HOW DATE-RAPE "EDUCATION" FOSTERS CONFUSION, UNDERMINES PERSONAL RESPONSIBILITY, AND TRIVIALIZES SEXUAL VIOLENCE.

"It sounds

BY STEPHANIE GUTMANN

like I raped you!"

Judging by the news and entertainment media, the problems of date and acquaintance rape have reached crisis proportions in recent years. A search in the database Nexis turns up 54 mentions of date or acquaintance rape in the *New York Times* during the past two decades—nearly half of them in the last year. Television shows such as "A Different World," "21 Jump Street" and numerous made-for-TV movies have featured date-rape themes. Oprah, Phil, Geraldo, and Sally have each taken a crack at the subject.

But although the barrage of media coverage has driven date and acquaintance rape into the public consciousness, the meaning of these terms is not at all clear. Hearing the phrase *date rape*, the average person probably imagines a scenario something like this: A man and a woman who have recently met go to dinner and a movie. He takes her back to her apartment afterward. She is tired and wants to get to sleep, but he wants to come in for some coffee. She lets him in out of politeness and sits next to him on the couch as he drinks his coffee. He overpowers her, pins her to the couch, and rapes her.

The experts whose research and warnings feed the alarming publicity have quite a different idea of date and acquaintance rape. Their definition, which goes far beyond both the legal and popular understandings of rape, would encompass a host of ambiguous situations that involve neither the use nor threat of violence. Under some versions of the new definition, a man who whined until his girlfriend agreed to have sex with him would be guilty of rape.

"Any sexual intercourse without mutual desire is a form of rape," writes Dr. Andrea Parrot, a psychiatry professor at Cornell University who specializes in studying date rape. "Anyone who is psychologically or physically pressured into sexual contact is as much a victim of rape as the person who is attacked on the streets."

The training manual for Swarthmore College's Acquaintance Rape Prevention Workshop states: "Acquaintance rape...spans a spectrum of incidents and behaviors ranging from crimes legally defined as rape to verbal harrassment and *inappropriate innuendo*." (Emphasis added.)

A former director of Columbia University's date-rape education program says: "Every time you have an act of intercourse there must be explicit consent, and if there's no explicit consent, then it's rape. Almost every woman I've ever talked to has had an experience where she's been in a situation where she's had intercourse where she's not really been a fully willing participant—I would call that rape. People don't have the right to use other people's bodies assuming anything. Stone silence throughout an entire physical encounter with someone is not explicit consent."

Although largely driven by feminist ideology, this redefinition of rape casts women as eternal victims, undermines personal responsibility, and trivializes the very idea of sexual violence. Combined with misleading statistics from weak studies, it fosters unrealistic fear and distrust. Nowhere are the effects of rape revisionism more pronounced than on college campuses.

"Colleges work to solve—and stop—a shockingly frequent, often hidden outrage," the subhead of a *Newsweek* story announces. "Fear Makes Women Campus Prisoners," howls a *Chicago Tribune* article describing students who, because of the "prevalence of date rape," stay in their rooms at night, cringe when classmates make "sexist" remarks, and keep "themselves out of threatening situations at parties."

Colleges throughout the country have announced large increases in reports of rape, usually from female students under 20 and generally involving friends or acquaintances. Meanwhile, date-rape education programs run by administrators or students have proliferated like amoebae in a jar.

Many schools have instituted Rape Awareness Weeks and appointed special deans to deal with sexual assault. In annual marches to "Take Back the Night," young women leap up, give frenzied testimony about their experiences as victims, and entreat members of the audience to testify as well, so that "others will have the courage to come forward." Educational videos, pamphlets, training manuals, and posters teach students about the dangers of date rape.

On a wall of Columbia University's student health service building is a bright red poster resembling a warning about radioactive material that announces: "Date Rape is Violence; Not a Difference of Opinion." A university program trains students for 10 weeks as date-rape educators and dispatches them to dorms to conduct seminars, video screenings, and discussion groups. The program is mandatory for all new fraternity and sorority pledges. At a recent gathering at Barnard College, an employee of New York City's Task Force Against Sexual Assault drew a group of young women into a circle and gravely informed them that "one in five dates end up in assault."

Since last fall, when five female students at Syracuse University reported being raped by acquaintances, the school has seen the creation of a student-organized group called SCARE (Students Concerned About Rape Education), a Rape Awareness Week, a Rape Task Force, plans for a Rape Education Center, and Speak Out rallies attracting as many as 200 members of the university community. "The epidemic of rape must come to an end on this campus," thundered an editorial in the student newspaper that fall. "This crime is running rampant at

Syracuse University...other [campus issues] pale in comparison to the apparent crime wave of rape striking all parts of this university."

By at least one measure—reports to campus security and police—all this alarm is puzzling. At Irvine, for example, campus security received only one report of rape in 1989—the year in which 60 rapes and sexual assaults were reported to the campus women's center. Columbia University's security department says it has received no reports of rape in the last five years, although in 1986 Ellen Doherty, a rape counselor at a hospital near Columbia, told *Newsweek* that acquaintance rape is "the single largest problem on college campuses today."

Those who perceive an acquaintance-rape crisis explain that women, understandably afraid of callous treatment by campus security and the police, are more willing to tell their stories to the sympathetic people at the local women's center. This explanation raises another issue, however. The people staffing these centers and similar institutions tend to assume that most acquaintance rapes go unreported and that, given skepticism in the past, believing the victim is of utmost importance. Since reporting challenges the system, encourages others to come forward, and empowers the individual, they consider it a positive good that should be encouraged.

Hence Parrot, the Cornell date-rape specialist, writes in a 1987 paper: "If the prevention strategies presented in the program are employed as suggested, participants should be at reduced risk for acquaintance rape involvement, and the report rate of acquaintance rape in your community should increase." Increasing the number of reports is thus an end in itself.

"People respond to numbers," the aforementioned employee of New York's Task Force Against Sexual Assault told her Barnard charges. The bigger the numbers, she explained, the bigger the indictment of a society in which sexual assault is rampant and condoned. Attempts to verify reports through investigation or clarify them through in-depth interviews would therefore be counterproductive.

The reliability of report figures is not the only source of doubt about the alleged rape crisis. The broader statistical foundation for acquaintance-rape alarm, including the survey data that college administrators solemnly invoke, is also deeply flawed.

The University of Illinois provides a good example of how flimsy studies and dubious research conclusions are embraced by the press and become the basis for campus policy. Once again, the university was primarily concerned with acquaintance rape. Although the Urbana campus had been haunted twice in the previous five years by a nonstudent serial rapist, the school's Rape Awareness and Prevention Committee had concluded that "the greater risk to women students involv[es] sexual assault by their male friends, boyfriends, and acquaintances."

Following reports of increases in date rape at other schools, the University of Illinois created a Campus Task Force on Sexual Assault, Abuse, and Violence in 1989. The task force attempted to measure the school's date rape problem with a survey that was mailed to 1,460 women on the 35,000-student campus. It classified 16.4 percent of the 537 students who replied as victims of "criminal sexual assault," defined as intercourse with a clearly expressed lack of consent.

Last winter the task force issued a report offering recommendations based on the survey's evidence that the university environment "engenders sexual abuse." The report advocated abolishing the school's intramural, all-female pom-pom squad, "instituting a mandatory human relations program" for all undergraduates covering "the risk of and responsibility for sexual misconduct," and adding provisions covering sexual misconduct to the school's code of behavior. Punishable by expulsion, sexual misconduct would be defined as intercourse without the female's knowing consent.

"Any sexual intercourse without mutual desire is a form of rape," writes Dr. Andrea Parrot.

"A person who is intoxicated is incapable of giving knowing consent...a person who is under any form of coercion (including physical, psychological, academic, or professional) is not free to give consent," the report stated. Finally, the task force recommended "investigating and seeking to eliminate the prevalent philosophies, cultures and attitudes of fraternities and other organizations that are built on sexism, lack of respect for women, and that lead to violence against women."

The task force's recommendations and the results of its survey were soon picked up by the local press and aired on National Public Radio's "All Things Considered." The *Chicago Tribune*'s story began with the pithy factoid, "16.4 percent of female students who responded to a questionnaire had been raped"—suggesting that this finding was representative of the entire student population.

The reporter failed to address important shortcomings of the survey. For example, the sample was self-selected, a significant problem since the questionnaire was rather lengthy. "If people have never had any experience with this, they're not going to even bother" with the survey, says Kalman Kaplan, a psychologist at Wayne State University.

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The bias was compounded by the title of the questionnaire, "Survey of Sexually Stressful Events," which may have predisposed respondents to view ambiguous situations in a particular light. Kalman adds that it's not clear what meaning respondents attached to key terms used in the survey. For example, the survey includes a question asking whether the parties had been sexually intimate before, but it does not try to determine what kind of signals would have constituted "resistance" in the context of the relationship. Even Vice Chancellor Stanley Levy, who defends the survey, admits that "you have difficulty in extrapolation" from its findings.

The *Chicago Tribune* bolstered the University of Illinois study with figures from another, highly influential poll. The story declared that women at the university "apparently have good reason" to be scared because "a nationwide survey...by Mary Koss, a psychiatry professor at the University of Arizona, found that one in four women reported having been the victims of rape or attempted rape, usually by acquaintances."

Koss's numbers, especially the one-in-four firgure, are widely cited. They come from the *Ms.* Campus Project on Sexual Assault, considered the most comprehensive study of campus sex crimes. In 1982, using a $267,500 National Institute of Mental Health grant procured by the magazine, Koss and a platoon of assistants fanned out across the country to administer a "Sexual Experiences Survey" to college students. After three years of data collection and tabulation, Koss announced her findings: "25 percent of women in college have been the victims of rape or attempted rape," and "84 percent of these victims knew their assailants."

Koss went to great lengths to obtain a representative, sufficiently large sample. Still, there are obvious problems with her study.

Koss obtained her data on the "incidence and prevalence of sexual aggression" with a 10-item survey featuring questions such as, "Have you given in to sexual intercourse when you didn't want to because you were overwhelmed by a man's continual arguments and pressure?" (number 6) and "Have you had sexual intercourse when you didn't want to because a man threatened or used some degree of physical force (twisting your arm, holding you down, etc.) to make you?" (number 9). A positive answer to question 6 or question 7 (which asks whether the subject has been pressured into sex by someone in a position of authority) labeled the respondent a victim of sexual coercion. A positive answer to any of questions 8 through 10 put a respondent in the rape category.

Question 9 and question 10 (which also refers to the use of force or threats of violence) seem to fit the conventional picture of rape, but consider question 8: "Have you had sexual intercourse when you didn't want to because a man gave you alcohol or drugs?" In the terminology of psychological testing, this question is considered "double-barreled": Exactly what it's asking is not clear. For example, it might be interpreted as asking if the respondent has exchanged sex for alcohol or drugs. Koss was probably trying to identify respondents who had been raped while incapacitated. Still, the question's wording clearly invites respondents to put the blame for an unpleasant or ambiguous event on alcohol or drugs, mysterious forces over which one has no control.

Another problem with the survey is its leading quality. In a properly designed survey, important or more meaningful questions should be interspersed with filler items, Kaplan says, not grouped together in order of ascending seriousness as Koss did. "If a person answers yes to the first question you're almost preparing them to answer yes to a later one," he says "If they came at you with questions 8, 9, 10 to begin with, you'd probably have fewer positive responses to those questions."

In general, surveys such as Koss's encourage women to reinterpret sexual experiences after the fact. University of Chicago psychologist Catherine Nye notes that 43 percent of the women classified as rape victims by the Koss study *had not realized they'd been raped.* "Well, I think if you don't know you've been raped," Nye says, "then probably you're talking about a situation which has to be redefined, reconstructed."

Indeed, Parrot, the Cornell psychiatrist, has said that "only one [rape] incident in 100 to 150 is reported to police, sometimes because women don't recognize the sexual assaults as rape. Education is necessary to sensitize both men and women to what constitutes rape."

And here is the crux of the matter: If you have to convince a woman that she has been raped, how meaningful is that conclusion? Her "education" requires her to adopt a different understanding of rape. Consider how the new definition is applied.

Columbia University uses a scene from the movie *She's Gotta Have It* to illustrate the dynamics of date rape: The female protagonist is at home, depressed after having broken up with her boyfriend. She calls him and begs him to come see her. Bitter over the fact that she has been unable to be faithful to him (which he has taken as a rejection), he at first refuses. She continues to plead, and eventually he relents—obviously apprehensive about getting sucked into the vortex again with this seductive but capricious woman.

When he arrives she throws her arms around him and pleads with him to make love to her. They argue. She tries intermittently to embrace him; he is furious, shaking her off, but perhaps enjoying the fact that the role of the needy one in the relationship is now reversed. Finally, still suffused with bitterness and fury, he pushes her coarsely onto the bed, and—saying, "You want it; you've got it!"—takes her from behind, violently and angrily. She whimpers, "What are you doing?" or some such protestation a couple of times, but she submits—making no effort to resist—in an exhausted, masochistic way.

It isn't pretty—but it isn't rape.

Not, at least, according to Richard Uviller and Vivian Berger, two Columbia University law professors. "This is certainly not rape," says Uviller, a criminal law specialist. "It just seems like seduction to me."

"It certainly doesn't seem like rape to me," agrees Berger,

who has studied rape law extensively. "Under the more technical definition in New York, it seems to me that she doesn't fear any kind of injury."

In the effort to distinguish between rape and seduction, sex offense and offensive sex, most rape laws have set the same basic criteria: There must be an expressed lack of consent and/or coercion by force or threat of force. In New York, "forcible compulsion" is defined as "to compel by either the use of physical force or a threat express or implied which places a person in fear of immediate death or physical injury to himself, herself, or another person."

Intent is another important ingredient of criminal law. "A man cannot be guilty of a crime he doesn't know he's committed," Uviller says.

Some legal scholars, however, are building a philosophical base for a change in the law that would dramatically affect the way judges and juries are obliged to think about sexual relations. In her 1987 book *Real Rape*, Susan Estrich, a law professor at the University of Southern California and former campaign manager for Michael Dukakis, discusses the "reasonable woman" standard frequently invoked in ambiguous rape cases. The judge's view "of a reasonable person is one who does not scare easily, one who does not feel vulnerable, one who is not passive, one who fights back, not cries," she writes. "The reasonable woman...is a man."

Estrich would eliminate the defense that the man charged with rape honestly believed there was consent. "Consent should be defined so that no means no," she writes. Women should be "empower[ed] in potentially consensual situations with the weapon of a rape charge."

But in many sexual encounters, things are not so clear-cut, especially when the man and woman have deep feelings for each other or have engaged in sex previously. The picture is further clouded by the tradition that men should take the sexual initiative, the inclination of some women to voice resistance in order to avoid appearing "easy," and the prevalent belief that saying no is a mere convention, part of foreplay.

Other legal scholars see dangers in the direction that Estrich recommends: "We don't want the law to patronize women," Berger wrote, reviewing Estrich's book in *Criminal Justice Ethics*. "To treat as victims in a legal sense all of the female victims of life is at some point to cheapen, not celebrate, the rights to self-determination, sexual autonomy, and self and societal respect of women."

Legal definitions change as society changes and after sustained pressure from interest groups. The law is not written in stone, and sometimes it is wrong. But comparing the legal meaning of rape to the new definition helps measure the gap between the thinking of the rape revisionists and community standards, which have slowly shaped our current laws. Moreover, the comparison demonstrates the difficulty of estimating how many of the women who are classified as rape victims based on the meager information provided by surveys would be considered rape victims under the law.

Legal reform aside, many feminists see value in broader use of the word *rape*, even if they don't seriously propose to prosecute anyone on that basis. "In terms of making men nervous or worried that they might be overstepping their bounds, I don't think that's a bad thing," Parrot says. "Our culture has given men permission to ignore womens' wishes, to disregard appropriate responses to sexual interactions."

Leaving aside the question of whether such an approach is fair to men, what effect does the redefinition of rape have on women? In addition to generating inappropriate alarm, it encourages young women to isolate troubling and ambivalent feelings in a cell called rape—far away from honest examination. The story of "Jane," a student at a prestigious midwestern university, is illustrative.

Jane and a girlfriend have been pressuring their dean of students "to do something about date rape on campus." Action is needed, Jane says, because the "experience has affected people close in my life and I've seen what it's done to them. All of it could be prevented if people knew what they could do about it and really believed that it was wrong." Jane eventually agreed to talk about what she described as her own experience of date rape.

She had been living upstairs from a young man in a co-ed dorm for about six months. They talked often, hung out in each other's rooms, had pet names for each other, propped each other up during stressful times, and occasionally necked. One night just before spring break, the boy called Jane and asked if he could come up. Jane had just gone to bed, but she reluctantly agreed because she knew her friend had been feeling bad lately and wasn't looking forward to going home on break.

When he came in she could tell that he was very drunk. Then, she says, he "was all over" her. She squirmed in protest and said "c'mon...no," but he didn't seem to listen. She didn't scream or push him off, or, as she puts it, "have this big fit."

She's not sure why. "Partly it didn't really seem necessary—I thought, 'Well, he's my friend....I guess whatever happens, it's not going to be that bad.' I was afraid of making him mad. I was just, 'Well, let's keep the situation under control.'...I wasn't aware of the problem then or really what was happening....After it had happened, I thought, 'OK, I didn't want that, but it's not that bad 'cause he's a friend of mine'—you know, no big deal."

Jane went home for spring break and didn't think about the incident. Then, two weeks into the next term, she saw a presentation on date rape. She says she started realizing, "Oh my God, that's what happened to me!"

Jane and the boy eventually talked about that evening (their relationship had been awkward and strained ever since), but she didn't use the word *rape*—instead telling him, "I didn't want that; that was wrong." He filled in the blanks, she says. "God! It sounds like I raped you," he eventually stammered.

"He was totally speechless," she recalls. "He stared straight ahead for so long. He said, 'Oh my God, I can't believe I did this. I can't believe I hurt you. Don't hate me.' " He said he'd misinterpreted her squirming, thinking that she wanted to do it because that's what he wanted to believe.

"Looking back on it now," she says, "that's such an interesting thing: Date rape is such a real thing. It's not something made up because the media tells you it happens; it's not something you create. It's something that really is and really affects you without your knowing it."

Catherine Nye says she and her colleagues at the University of Chicago's student counseling service see many "Janes"—young women who are essentially troubled about sex, unclear in their own minds about what they want, and sometimes guilty about sexual desires—who lately have begun to use the term *date rape* to describe their sexual experiences. She laments the psychological effect of such evasion.

"It's so much more useful to deal with these things before they've gotten put in this box of date rape, because then...it's not all stuck over on this guy who did this bad thing to me," she says. "If they say 'date raped,' they don't have to think about their own behavior; they don't have to think about their feelings. There's no complicity, there's no responsiblity, and that's the nonfeminist piece of it as far as I am concerned."

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An almost Victorian denial of complicity—of woman's emotional stake in the sexual relationship—is a big feature of the date-rape *oevre*. Man is entirely predatory; woman is entirely passive, a hapless victim, there by accident. Nye, asked by students to conduct a workshop on date rape, recently reviewed much of the training material available from Cornell and Swarthmore. "There was stuff in there that made my skin crawl," she says. "This training manual said things like, 'Don't let down your guard until you know a man really well—if at all.' I mean, talk about The Other!"

Man as "The Other" makes an appearance on the cover of Parrot's 1988 book *Coping with Date Rape and Acquaintance Rape*. The illustration portrays a couple on a date. The male figure is drawn as a devil, with horns, a Van Dyke beard, and a pitchfork tail pointing upward lasciviously. A leering, evil gleam in his eye, he stares slaveringly at the woman. She is blonde, with eyes cast demurely downward, almost closed.

The figures of the Machiavellian, predatory, demonic male and the innocent, asexual, passive, vulnerable female appear again in Parrot's description of a date:

"First, a rapist engages in intimate behaviors which make a female feel uncomfortable (for instance, by putting his hand on her thigh, or kissing her in a public place after knowing her for only a short time). This is common in party and bar situations when the music is so loud that the couple must be very close to each other to hear. In such situations it is not possible to maintain a comfortable distance from others.

"If the victim does not clearly object, the rapist proceeds to the second stage, in which he desensitizes the victim to the intrusion by escalating the behavior (moving his hand to her buttocks, for example). She may feel increasingly uneasy as a result of this behavior, and suggest going outside for "fresh air" hoping that she can create physical distance from him. Unless she actually tells him that she is uncomfortable with his 'roaming hands,' he may misinterpret her suggestion as meaning she wants to be alone with him. The third stage occurs when they are in an isolated place (such as outside, in his apartment, in his car, etc.) and the rapist insists on intercourse."

Clearly, this situation is one in which more assertiveness on the woman's part could make a crucial difference. But date-rape rhetoric and literature, Nye says, is often implicitly about "defining yourself as a victim and blaming the men, as opposed to saying we have a responsibility to take control here and to improve communication."

As Nye's experience indicates, this message appeals strongly to many young women. In the wake of the sexual revolution—in our brave new world of co-ed living, dorm condom dispensers, and hip health-service gynecologists who smile sunnily while asking their young clients if they've had any rough sex or group sex recently—college-age women may be trying to put some limits back on sexual behavior.

In an earlier era, there were various socially supported ways to say no, as well as all kinds of controls—segregated dorms, dorm mothers, curfew laws, *in loco parentis* policies in general—to give women greater room for delay and reflection. Women also had a perfectly respectable pretext for avoiding the complications of sex—"I might get pregnant"—that has been largely eliminated by readily available birth control.

Perhaps young women are looking for an "out" acceptable in the new campus environment, where sexual openness and enthusiasm are *de rigeur*. Given feminism's reigning orthodoxies, it's more acceptable to say that men are monsters, or that sex is fraught with potential violence to women, than to say, "I don't feel like it right now."

More fundamentally, the new definition of rape gives women a simple way of thinking about sex that externalizes guilt, remorse, or conflict. Bad or confused feelings after sex become someone else's fault. A sexual encounter is transformed into a one-way event in which the woman has no stake, no interest, and no active role. Assuming the status of victim is in many ways an easy answer—but not one befitting supposedly liberated women.

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