mikkola (2016) for a critical discussion of Archard's account.

myths as ideological beliefs. Finally, I have shown that as part of the sexist ideology, rape helps sustain social and structural injustice. This analysis makes intelligible what individualistic accounts of the wrong of rape fail to bring to light: the fact that rape is not only a moral wrong done to an individual, but also part of a social structure and in this capacity helps to sustain social and structural injustice. Hence, in this chapter I have systematically mapped the phenomenon of rape and explained its social embeddedness.

Identifying rape as a social, structural, and systematic injustice helps to advance strategies against rape and sexist structures in general. It suggests that we cannot tackle the social practice of rape by merely punishing the individual perpetrator, rather we have to take into account the social structures that make it possible for him to rape (and get away with it). The normative judgement that simply refers to individual interaction in cases of rape focuses on the perpetrator and the victim as individuals and not as occupying certain social positions in a social structure. The position of the victim (and respectively of the perpetrator) becomes intelligible only when considering the broader picture of social structures, roles, relations, and practices. This can then also provide answers to the problems encountered before: it explicates the structural dimension of rape and it explains which beliefs about rape are false, how they are embedded in the social world, and why they are persistent. And this understanding is precisely needed for the second step of the method of emancipatory amelioration (EA): to conceptually ameliorate rape such that it tracks adequately the phenomenon as explicated by the social theory. In the next chapter (5), I bring forward an ameliorated understanding of the concept of rape that is guided by the following question: how should we understand the concept of rape on the grounds of the analysis given in this chapter?