

Rape and the Meaning of Consent



consent.

Harriet Gray, a PhD student at the Gender Institute, argues that we need a frank and open discussion about rape, and about the meaning of

On August 19th, US congressman (and prospective senator) Todd Akin “misspoke” in a **televised interview** on August 19th, stating that pregnancy from rape is really rare because

“If it’s a legitimate rape, the female body has ways to try to shut the whole thing down”

At first it was fairly easy to write him off as just another embodiment of the Republican ‘war against women’. Akin is obviously a complete joke, surely not electable – what a fanatically right-wing idiot he must be! And the jokes did indeed roll in, from the **Borowitz Report’s** spoof article about Akin’s proposal to employ uteri at airports (because, what with their “spidey sense”, “nothing fools a uterus”) to a tumblr outlining all the many things we can learn from **talking to doctors**. But underpinning his ridiculous comments (which, of course, may not be so laughable for women in the USA seeking an abortion if the Republicans have their way) is a far more commonplace and threatening set of assumptions which have been mirrored time and time again on this side of the pond, raising their ugly head again in the past few weeks in relation to the Julian Assange extradition row.

I am thinking, of course, about Akin’s concept of ‘legitimate rape’. Because in order to have such a thing as ‘legitimate rape’, there must necessarily exist ‘illegitimate rape’ – something which has gone by a number of names over the years: ‘date rape’, ‘**grey rape**’, ‘**not rape-rape**’. The same thing, of course, can be detected in many of the comments surrounding the Assange case, in particular, of course, those made by **MP George Galloway**. Galloway said:

“Even taken at its worst, if the allegations made by these two women were true, 100 per cent true... they don’t constitute rape. At least not rape as anyone with any sense can possibly recognise it.... it is not rape or you bankrupt the term rape of all meaning.”

Galloway’s assertions that the acts are not a crime under UK law have been **shown to be baseless twice in the courts**. The worrying thing, however, is that, dredging through swamp that is the comments left on online news articles discussing the case, it seems that there are many out there who agree with his assumption that even if it is legally defined as rape, it’s not really-real-actual-rape, and to claim that it is does a disservice to all those real rape victims out there. On the Independent, **AmandaP** says that

‘It’s insulting to genuine rape victims to call this kind of mis-communication during consenting sexual relations, rape.’



And over at the Huffington Post, **Luu** insists that

‘those women in Sweden need to stop playing games with the word rape...’

The fact that these comments, like Galloway’s, carefully present themselves as deeply concerned for ‘real’ rape victims serves to preclude the accusation that they just don’t take rape seriously. Of course they take rape seriously, they are saying, it is precisely because they take it so seriously that they are so concerned not to let the real sympathy due to true rape victims be diluted by ridiculous accusations such as these.

Statistics show that what such commenters would presumably describe as really-real-actual-rape, which I’m assuming involves an attacker unknown to the victim (who is preferably, if not a virgin, at least not considered promiscuous), and considerable physical violence (ideally leaving visible wounds) is in fact relatively unusual. According to **Rape Crisis**, only 9% of rapes are committed by a ‘stranger’. Far more common are the messier and more complicated rapes, the ones carried out by men known to the victim, by current or ex-partners, friends, acquaintances, and work colleagues. This is nothing new. We know this. We have hashed this out again and again. We have **legislated** about it. We have **protested** about it. But still the idea persists, apparently among a frighteningly large proportion of the population, that there is a thing called ‘rape-rape’ which is truly heinous but that is thankfully very rare, and that separate from this there is a grey area in which women lie, overreact, or just simply misunderstand because after all, **‘one person’s rape may be another’s bad night.’**

For some commenters, the idea that such **‘bad sexual etiquette’** could possibly constitute rape is just plain laughable. Commenting at the Independent, **William Grogan** suspects that

“the vast majority of men who have been in a long term relationship have at times had sex with their partner when they said “no”, (headache, tired, not interested etc..). Is that rape then?.... What do we have to do, ask women to sign a waiver every time?”

On Yahoo News, **Steve** says

“So all of those many many thousands of men and women who I imagine engage in the kind of unexpected/unsolicited/unconsensual sex described here – maybe a married couple, a half-drunken boyfriend and girlfriend etc – are guilty of rape? The courts are going to be busy.....LOL!”

These commenters do not seem to be concerned over the astoundingly high prevalence of rape of which this case is causing them to be aware. Instead, the very idea that rape could be so common, that it could be perpetrated by normal, everyday people in normal, everyday circumstances, is so utterly ridiculous that it must be the concept of rape itself and not the rape-culture endemic in our society which is in the wrong.

So what is the result of this ongoing assumption? Firstly, it gives the message to survivors of the most common types of rape that their experiences were not real, that they did not happen as they understood them, that they are overreacting, that they are stupid, that they are to blame. Secondly, it has an impact on law enforcement, feeding into the reality where **95% of rapes are never reported, where just 6.5% of those that are result in convictions**, and where **one in nine rape complaints are ‘no-crimed’ by the police**. Thirdly, and this is much harder to talk about, it fails to challenge the behaviour of those men who think that a bit of coercion is OK, that sex with someone who is unable to consent is OK, that they couldn’t possibly be rapists because **they have never left physical injuries or jumped out at someone in a dark alleyway**. Could this insistence on

an ongoing focus on physically violent stranger rape as the most serious (or indeed the only 'legitimate') form of rape be reflective of the fact that this image of 'rape-rape' does little to challenge the idea of women as the sexual property of their male partners (however briefly this relationship may last)?

It is becoming abundantly clear that we are not all singing from the same hymn sheet, and that neither insistence on the terrible severity of really-real-actual-rape nor insistence on the blanket claim that 'rape is rape' (while true) are going to help. It is absolutely essential that we have a frank, open discussion about boundaries, about consent, about what it means to respect another person's bodily autonomy. We need to talk about the common, everyday occurrence of rape and about the attitudes and circumstances which make this possible. We need to recognise that while there are many different types of rape and experiences of rape, no type can be defined as more 'serious' than another, and that only survivors can tell us what each one means. We need to make it sexy to talk about consent.

Harriet is a second-year PhD candidate at the Gender Institute studying domestic violence service provision in the UK armed forces community. After graduating with a degree in Japanese Studies from the University of Sheffield, she went on to SOAS where she obtained an MA in Gender Studies. Harriet then worked in the fundraising department at UK domestic violence charity Refuge before returning to academia.

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