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Not That Bad: Lessons Women Learn in a Rape Culture

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Cover Page Footnote

This project received recognition with an Award of Excellence during the University of Tennessee's 25th Exhibition of Undergraduate Research and Creative Achievement. I would like to express my thanks to Dr. Robin Gray Nicks at the University of Tennessee for seeing the potential in my work and providing me with valuable feedback and support throughout the publication process.

Not That Bad: Lessons Women Learn in a Rape Culture

In 2018, Roxane Gay assembled an anthology that addresses the severity of rape, rejecting the common belief that some sexually violent acts, compared to others, are *not that bad*. This collection, titled *Not That Bad: Dispatches from Rape Culture*, compiles pieces from thirty different authors and sheds light on how the notion of *not that bad* contributes to a broader structural social problem involving sexual violence. This social problem, known as rape culture, is commonly defined as a culture that normalizes sexual violence and blames victims of sexual assault (“What is Rape Culture?”). In other words, rape culture trivializes sexual violence to a point at which victims “fear they won’t be believed—and know that even if they are believed, they’re likely to be mortified and harassed, blamed and shamed, throughout a legal process that ultimately leads nowhere” (Harding 1). Thus, understanding rape culture is critical for us as we begin to recognize just how bad rape really is. In this particular anthology, authors xTx and V. L. Seek recount their experiences with rape culture and the notion of *not that bad*, unveiling the distinct ways in which this culture is reproduced throughout childhood and within the legal education system. This paper uses the authors’ testimonies to guide our understanding of rape culture, and how it works to delegitimize victims to allow, if not encourage, rape.

Rape Culture in a Historical Context

Second-wave feminists first coined the term *rape culture* during the 1970s as an effort to highlight the extent to which society normalizes sexual violence in the United States (Keller et al. 23; “What is Rape Culture?”). Before 1970, marital rape was not a crime; rape crisis centers and shelters for battered women did not exist; there were no organized speak outs or social media hashtags to address rape; abortion was not legal under any circumstance; schools could not be held financially liable for sexual harassment; and public conversations about ministerial

misconduct had not yet started (England, “History of Marital Laws”; Poskin 4; Stein 59; Fortune 198). But after the 1970s, the United States took significant steps toward addressing these issues. The Supreme Court handed down a number of landmark decisions for women’s equality. States enacted rape shield laws to make victims’ sexual history irrelevant in trial and the federal government passed laws that increased the number of full-time staff in rape crisis centers (Poskin 8-9). At the same time the laws were changing, “Take Back the Night” marches were being organized as a way to speak out against the violence women experience while walking at night (Hutton). Advocates for survivors also created discussion forums, such as the National Coalition Against Sexual Assault, to share new thinking about the needs of rape survivors (Poskin 10). Ultimately, the second-wave feminist movement carved a wide path forward for major legislative victories and social changes to provide additional resources and support for sexual assault survivors.

Yet, the term *rape culture* has “re-emerged within popular discourse over the past [several] years” (Keller et al. 23). This time, attention is being given to what society can and should be doing to prevent sexual violence altogether. The problem, however, is that rape culture has saturated every corner of our society so thoroughly that people struggle to understand what actually constitutes rape culture (McEwan, “Rape Culture 101”). Rape culture is still broadly understood as “a complex of beliefs that encourages male sexual aggression and supports violence against women” (Buchwald et al. XI). But this abstract definition does not fully convey the way rape culture has taken hold of our society with two white-knuckled fists. Rape culture is often more subtle than the stereotypical dark alley stranger attack, as it is also perpetuated through “rape jokes, sexual harassment, cat-calling, sexualized ‘banter’; the routine policing of women’s bodies, dress, appearance, and code of conduct; the re-direction of blame from the

perpetrator in an assault to the victim; and impunity for perpetrators, despite their conduct or crimes” (Keller et al. 24). In our society, rape culture is so normalized that “both men and women assume that sexual violence is a fact of life, as inevitable as death or taxes” (Buchwald et al. XI). As a result, our society has adopted the belief that some rape culture behaviors are not as bad as others.

Social Implications of Rape Culture

The notion of *not that bad* is amplified through a cultural insistence on trying to distinguish between different kinds of rape by using terms like *gray rape* or *date rape* (McEwan, “Rape Culture 101”). In 2007, a *Cosmopolitan* article defined *gray rape* as “sex that falls somewhere between consent and denial and is even more confusing than date rape” (Stepp). *Date rape*, then, is a term “colloquially used to refer to sexual assault by a person involved in a romantic or potentially romantic relationship with the victim” (England, “What is Date Rape?”). Though these terms admirably “convey the [idea] that rape is not just a masked man jumping out of the bushes,” the two terms functionally “reinforce the erroneous notion that not all rape is equal” (McEwan, “Date Rape”). Therefore, victims who “do not fit the ‘real rape’ stereotype” are less likely to be believed because far too many people assume “‘real rape’ only involves strangers” (O’Neal 130, 132).

This effort to redefine rape as something less than actual rape highlights how rape culture has manufactured an unspoken system of categorizing certain acts as more acceptable, understandable, and excusable than others. Rather than viewing sexual violence on a continuum where every act is intolerable, rape culture has constructed a pyramid that places “real rape” at the top and everything else beneath it. Yet even this pyramid is figurative because the definition of “real rape” is largely left blank. This ambiguous system then tasks victims with deciphering

what actually constitutes sexual violence, simultaneously forcing them to accept the blame society places squarely on their shoulders.

On a social level, children are growing up learning what is and is not worth worrying about regarding sexual violence. Terms like *gray rape* or *date rape* inherently shape a young person's understanding that some forms of rape are not as bad as they could be, and anything less than *gray rape* or *date rape* is not even anything at all. In the same space children are taking social cues from older siblings, parents, and other children, they are also being raised on media that minimizes rape. Take, for instance, American comedian Jerry Seinfeld's promotion for his animated children's movie, *Bee Movie*, when he praised the bees for living in a "perfect society," saying "they have no crime, they have no drugs, they have no rape. A little rape, but it's not that bad" (Kingston). These behaviors are often legitimized with remarks like "it was just a joke" as an excuse that fundamentally enables rape culture. When children learn that rape is trivial, they internalize the belief that women are objects and rape is their fault.

Rape Culture from a Legal Perspective

When an individual does decide to come forward and report sexual violence, the criminal legal system merely serves to further blame the victim. In the United States, the judicial system justifiably ensures that "the state cannot inflict punishment on an accused criminal without a trial, and that the prosecution, not the defense, carries the burden of proof" (Harding 103). This is, of course, represented in the presumption of innocence until proven guilty, a sacred principle in the United States legal system. But in other emotionally charged criminal cases, such as murder or child kidnapping, it is easy for the public to understand that before the trial ever occurs, "any person accused of a crime has already either done [the crime] or not done [the crime]" (Harding 103). On the other hand, rape is one of the few crimes where people believe

that the presumption of innocence means that “we all must presume [the accused] didn’t do it” (Harding 103). What’s more, rape is a crime where many people wait to decide if they think someone committed the crime until after the jury renders a verdict.

Indeed, it is difficult for many people to believe that the close family friend, charitable co-worker, devoted pastor, favorite comedian, university dean, celebrity chef, or President of the United States could ever rape. Yet this mindset turns rape not into a “victimless” crime, but into a “perpetratorless” crime (Harding 36). This tendency to “automatically [offer] the accused the benefit of the doubt means automatically denying it to the purported victim” (Harding 104). Thus, victims are seen in a new light. They are seen as liars who must be disproved instead of supported. As a result, “the law of rape stems mainly from a deep distrust of the female accuser” (Berger 10). This distrust opens the door for victims to endure grueling questioning, whether by investigators, defense counsel, or the general public, systemically dismantling any and all levels of credibility the victim may have. These legal questions, often related to how much the victim had to drink or what she was wearing, have become new ways to blame victims and normalize sexual violence in a broader rape culture.

“The Ways We Are Taught to Be a Girl” by xTx

In an essay titled “The Ways We Are Taught to Be a Girl,” published within the *Not That Bad: Dispatches of Rape Culture* anthology, the author, xTx, details six unique lessons she learned throughout childhood on what it means to be a girl. Each lesson in the essay explores the author’s childhood experiences and demonstrates how sexual violence is normalized within American society. She explains how these lessons are “simply accepted—the price you pay for your curves, your holes”—and all the lessons are “just what happens when you are a girl” (116). xTx assigns each lesson a numerical point value, often questioning the value the lesson should

receive. This point system represents the arbitrary valuation that rape culture embraces when determining which acts of sexual violence should be categorically defined as worse than others. In the author's introduction, she prefaces the point system with the understanding that these lessons on what it means to be a girl start when the girls are "very young," before girls know how to quantify their rape culture experiences (115). Regardless, these points represent her "[way] of keeping score" of how "bad" one experience is compared to another (115). She largely downplays how many points each encounter is worth, illustrating how normalized sexual violence impacts victims. This internalized qualification and dismissal of sexual violence demonstrates the intrusive, destructive, and dehumanizing effects of rape culture. These lessons reveal the prevalence of rape culture in young children's lives, showcasing how rape culture shapes a young person's beliefs about themselves. The lessons, then, show just how bad rape culture really is and how everyone can play a role in ending rape.

A Lesson on Hugs and Why Children Keep Quiet

The first lesson in xTx's essay takes place at her family's traditional vacation place during the summer. There, xTx made friends with a girl her age who had two older brothers. She recalls swimming and playing with her friend; however, she also subtly shares that her friend's "oldest brother liked to give [her] hugs," briefly recording these hugs as something he liked to do to her rather than as hugs they gave each other (116). This brief mention of the older boy's hugs introduces one of the earliest exposures children have to rape culture, when children are forced to accept unwanted affection from relatives or close family friends. Most often, parents teach their children that it is "good manners" to hug or kiss adults who ask for physical affection, where a child's refusal is then perceived as rude (Morin). Children then assume there will be negative consequences if they refuse, making it more likely for a child to comply with unwanted advances

out of politeness or fear when they're older. Conversely, these behaviors also teach children that if they want physical affection, other people are required to give it to them. Though hugs are largely viewed as universally comforting, "the unwanted hug legitimizes men's entitlement to women's bodies and therefore rape" (Williams). The simple hug may not set off alarm bells for most people, "but the lessons girls learn when they're young about setting physical boundaries ... can influence how she feels about herself and her body as she gets older" ("Reminder: She Doesn't Owe Anyone a Hug"). In this essay, xTx makes no further mention of those mundane hugs, using them as an instructive example of how rape culture molds society at an early age, while also introducing an early lesson on how her body may not feel like her own.

xTx also casts a spotlight on a complexity of rape culture where survivors, particularly children, don't tell others about what happened to them. These survivors often blame themselves, or they fear they may be punished for their general involvement in sexual activity. In xTx's essay, she vividly describes a time when the same friend took her to a fort where her friend's older brothers were waiting. When they arrived, she watched the boys kiss their sister "with tongue to show [her] how easy it was" (117). Then, they asked her to try it. The author clarifies that she did not do anything, only the boys did, when they "felt [her] perfectly flat chest, their slimy hot tongues pushing into [her] mouth, alien and gross" (117). xTx says she "did nothing except endure [her] first lesson on how to be a girl" (117). While her memory is somewhat hazy on other details, debating whether she was seven or eight or nine years old, she does remember "pushing and running because [she] was suffocating, scared" about what had happened (117).

Even though she felt scared, xTx goes on to discuss how she immediately told her parents, but "not everything" (117). Socially, "youth learn early that they should not talk about sex, often extending to sexual violence and harassment" (Hlavka 340). xTx shares how she

learned that “telling everything will make them see the bad in [her]” and how girls tell “just enough, if [they] tell at all” (118). This belief underscores the idea that rape culture views sexual behavior solely as a choice. In this kind of culture, girls are seen as pure, responsible, and as the ones “putting the brakes on *all* adolescent sexual overtures” (emphasis in original; Harding 45). On the other hand, men “have a natural, biological sex drive” and “just can’t help themselves” (Harding 45). Women are then burdened with sexual gatekeeping, “and it means rape is always, on some level, the woman’s fault” in a rape culture (Harding 45). Because of this, young girls fear the possible consequences they may face when they speak up, finding that staying quiet is much easier. Reporting sexual violence can become extraordinarily stressful for children, especially if they are not certain about how a parent or other trusted adult may react. Other times, young girls have already succumbed to self-blame, where they believe they are at fault. As xTx describes, rape culture teaches young girls that no matter what details they tell, they should view themselves the same way: “slut, bad, ugly, weak, whore, trash, shame, hate [*sic*]” (118).

xTx’s main takeaway from these experiences is that “sometimes you will be forced into things you don’t want to do,” using nonchalant language to paradoxically emphasize the problematic nature of normalized sexual violence (118). As a young girl, one seemingly minor encounter with her friend’s brothers has suddenly shaped her understanding of what it means to be a girl. To her, being a girl means accepting that sexual violence is a regular part of life and speaking up does not benefit victims. xTx is ultimately undecided on how many points the experience is worth, exhibiting her uncertainty about how bad it might be. Her uncertainty shows how rape culture normalizes sexual violence to a degree at which victims cannot decide if their experience was really that bad. But in order to transform our culture into one absent of rape, we

must recognize that unwanted hugs and kisses are just as bad. Otherwise, children will assume such behaviors are a fact of life and internalize their feelings of discomfort and fear.

A Lesson on Boys in Groups and a Girl's Responsibility to Protect Herself

xTx's second lesson in the essay opens with a question asking, "why [is it] always friends, friends of?" (118). This question draws attention to evidence that "sexual violence is most often perpetrated by someone known to the victim, for both women and men. Specifically ... intimate partners and acquaintances" (Smith et al. 198). The question also rejects the belief that women should be more worried about the possible stranger attack than of people they know. In this lesson, xTx is sitting on the back porch at "that same summer place" with her brothers and her older brother's friend (118). Again, she can't specifically remember how old she was, but knew that she was "an age where there is no pubic hair and you're aware there's none, embarrassed about it ... whatever age that is" (118). While sitting on the porch, her brother's friend tried "to get to the girl of [her]" underneath her towel after she went swimming (119). xTx says that her brothers are there, but immediately follows up with "nobody is there" (119). Her correction implies a greater awareness that no one is there for *her*, learning that her brothers are not going to stand up to their friend on her behalf.

This type of male camaraderie is more closely studied as a component of rape culture within college fraternities and athletic programs, particularly related to campus gang rape. In those situations, "men who object to [that] kind of behavior run the risk of being labeled 'wimps'" (Sanday 41). Such instances occur more often in "the fraternal or athletic setting because the members have that close relationship ... [and] they trust one another" (Brozan). However, scores of women share the complaint that "while individual men may appear sympathetic when they are alone with women, they suddenly turn out to be macho louts ... when

they are in groups of other men” (Kimmel 145). This change of behavior is attributed to “a fear of other men—a fear that other men will see [them] as weak, feminine, not manly” (Kimmel 145). When a survey asked high school students what they feared most, “girls answered that they were most afraid of being assaulted, raped, killed ... [and the boys] said they were most afraid of ‘being laughed at’” (Kimmel 146). Though xTx did not explicitly describe the close relationship between her brothers and their friend, readers can infer that her brothers did not vocally object to their friend’s inappropriate advances, leaving her alone to fend for herself amongst a group of boys. The lack of objections from her brothers represents an ever-present element of rape culture, one where safety in numbers only protects the male aggressor. Her experiences in the first lesson could have further exacerbated her feelings of loneliness in this situation after watching her friend kiss her own brothers.

This lesson ultimately shows that it is a girl’s responsibility to protect herself from unwanted sexual behavior, because her brothers were not going to step in. In the essay, xTx recounts her physical reaction as her way of defending herself. Young women often respond to bodily violation “with a barrage of maneuvers, like avoidance and diverting attention,” but occasionally women fall silent and attempt to create physical barriers (Hlavka 346). In this instance, xTx “cemented” her legs closed and pleaded with her thighs (119). Silently, she thought, “Why is he doing this? Why can’t anyone see? Why am I not moving saying yelling screaming [*sic*]? Why me?” (119). When the boy finally gives up, her “thighs quiver, spent, mostly victorious” (119). Noting her physical exhaustion as “mostly victorious” further indicates that it’s her role to defend, while it is the boy’s role to attack, rather than to protect, especially as her brothers remain silent. The lesson summary is that “if they want it, they can take it,” showing her childhood understanding that women are objects and this behavior is normal (119). She

further trivializes her experience, assigning this attack with only “one” or “a half” point, deciding the second lesson is not as bad as the first (119). Ultimately, xTx’s testimony shows that an in-group mentality among boys can translate into silence at the cost of the victim, a far too common occurrence in a rape culture.

A Lesson on How Rape Victims Feel Responsible

xTx’s next lesson addresses the presupposition that women are responsible for their rape because of how they dress. She describes another incident, this time involving her father’s friend. Unlike in the previous lessons, she mentions her outfit: “Shorts, halter top” (119). She wonders if her clothes are “risqué” and if her “lounge pose [siren-seduced] him,” calling herself a “slut child” (119). Her fixation on clothing is rather common. Beginning at an early age, schools ban “all types of dresses, shirts, and pants that girls can wear,” enforcing a dress code that “[propagates] the culture that leads to institutionalized slut-shaming and rape culture” (Yeung). At the same time, the logic behind the dress code is “the phenomenon of rape culture, in which women who have suffered rape or sexual assault/harassment are told that they were ‘asking for it’ because of what they wore” (Yeung). The new focus on her outfit in this lesson reveals an increase in her subconscious adoption of rape culture. Now, she is actively finding a reason to blame herself, a dramatic change from her previous memories. When her father’s friend engages in “endless petting,” she goes on to think, “this is okay, right?” despite it feeling wrong (120). This change in how she views the incident as something she brought upon herself because of her outfit is significant since it represents a societal problem that does not yet have a clear solution (Lubitz). The problem here is that people are convinced that women can avoid rape by wearing different clothes, when the reality is that rapists will rape regardless of what someone wears. It

does not matter, then, if she was wearing a halter top or a turtleneck, because rape culture still blames victims for their clothing choices as a reason why someone would decide to rape.

It isn't until another man, yet another friend of her father, "rips him off the bed" that xTx knows, "for sure, that was a wrong thing" (120). She faults herself when she says that her "body [betrays her] once more," (120). This assumption of fault plays into the "ill-conceived perception [within rape culture] that if a victim does not actively fight back during a sexual attack, that she is somehow less of a victim" (O'Neal 139). In other words, when a "suspect physically [assaults the victim] at the time of the sexual attack," court officers are more likely to believe the victim (O'Neal 147). xTx does not respond physically during this lesson, which contributes to the blame she places on herself. In the second lesson, she assigned a half or one point, but here, her first reaction is that this encounter is worth zero points, writing that "this is how you are ~~shamed~~ [sic] shaped into a woman" (121). This is the only lesson in which xTx assigns less than one full point, minimizing her experience and placing more responsibility on herself. This lesson, overall, represents how rape culture encourages victims to find responsibility in arbitrary reasons, such as their clothes or lack of physical resistance. The only way to change this culture is to identify and label these reasons as wholly irrelevant to why rapists rape.

A Lesson on Who Rapes and Who Gets Raped

In a rape culture, many people take comfort in the idea that only strangers can rape and only certain types of girls get raped. However, xTx uses her fourth lesson to dismantle those myths. Her testimony in this lesson involves another trusted adult; this time, a summer camp counselor. To her, the counselor was "akin to a teacher" and she had "no need to worry" (121). Her summer camp counselor held a position of power in her life, making him a less obvious person to watch out for. Unfortunately, rape culture encompasses "people meant to protect you

raping you instead—like parents, teachers, doctors, ministers, cops, soldiers, self-defense instructors” (McEwan, “Rape Culture 101”). xTx notes how she had “forgotten her previous lessons” with older men and criticizes herself as a “bad student” and “bad girl” (121). This criticism highlights the absurd reality that women have to be cautious of all types of people, rather than naively assuming that the real rapists are people they don’t personally know. In this lesson, xTx realizes that even though her camp counselor was “probably only nineteen or twenty,” he was still capable of sexual violence (121).

xTx also subtly articulates how sexual violence can happen to all kinds of girls, not just the girls wearing bikinis. One common rape myth includes the belief that “only attractive women are raped” (O’Neal 129). But rape does not just happen to people with certain body types, hair colors, skin tones, outfits, sexual histories, or personalities; it can happen to virtually anyone. Here, she’s “chubby,” “plain,” and describes herself as “the one-piece-swimsuit-with-a-long-T-shirt-over-it girl” (122). While xTx is on a boat with the camp counselor, he puts his thumb in her mouth. Then, “after a short time, he reached under his shorts and started working himself ... until an abrupt groan and stop” (122-123). Still, she leans into self-blame and admits that she “automatically” sucked on his thumb “even though it all felt wrong” (122). She only gave herself two points for this experience, initially believing that, again, it isn’t as bad as others. This lesson built on her childhood understanding that *all* women are viewed as objects in a rape culture, including in her summary how she is “a thing a boy can use to make him ejaculate” (123).

A Lesson on the Absence of “No”

The fifth lesson entails a method of victim blaming that focuses on how she could have “wanted it” because she did not actively refuse a man’s sexual advances (125). While xTx played an arcade game, an unknown guy “pressed into her rear” (124). She recalls how she “could’ve

left but [she] stayed” (125). xTx paints a picture of her playing the game, level after level, and earning extra lives all “while he rubbed against [her]” (124). xTx repeats the phrase “while he rubbed against me” nine separate times, emphasizing how she was aware of his actions throughout the course of her game (124). She uses this to demonstrate how she did not move even after noticing him behind her this many times. She later expresses how she was “glad” her brothers had not seen (125). The lesson here is about “the ways [victims] turn the gun to [their] own temple,” as she places the blame upon herself and disregards her initial desire for help (125). Her certainty about her responsibility for his actions plays into the larger myths circulating across rape culture, where the absence of “no” is equivalent to “yes.” Because xTx did not say “no,” she rationalizes that “[she] wanted it,” while also assigning the experience with four points to seemingly account for her additional emotional distress (125).

A Lesson Left to the Imagination

The last lesson from xTx is simply that “men are strong” (126). xTx does not include significant detail about what happened in this lesson, only that she was left in the backseat of her car with her best friend’s boyfriend’s friend. She doesn’t know anything about the guy, only that “he was dark and fat and had a mustache” (126). She describes herself as “plain,” “chubby,” and “uncool” (125). She trails off when describing what happened when she was left alone with the guy in the car, saying “[they] were in the backseat and...” (126). The final lesson does not specify any particular act of sexual violence, leaving readers to fill in the blank based on their own assumptions or even personal experiences. This exemplifies the firm grasp rape culture has on our society, because readers are left to imagine the range of sexually violent acts that could have occurred in the backseat of the car. At this point in the essay, sexual violence is commonplace and has become increasingly normalized with each lesson. Yet, this last lesson,

left up to the imagination of the readers, scores seventeen points, making it worse than the others without talking about it at all.

Rape is a Product of Rape Culture, Not Girlhood

xTx concludes her essay with a reflection on what all the lessons mean. She first mentions smaller lessons, like “the ‘sit on my lap uncle’ who nuzzles your neck and won’t let you down” or “the guy after guy after guy who grinds [on you] when you are dancing with your girlfriends,” and how they “aren’t worth writing about but they add up” (125-126). Dismissing smaller encounters with rape culture is a frequent practice because most women question “whether anyone would care about the behavior” and many don’t report these behaviors if they aren’t “serious enough to warrant others’ involvement” (Hlavka 346). When our society “creates divisions between what is and is not violence,” victims only see “extreme cases” as the framework for recognizing sexual assault (Hlavka 341).

It wasn’t until xTx “became a *seasoned* adult” that she realized her experiences were not “just how it is in life, like flat tires, running out of gas, getting a traffic ticket, spraining an ankle, etc” (emphasis in original; 127). She rejects the implication that her experiences were “normal,” and explains how “it’s not ‘what you get’ for being a girl” (127). She reverses her initial self-blame and places blame solely on rape culture elements: men deciding “to take it from you, regardless of what you want” (128). She further asserts that “if all these boys, these men, had chosen to treat [her] as more than ‘thing,’ [her] scorecard would be empty” (128). This assertion summarizes the social implications of rape culture, where even seemingly trivialized acts are still traumatizing for young girls. These acts must be identified as products of rape culture in order to end collective tolerance and one day change the status quo. This identification process can ultimately lead to de-normalizing and ending sexual violence in our society.

“Utmost Resistance” by V. L. Seek

In the *Not That Bad: Dispatches from Rape Culture* anthology, Roxane Gay includes another essay that approaches rape culture education from a different angle. The piece “Utmost Resistance: Law and the Queer Woman or How I Sat in a Classroom and Listened to My Male Classmates Debate How to Define Force and Consent,” by V. L. Seek, explores normalized sexual violence and victim blaming in legal academia. Rather than learning about rape culture in everyday life, Seek concentrates on how her law school courses validated rape culture. Her essay outlines how the classes emphasized ways to undermine victims within a legal context.

Following a lengthy footnote on how law schools teach students to “write academic articles for publication in law reviews” and disguise a “theory-heavy piece as something that is not too political,” V. L. Seek crafts an introductory paragraph with a brief background on who she was at ages twenty-one and twenty-two (177). With the understanding that “any article about rape, legal or otherwise,” causes debate, Seek begins her essay answering two of the most common questions victims face after reporting a sexual assault (177). *What was she wearing? Was she drunk?* Seek tells readers that when she was twenty-one, her life “was all short skirts and red wine” (178). This description of herself lays the foundation for her future self-blame, indicating that she was wearing revealing clothes and she drank a lot of alcohol. She subsequently lists other information about herself, including her law school enrollment and long-distance relationship with a woman. These facts follow her outfit and red wine, mimicking the cultural focus not on who she is as a person but on what could possibly justify her attack.

A Lesson on Memory

Seek’s testimony addresses a significant problem in rape culture, where alcohol plays a major role in downplaying rape. This is because victims often cannot remember all the details of

what happened, making their credibility more difficult to maintain. Seek uses one section of her essay to describe the circumstances leading up to her rape, a rape that epitomizes this issue. Seek starts with details on her internship at a preparatory school “in a small town in the Northeast” (178). Her internship involved “taking residents of [her] dorm to visit the family-owned candy shop” and “teaching writing to eighth graders already primed to write their college admissions essays” (179). She had expected that part of the internship. What she hadn’t imagined, though, was “the twenty-minute walk to the single town bar that [the interns] made every night in heels” or the “daily breakfasts with other interns who would ... talk about the drugs they took last night” (179). She shares how the interns were not allowed to drink on campus, so they would make a “nightly pilgrimage to the one bar” (179). On her last night of work, after the younger students “left for the summer” and the dorms were empty, the interns were allowed to drink on campus (180). She drank red wine with her colleagues and “never made it to the bar” (180). As she describes only what happened before and after her rape, it becomes clear that she does not remember much from that night. Seek describes how she believed it was her fault, how she “knew what consent was” and still “swallowed the blame like that bottle of red wine” (181). Then, the author outlines how she normalized her experience, assuring herself: “*It was not that bad. You’re okay. At least you don’t remember it all. The bruises are gone. You can forget about it*” (emphasis in original; 181).

Much like xTx, Seek summarizes each part of her essay. However, Seek’s summaries precede each section and take the form of legal citations. For this section, Seek cites *State v. McClain*, 149 N.W. 771, 771 (Wis. 1914), quoting a 1914 precedent that “there must be the utmost resistance by the woman by all means within her power” (178). Traditionally, the common law required women to “demonstrate resistance to her assailant in order to establish that

she did not consent to a sexual encounter” (Schwartz 567-568). The antiquated “utmost resistance” attitude still persists, especially when some people deem certain rapes as more “legitimate” than others (Fraser 164). Seek cites the “utmost resistance” clause to illustrate how the legal standard actively undermines her rape experience, because she cannot remember any evidence of “utmost resistance.”

Seek’s initial belief that her intoxicated state prohibits her ability to report sexual violence is a dangerously harsh truth running rampant in rape culture. It is correct to assume that “a victim who was drunk at the time and can’t remember everything that happened presents the jury with a serious challenge” (Harding 121). But this also creates “a gargantuan loophole for any rapist who chooses an intoxicated victim” (Harding 121). Instead of providing drinks to a woman with hopes they eventually become intoxicated, “the most common rape-risk situation for [women] ... is being taken advantage of by a sexual predator after she has become intoxicated voluntarily” (Kilpatrick et al. 5). Thus, dismissing rape reports from intoxicated victims only further magnifies the problem, because it sends a message to rapists on who they should rape. The only way to fully extinguish this problem is to take *all* rape allegations seriously and generally teach people not to rape.

Several Lessons on How to Discredit and Blame Victims

The bulk of Seek’s essay entails how she learned to discredit and blame victims in her law classes. She sets the scope with a citation from Federal Rules of Evidence 412(A)(B)(2), where “the court may admit evidence offered to prove a victim’s sexual behavior or sexual predisposition if its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party” (181). What this means is that the law permits attorneys to enter evidence that could support a theory that the victim wanted the sexual act to occur, effectively

shifting the blame onto the victim rather than the perpetrator. The law upholds the “role of passive receptivity” in women, whereas they are “forced to prove an absence of consent as men are taught to assume its presence” (Fraser 141).

Seek provides examples from four different types of courses: criminal law, evidence, ethics, and clinical classes. First, Seek describes how “there was an entire chapter devoted to rape” in criminal law (182). She does explain that the topic came with a trigger warning, but that “trigger warnings were an academic debate, not a practical one,” so she still attended class to learn the information necessary to become a lawyer (182). Shortly into the second case study, her classmates began asking questions that were “repetitive and probing” (183). The questions included: “How do we define force? What does it mean to ‘resist to the utmost’? How do we define consent? From an evidentiary perspective, can we ask what she was wearing? When can we ask about previous sexual partners, experiences, and proclivities?” (183). These questions explain why Seek began her essay telling readers about her “short skirts and red wine,” as a way to prevent the questions from ever being asked in her case (178). These accusatory questions underscore “our cultural obsession with victims’ appearance, behavior, and rape-preventative actions,” effectively shifting blame onto the victim and away from the perpetrator (Harding 55).

Seek’s evidence class was more of the same, where she learned “how to discredit a witness on the stand” and the “exceptions that would allow you to introduce a [victim’s] sexual history to undermine the idea that she was raped” (183). Seek lists eleven different questions she learned to ask victims in a courtroom, all aimed to publicly disprove their claims:

How much did you have to drink that night? Would you say it was your usual custom to dress in this way when going out? And you gave him your phone number? Do you normally accept a drink from any man who buys you one? Did you have sexual relations

with him in the past? How many, would you say? And all of those times were consensual? Did you ever say no? You didn't scream? And you continued to be in a relationship with him? But it's hard to remember now what happened on that day, isn't it? (183-184).

Each question peels back a new layer of rape culture, starting with the typical questions about how much the victim was drinking and what the victim wore. But the questions also reveal how rape supportive attitudes have infiltrated the criminal legal system, creating an unrealistic and unreasonable burden of proof for all victims. In fact, "some people—men and women alike—still believe that it's okay for a man to demand sex if he takes a woman out or buys her gifts, and that it's not rape if he forces sex on a woman who previously had sex with him or other men" (Salt Lake City Police Department). Asking victims if they had sexual relations with the perpetrator in the past, how many times they consensually engaged in these behaviors, and if the victim continued to have a relationship with him are all examples of questions that unfairly burden victims with blame and guilt. These types of questions also ignore the reality that it "sometimes [takes] years for someone to realize it was rape" (Torres). It is even common for some victims to "continue a relationship to help them cope with the lack of control they felt during the assault" (Torres). Asking if the victim ever said "no" or if she ever screamed overlooks the fact that "the majority of women faced with violent assaults, such as rape, will not resist their assailants, but instead will 'freeze' in a state of shock, and may appear to cooperate with their assailants" (Schwartz 577). As an extension of the law, these series of questions "burden women with proving that sexual harassment was unwelcome or that rape was indeed non-consensual" (Fraser 146). The overarching theme is that rape culture invites people to

“[spend] enormous amounts of time finding any reason at all that a victim can be blamed for his [sic] own rape” (McEwan, “Rape Culture 101”).

V. L. Seek shares another experience from her ethics course, where she learns about how engaging in certain misconduct will result in removal from the bar. One example of misconduct warranting removal included “an attorney who collected money from his friends for a football game ... and kept the money for himself” (184). Sexual harassment, though, was not enough to warrant a senior attorney’s bar removal because “the court did not consider his daily groping to be conduct involving ‘moral turpitude’” (184). Seek immediately follows this lesson with a fact learned in her seminar class, that “most rapists are repeat offenders,” indicating that rape culture allows organizations to turn their back on rape allegations in such a way that excuses sexual violence and legitimizes rapists’ defenses.

Seek briefly discusses how she had conversations in her clinical classes with some “public defender friends” on how they learned “to make a witness seem like a ‘lying bitch’ on the stand” (184). Another girl, her closest friend, even told her, “I’ve woken up after a lot of drunk sex and regretted it, but *I* didn’t say it was rape,” unknowingly using a rape situation that struck particularly close to home for Seek (emphasis in original; 184). These perspectives, though, are not uncommon in rape culture. In cases where the only supporting evidence of rape is the victim’s testimony, many people believe that false accusations are becoming more and more prominent. When sexual assault allegations surfaced about Brett Kavanaugh following his Supreme Court nomination, one lawyer close to the White House shut down the possibility of withdrawing the nomination because “if somebody can be brought down by accusations like [that], then you, me, every man certainly should be worried ... we can all be accused of something” (Kampf-Lassin). But in a criminal legal system that only presumes innocence on the

part of the assailant and a rape culture that aggressively demolishes victims' credibility, nearly any incentive to voice false accusations disappears. Rape culture can be defined as "the pervasive narrative that a rape victim who reports hir [sic] rape is readily believed and well-supported, instead of acknowledge that reporting a rape is a huge personal investment, a difficult process that can be embarrassing, shameful, hurtful, frustrating, and too often unfulfilling" (McEwan, "Rape Culture 101"). In fact, "men are far more likely to be victims of sexual assault than [victims] of lying, vindictive women," and false rape reports are "less common (1.6%) than false reports of auto theft (2.6%)" (Harding 75; McEwan, "Rape Culture 101"). Seek's conversations with her friends and classmates serve as further evidence of normalized sexual violence and victim blaming systems present in the legal field.

All of these courses demonstrate how the criminal legal system is often utilized as a tool to silence victims. At the very least, the legal system is simply failing its victims of sexual violence. The probing questions force victims to defend themselves, re-traumatizing many. Seek's testimony from law school reveals how this system is not accidental; rather, students are taught how to discredit victims and other witnesses over and over again. In several different areas of the law, the students were instructed on how to disprove a rape instead of how to prove that it happened. Students were coached on how to belittle a victim with questions instead of how to support someone with empathy, patience, and reassurance. Her testimony shows how bad it really is once a victim makes the decision to report and sheds light on how rape culture has influenced the criminal legal system. To create a world free from rape, the law must adapt to support victims who come forward and schools must teach their students exactly how.

A Lesson on Queer Women as Rape Survivors

Another section in Seek's essay provides insight on how her story becomes more complicated as both "a queer woman and a rape survivor" (185). This identity separation works as an attempt to combat the misconception that gay women become gay after they are raped. This portion of Seek's essay explains how her elaborate plans to come out were derailed after she was raped, because "what she had romanticized as speaking her truth became so entrenched in doubt" (186). She worried that people would think of all the men she had slept with or dated and use that as evidence that her rape turned her gay (186). Her truth as a rape survivor is "inherently questioned" in her field of work, and she often "worries if [her] story is believable" (186-187). This fear about others believing her story extends to her sexuality, demonstrating the internalized shame she felt about her rape. This section also supports the understanding that "women charging rape or harassment often see their cases harmed by evidence ... exhibiting any behavior that is not traditionally feminine" (Fraser 158). Whether it's tied to promiscuity or sexuality, deviating outside of "'proper' femininity" increases the chances for the criminal legal system "to see their injuries as illegitimate" (Fraser 170). This perspective once again normalizes sexual violence and enables a culture overlooking inappropriate behaviors.

Ending Rape Culture

Seek wraps up her essay with a paragraph that mentions how her conclusion would typically be the place where she "would summarize [her] arguments, allude to the case law, and propose a workable solution" (187). Instead, though, she dismisses the standard conclusion because it "seems out of reach when we are still stuck debating the facts, deciding whom to trust and what is true" (187). This section recognizes rape culture in legal academia, where even some law school professors teach students how to normalize sexual violence and blame the victim

instead of teaching men not to rape. Seek calls out the legal system specifically, because it “has never favored women and has never believed survivors” (187). Victims are then “mired in a circuitous and damning dialogue, so powerful that it invalidates [their] experiences, [their] traumas, [their] truths” (187). But “until [society stops] thinking of rape as an accident ... as long as we see rapists as average men overcome by lust in a particular moment ... we will keep giving criminals a pass to commit more violence in our communities” (Harding 76). Seek’s testimony here shows how there is not one specific way to combat sexual violence and end rape culture, but it can start with simply trusting victims instead of discrediting them. On the most basic level, it can start with accepting just how bad rape culture really is. Once our culture begins validating survivors and their stories, we can propose those workable solutions to stop rape altogether.

Conclusion

Both xTx and V. L. Seek expose readers to rape culture elements that are often viewed as *not that bad*. The two authors recount personal rape stories, sharing their memories and how they felt about themselves. Each lesson embedded in their essays reveal complex cultural myths and assumptions that justify the normalization of sexual violence and victim blaming. The authors both write under pen names, exemplifying yet another facet of rape culture; victims tend to feel safer sharing their testimony anonymously rather than subjecting themselves to a potential barrage of questions or threats. Seek made this authorial choice, while also raising the self-critical concern of whether it was “contributing to the problem or still fighting for a solution,” displaying the complexity of starting a constructive dialogue in a still repressive culture (178). These essays, then, reveal the fullest extent to which a rape culture persists in our world.

xTx’s piece informally lists several experiences that all fall outside the classroom and often in the presence of men she learned to trust. She creates a point system to mark how much

each violation is worth, buying into the notion that some are less terrible than others but most of them are somehow her fault. Each lesson is from when she was a child, showing how quickly girls learn that women are “not good enough” and “not a treasure”; instead, women are “things” (118, 123). It isn’t until she’s significantly older when she realizes that both of these perceptions are products of rape culture and that being a girl does not equate to “asking for it.”

V. L. Seek uses her piece to focus on the lessons taught in law school. This essay describes how sexual violence is normalized in the legal field, especially in instances where victims are asked about their outfits, drinks, and sexual history. Teaching law school students what types of questions to ask victims simultaneously encourages victim blaming among the new generation of lawyers. Seek highlights the perpetuation of rape culture inside the classroom, where victims are met with skepticism and doubt, encouraging other victims to remain silent.

In both essays, the authors show how rape culture impacts everyone, even in the least expected places. Rape, in whatever form it is presented, is a product of a culture that normalizes sexual violence and shifts blame onto the victim. Thus, rape culture is created in societies that “[diminish] the gravity of any sexual assault, attempted sexual assault, or culture of actual or potential coercion in any way” (McEwan, “Rape Culture 101”). This culture is maintained when people who “[object] to the detritus of the rape culture [are] called oversensitive, rather than people who perpetuate the rape culture being regarded as not sensitive enough” (McEwan, “Rape Culture 101”). These two essays showcase how society treats women as objects instead of individuals and how this culture systemically invalidates survivor testimonies. As part of the *Not That Bad* anthology, these particular essays draw attention to just how bad rape culture really is regardless of whether this culture is enabled in the day-to-day life or through legal learning. We can then use these essays as a tool to guide our understanding of rape culture, using their

experiences to identify products of rape culture in our lives every day. Their testimonies provide an outline for readers to reflect on their own contributions to rape culture, so that in the future they may step in and speak up for others to ultimately help put an end to sexual violence.

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