

Rape Myths: What are They and What can We do About Them?

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Abstract

In this paper, I aim to shed some light on what rape myths are and what we can do about them. I start by giving a brief overview of some common rape myths. I then use two philosophical tools to offer a perspective on rape myths. First, I show that we can usefully see rape myths as an example of what Miranda Fricker has termed ‘epistemic injustice’, which is a type of wrong that concerns our role as knowers. Then, I show that it is important to recognise that rape myths are instances of misogyny. This word is of course a more familiar one, but I’ll be drawing on a specific philosophical account of what misogyny is, developed by Kate Manne, that I think is useful here. Finally, I briefly consider some upshots of these claims.

1. Introduction

In January 2020, a high court appeal found that a family court judge, Robin Tolson, had incorrectly applied the law on rape in a ruling over custody. A woman had contested her former partner’s claim for access to their son on the basis that the former partner had been controlling and had raped her. Tolson’s ruling went against the woman, finding that no rape occurred because the woman did not attempt to physically resist the penetration. This judgement was overturned by the high court on appeal, in a ruling expressing concern and describing Tolson’s approach as ‘manifestly at odds with current jurisprudence, concomitant sexual behaviour, and what is currently acceptable socio-sexual conduct’ (The Guardian, 2020). Tolson’s ruling was certainly at odds with the law on rape, and with what is morally acceptable in terms of sexual conduct. However, it is not, unfortunately, out of line with many widely held mistaken attitudes about rape, or ‘rape myths’. In this sense, far from being an anomaly, Tolson’s ruling is in fact a paradigm example of how common rape myths affect many people’s thinking when it comes to sexual violence.

In this paper, I aim to shed some light on what rape myths are and what we can do about them. I’ll start by giving a brief overview of some common rape myths. I’ll then use two philosophical tools to

offer a perspective on rape myths. First, I'll show that we can usefully see rape myths as an example of what Miranda Fricker has termed 'epistemic injustice', which is a type of wrong that concerns our role as knowers. Then, I'll show that it is important to recognise that rape myths are instances of misogyny. This word is of course a more familiar one, but I'll be drawing on a specific philosophical account of what misogyny is, developed by Kate Manne, that I think is useful here. Finally, I'll briefly consider some upshots of these claims.

Before I get started, though, I want to be clear about what philosophy can and cannot do for us in connection with this topic. In general, for me, doing philosophy means looking at the world around me and focusing on the things that seem urgent in the social situation in which I find myself to see if I can offer any kind of conceptual clarification or insight that might help move matters in a more positive, less oppressive, direction. In this case in particular, I think it is important to be clear from the start that philosophy is only one very small piece of the picture when it comes to understanding rape myths; empirical and theoretical work in sociology, social psychology, critical legal studies, and so on is also essential. What's more, the analysis I am offering is by no means a radical departure from how we might in any case think about rape myths, both in general and within these adjacent disciplines. For example, I think it's not exactly startling or novel to say that we can think of rape myths as a form of misogyny. So I take myself to be doing something quite modest: using some philosophical tools to cast some already familiar thoughts in a more precise form. In the process, I hope to illustrate those philosophical tools, which I think are interesting ones, by showing them in action.

2. What are rape myths?

Here are some examples of common rape myths:

'If someone dresses or acts in a sexually provocative way, they are to blame if they are raped.'

'Rape always involves overwhelming physical force and a rape victim will always try to fight off their attacker.'

'Women often lie about rape for revenge or because they regret having sex.'

These are the kinds of things I have in mind when I say 'rape myths'. I take it that rape myths are 'in the waters', as it were: they are

circulating in lots of areas of discourse, often below the surface. Rape myths can also come up in some quite specific contexts in some very stark ways, as we saw in the example of the family court judge. This is obviously an incorrect application of the law on rape, which focuses on the absence of consent and does not require active resistance. It also tallies with several of the rape myths I just mentioned: rape as always involving physical force and attempted resistance, and women as frequently lying about rape.

In this paper, I'm focusing on rape myths as applied to people who are perceived as women – which is to say, who are perceived as women *by whoever it is that holds the rape myth in question*. This could be another person, or it could be that someone is applying a rape myth to their own experiences. It's important to be really clear that rape myths affect women, men, and non-binary people, and that there are some rape myths that apply specifically to people who are perceived as men, for example. However, I think that by and large, these need a different treatment, and one that I cannot offer in this paper. So here I am adopting a specific focus on rape myths as they affect people perceived as women.

As this choice suggests, I think that gender is very important to rape myths – but it's far from being the only social category that matters. The way in which rape myths are applied and mobilised, and the shape that they take in particular instances of application, is deeply intersectional, in the sense that it involves and reveals the intermeshed nature of social categories that are often thought about separately, such as 'gender' and 'race'. Here I'm aiming to take a fairly broad-brush approach: the hope is that most of what I want to say about rape myths as applied to those perceived as women is general enough that it applies across differences of race, class, sexuality, disability, and so on. This is not to deny that there are also lots of more specific things to be said about rape myths as applied to those who occupy these various intersections. Moreover, I recognise that this kind of approach is inherently risky: setting out to talk about 'women in general' always carries the danger of ending up implicitly centring the most privileged women. Constant checking is required if this pitfall is to be avoided, which is why I'm being explicit about the approach that I'm taking in this regard.

With these caveats out of the way, I'd like to give a taxonomy of different rape myths. I think rape myths can usefully be seen as falling into three main families.

1. Dishonesty myths: Rape myths centring on the idea that women frequently lie about rape.

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Examples of dishonesty myths include, ‘Women have consensual sex and then say it was rape to avoid seeming like sluts’, and ‘Women tend to lie about rape as a way of getting revenge on men’.

Of course, these ideas have no foundation in fact. False allegations of rape are no higher than for other crimes – around 3%, according to Home Office statistics (Kelly et al., 2005). What’s more, far from being over-reported, rape is extremely *under*-reported and there is an enormous drop-off at each stage as allegations of rape progress through the criminal justice system. Accounting for drop-offs at each stage after a rape has occurred (reporting, decision to charge, progression to trial, guilty verdict), only about 1.5% of the rapes that actually occur result in a criminal conviction (Ministry of Justice et al., 2013).

2. Consent myths: Rape myths that obscure what counts as consensual sex and what counts as rape.

Examples of consent myths include the following: ‘Consent cannot be withdrawn partway through a sexual act’; ‘Consent is automatically present if the people have recently had sex’; ‘Non-consensual sex always involves overwhelming physical force’; ‘Consent to one kind of sexual activity implies consent to other kinds of sexual activity’.

Consent myths are closely related to dishonesty myths because if a woman says she has been raped and then describes something that her interlocutor does not consider to meet the criteria for being rape – for example, because it does not involve overwhelming physical force – then it may well seem to her interlocutor as though she is lying.

To see how this family of rape myths are unfounded, we can consider the legal definition of rape in the UK, according to which person A rapes person B iff A intentionally penetrates the vagina, anus or mouth of B with his penis, and if B does not consent to the penetration and A does not reasonably believe that B consents. (There is also a counterpart crime of ‘sexual assault by penetration’, where the penetration is by something other than a penis, carrying same maximum penalty as rape.) In terms of how the law defines ‘consent’ in this context, it is understood that B consents to the penetration if they agree by choice and have the freedom and capacity to make that choice. In addition, consent is understood as ongoing and something that can be withdrawn at any time. This definition contradicts all of the consent myths listed above.

This is a good point at which to flag that not all rape myths can be neatly categorised in the taxonomy I am offering. Consider, for example, the myth, ‘Rape is almost always perpetrated by strangers’. This is certainly a myth, because rape and sexual assault by

penetration are overwhelmingly (90% of cases) perpetrated by people known to the victim, and often (56% of cases) by the victim's current or former partner (Ministry of Justice et al., 2013). But is it a dishonesty myth, because it implies that women who claim they have been raped by an acquaintance are lying? Is it a consent myth, because it makes it seem as though sex between acquaintances can't be rape? Is it neither? Both? I'm content to say that this myth is doing a few different things and does not fit perfectly into either of these categories. Nor does it fit into the third category:

3. Blame myths: Rape myths that place the blame for rape on the person who is raped.

Examples of blame myths include the following: 'Women who wear revealing clothing are to blame if they are raped'; 'Women who drink alcohol/take drugs are to blame if they are raped'; 'Women who flirt with men are to blame if they are raped'; 'Women who take men home/go home with men are to blame if they are raped'.

Again, the lines between these different categories emerge as slightly fuzzy. I think blame myths are often somewhat ambiguous between *blame* and *consent*. They can slide between, for example, 'Women who wear revealing clothing are to blame if they are raped', and 'A woman who wears revealing clothing is showing that she wants sex, and so what happened to her can't have been rape because she actually consented'.

Rape myths have various effects. Some of these concern the general discourse – how people talk about rape, how they respond to hearing about instances of rape from people close to them, or within their friendship circle or broader community, and so on. Others concern the criminal justice system, where particular attention has been paid to the effects on trials of jury members accepting rape myths (Ellison and Munro, 2009; Burrowes, 2013). Studying this typically involves mock trials, so that different factors such as the details of the case and the instructions given to the jury can be systematically varied, and they indicate that rape myth acceptance on the part of jury members does decrease the likelihood of a guilty verdict being returned.

A third effect of rape myths concerns the impact on a survivor's own understanding of what happened to them. One study (Peterson and Muehlenhard, 2004) looked at the relationship between rape myths and the phenomenon of 'unacknowledged rape', which is where someone has had an experience that meets the legal definition of rape in the relevant context but nevertheless does

not consider themselves to have been raped. The study found that for certain rape myths, participants who had been raped in a way that corresponded to the myth and who accepted the myth were significantly less likely than other participants to have acknowledged the rape. These myths were, 'A woman who "teases" men deserves anything that might happen', and 'If a woman does not physically fight back, you cannot really say it was rape'. The first of these is a blame myth, and the second is a consent myth.

This third effect of rape myths – on the self-understandings of those who have been raped – is particularly interesting because it seems like it would still be important even in a society with very different social systems in place for responding to rape. For example, we might have deep-seated criticisms of the criminal justice system in its current form and even of 'criminal justice' as a broader concept or framing, and we might hope to bring about a radical transformation of this area of society. If such a shift were to be effected, the details of how rape myths affect juries' decisions may well cease to matter. But I struggle to envision a social shift in this regard that would mean that the effect of rape myths on *survivors' self-conceptions* would cease to matter. For one thing, this seems to matter intrinsically, independent of its role as a necessary condition for setting in motion a process of justice. For another, whatever form a process of justice might take, its being put into motion would surely depend to at least some extent on people conceptualising their experiences as wrongful and being moved to take some action based on this. So the ways in which rape myths can prevent people from conceptualising their own experiences of rape *as* rape is particularly interesting for this reason: it seems like it will continue to matter across a range of very different societies, including societies that we might prefer to our own and want to work to bring about.

3. Rape myths as epistemic injustice

Epistemic injustice is a broad term, coined by Miranda Fricker, to refer to practices of knowledge in which some people are prejudicially disadvantaged, for example through the workings of racism or sexism. As Fricker puts it, people who suffer epistemic injustice are wronged in their capacity as knowers (Fricker, 2007). Epistemic injustice has a number of varieties, one of which is 'testimonial injustice', which occurs when someone is perceived as less credible than they really are due to identity-based prejudice (Fricker, 2007, ch. 1). For example, a woman whose well-founded suspicions are dismissed as

‘feminine intuition’ by someone who holds sexist attitudes has suffered testimonial injustice: she has been perceived as less credible than she really is due to her listener holding a prejudice that relates to her identity as a woman.

Testimonial injustice is highly relevant to dishonesty myths. These myths present *women as a group* as untrustworthy with regard to sexual violence, suggesting that their testimony ought to be treated with suspicion. This highlights the way in which epistemic injustice is wrongful. If a woman is not believed when she speaks out about rape, this might have all sorts of bad consequences: she may find this re-traumatizing, an opportunity may be missed to prevent her rapist from committing further rapes in the future, and so on. But Fricker tells us that the *very fact of not being believed* can be wrongful *in and of itself*, and independently of any bad consequences, if the withholding of belief stems from an identity-based prejudice – and dishonesty myths fit this criterion.

Another type of epistemic injustice that Fricker defines is ‘hermeneutical injustice’, which consists of ‘having some significant area of one’s social experience obscured from collective understanding owing to hermeneutical marginalization’ (Fricker, 2007, p. 158). To be hermeneutically marginalized, in this context, is to be hindered from contributing fully to the kinds of conversations that shape our collective understandings of the world. For instance, if women are – by law or by social convention – prevented from occupying influential roles in areas such as journalism, broadcasting, politics, the arts, and academia, then women will be less able to affect the direction of public conversations about a range of important topics (and thus the conceptual resources that arise from these conversations) and this would count as hermeneutical marginalisation. An example of hermeneutical injustice that Fricker gives is women who suffered sexual harassment in the workplace before there was a concept of ‘sexual harassment’. This lack of a concept was not random, but rather was a result of women not being able to contribute equally to setting the terms of the conversation, due to not having the opportunity to have their voices heard to the same extent as men – that’s the *hermeneutical marginalisation* part. What’s more, without a concept of ‘sexual harassment’, a woman who was being sexually harassed might struggle to fully explain her experiences. She might try saying, for example, that she is being ‘bullied’. And yet she might find this hard to substantiate, since it implies surface-level hostility and aggression, which might not be present. Or she might say something like, ‘he behaves in ways that make me feel uncomfortable’. But this risks locating the problem in *her* subjective ‘uncomfortable

feelings', rather than in the objective facts about *his* inappropriate behaviour. So the concept of 'sexual harassment' does important work for us that none of these other descriptions can do: it bring a certain area of experience into focus. This is to say that the lack of a concept of 'sexual harassment' meant that an area of women's social experience was 'obscured from collective understanding' (Fricker, 2007, p. 158). Finally, women were worse off as a result of this: being unable to bring one's experience of sexual harassment into focus either in one's own understanding or in that of others is not a good situation to be in. In other words, these experiences are 'significant', and not being able to make them apparent to oneself or to others is a harm. Although this example of sexual harassment involves a *missing* concept – a 'conceptual lacuna' – hermeneutical injustice can also involve *faulty* concepts, such as a concept of 'citizen' that is such that it can only be applied to white men.

Hermeneutical injustice is particularly relevant to consent myths. Here, I want to distinguish between two different ways in which hermeneutical injustice can occur: it can involve a faulty *explicit* understanding of the concept of rape or of consent, or it can involve a faulty *implicit* understanding of the concept of rape or of consent (Jenkins, 2017).

Consider, first, the many ways in which legal concepts of rape have been problematic. For example, in England and Wales, non-consensual sex between a husband and wife did not count as rape prior to 1991. The concept of rape in circulation prior to that time was faulty: it excluded marital rape from the category of rape, even though as a matter of fact, in terms of what's wrongful or unjust, marital rape should be categorised with other instances of rape. In other words, this concept of rape obscured experiences of marital rape from collective understanding. This is an example of a faulty explicit concept, because rape was *explicitly* defined and understood in a way that excluded marital rape.

However, this kind of hermeneutical injustice does not capture many instances in which rape myths appear to interfere with how people hold and apply concepts of rape and of consent. Often, it seems, people can be conversant with a perfectly fine definition of rape or consent in the abstract, but fail to apply it correctly to a specific case. This might even be what happened in the family court judge case with which this paper began: we can easily imagine a judge having a correct belief about the *wording* of the law on rape, but applying an incorrect criteria for establishing whether a rape was committed in a particular instance.

Perhaps such cases are simply not instances of hermeneutical injustice? This seems unsatisfying to me; such cases seem to involve something going wrong with social concepts in a similar way to the paradigm cases of hermeneutical injustice. What's more, I think there is a straightforward way to bring them into the reach of that concept, which is to say that not being able to apply a concept properly *is* a way of holding a faulty concept.

A helpful distinction here is Sally Haslanger's (2012) distinction between manifest and operative concepts. Roughly, a manifest concept relates to the way in which we would explicitly define a concept if we were asked to do so. The operative concept, on the other hand, is the concept that would be extrapolated from our actual practices. So for example, suppose a school has a rule that any pupil arriving after 9 a.m. is to be recorded as 'late', but that in practice, teachers will only mark pupils 'late' if they arrive after the registration period ends, at ten past nine. In this case, the manifest concept of 'late' is 'arrived after 9 a.m.', and the operative concept is 'arrived after the end of the registration period'. My suggestion is that often rape myths function by leading people to hold a faulty operative concept of rape, even if the manifest concept is correct, and that this is a form of hermeneutical injustice – 'implicit' hermeneutical injustice, we might say.

So we've seen here that epistemic injustice helps us to understand the workings of two of the three varieties of rape myths that I identified. Dishonesty myths can be understood as examples of testimonial injustice, and consent myths can be understood as examples of hermeneutical injustice, which may come in an explicit or an implicit guise. What remains is to say something about blame myths, and here I'll reach for a different philosophical tool, which is the concept of *misogyny*.

4. Rape myths as misogyny

Unlike the term 'epistemic injustice', the term 'misogyny' is not immediately identifiable as a philosophical term of art. In appealing to it here, though, I have in mind a particular account of misogyny developed by the philosopher Kate Manne (2017). According to Manne, we should understand misogyny as 'the "law enforcement" branch of a patriarchal order, which has the overall function of policing and enforcing its governing ideology' (Manne, 2017, p. 78). Misogyny is thus the backlash or corrective response that occurs when a patriarchal social order is challenged. It puts women back

in their place when they try to step out of line. For Manne, a social environment is misogynistic when girls and women (or some specific group of girls or women) face hostile social forces that affect them *because* they are girls/women, *and* in which these hostile social forces serve to police and reinforce a patriarchal social order (Manne, 2017, p. 19). Manne recognises, rightly in my view, that a patriarchal social order is always intersectional in nature, meaning that society is never just structured around divisions of gender but also of race, of class, and so on.

Misogyny, then is about protecting and upholding patriarchal social norms. And I think it's plausible to posit the following norm in many patriarchal societies: 'Women are not entitled to control when and with whom they have sex'. However, this can be made more specific; I don't think it's plausible to think that patriarchal social norms hold that *any* man is entitled to have sex with *any* woman under *any* circumstances. This is because patriarchy has a lot to do with policing men's access to certain women and protecting that access *from other men*. So according to patriarchy, only certain men are 'entitled' to sex with certain women; for example, husbands are entitled to have sex with their wives. My suggestion is that blame myths are an instance of misogyny that targets women and girls for objecting to sex *to which men are entitled according to patriarchal norms*.

Looking at blame myths in this way helps to explain two of their notable features. The first feature is that rape by a stranger is the form of rape that is least subject to blame myths. Women who are raped by complete strangers are the least likely to be blamed, although of course there can still be attitudes of blame towards these cases, perhaps focusing on clothing or alcohol. This fits with the idea that the norm that is being protected by blame myths is not one that grants all men blanket sexual access to all women, but a more specific norm that grants certain men sexual access to certain women.

The second feature is the *intersectional* nature of blame myths, and other rape myths. We don't live in a society that is *just* patriarchal, but in one that is *also* white supremacist, heterosexist, disablist, and so on. Under a white supremacist patriarchy, we can expect to see a racial asymmetry built in to norms about men's sexual access to women, with white men's sexual access to women of colour being specifically upheld and protected in a way that is not mirrored for men of colour and white women. This is exactly what we *do* see, a fact that has been explored in detail in the work of women of colour feminists in particular (Davis, 1983; Crenshaw, 1991). As Angela Davis argues, anti-rape activism must acknowledge both the racist deployment of fabricated rape charges against Black men, and the additional

hostility and disbelief shown towards Black women who suffer rape. These dynamics form a duo, the 'twin myths' of the Black man as a rapist of white women, and of the Black woman as chronically promiscuous, and therefore welcoming all attentions from white men (Davis, 1983). An upshot of this is that blame myths are applied less often and less harshly to white women who say that they have been raped by Black men, and apply particularly often and particularly harshly to Black women who say that they have been raped by white men. This analysis fits neatly with the analysis of blame myths as an instance of misogyny that targets women and girls for objecting to sex that men are entitled to according to patriarchal norms – norms that are at the same time imbued with a white supremacist logic.

5. Concluding remarks

I've analysed rape myths as falling into three broad types: dishonesty myths, consent myths, and blame myths. And I've suggested that dishonesty myths can be understood as instances of epistemic injustice, that consent myths can be understood as instances of hermeneutical injustice, and that blame myths can be understood as instances of misogyny. As I said at the start, there's nothing particularly revolutionary about this analysis; it does not call for a radical upheaval in how people are already trying to counter rape myths and resist rape culture. It does, however, underline a few points that many people working in this area are already committed to, highlighting and explaining their importance. This is because strategies for tackling rape myths will be most effective if they take into account the ways in which rape myths are instances of epistemic injustice and of misogyny.

With regard to first of these, educating people about rape myths should not just involve telling people what the definitions of rape and consent are, but should involve encouraging and supporting people to actually apply those concepts to particular cases. This is crucial because, as we have seen, if you know the formal definition of a concept but you can't appropriately apply it to cases, you can't be said to fully have the concept (to be precise, you may have a faulty operative concept). Education must involve practical, engaged thinking about rape and consent in order to properly reverse the damaging effects of rape myths. With regard to misogyny, education about rape myths is going to need to be embedded in broader education challenging norms of male entitlement – which of course are racialised, classed, and so on – because those norms are underpinning and motivating those rape myths. The myths are

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a corrective or ‘policing’ response to perceived norm violations, which means that if we are not targeting the norms that are motivating then we are not getting to the root of the problem.

The call for thorough, practical, engaged education about rape and consent that is embedded in a wider program of challenging sexism is, as I have said, hardly a radical innovation. Given the importance of this call, though, it bears repeating. In repeating it here, in a philosophical way, I hope to have contributing to removing any shred of justification for continued inaction on this point.

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