

# **RAPE IS... - DISCUSSION GUIDE**

This discussion guide provides supplementary information and discussion resources for the Cambridge Documentary Films production, "Rape is..."

We believe that "Rape is..." is an effective tool for social change when used in conjunction with an organized post-viewing discussion. The film introduces important and controversial ideas and the discussion allows viewers to explore and make those ideas their own. This online discussion guide was developed as a resource for discussion leaders. The guide is divided into specific subject areas each of which contains a small introduction, relevant facts, possible discussion questions and links to further research.

## **NOTE TO DISCUSSION LEADERS**

It is best if you can watch the video before you present it so that you don't have to deal with both your reaction and the reaction of the group. This film can provoke very strong reactions. It may bring up powerful memories of past rapes and abuse. It is very important that the discussion leaders are prepared for this and can refer people to rape support personnel. It is recommended that discussion leaders know in advance where to send people and can supply a supportive setting to people who become upset.

## **BEFORE THE FILM:**

It helps to give the film a brief introduction. It could sound something along the lines of :

"Rape is..." provides a comprehensive look at the issue of rape. It demonstrates that it is not a sporadic and rare occurrence, but a human rights violation and criminal outrage that affects millions of women, children and men.

## **THE FILM VIEWING:**

After the film has finished, you may choose to leave the lights off for 30 seconds or so to allow people to compose themselves and begin to process what they have just seen.

## **DISCUSSION TOPICS:**

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## **Beginning the Discussion**

### **SOME GENERAL QUESTIONS TO BEGIN THE DISCUSSION:**

Are there any thoughts, feelings or reactions that someone would like to share?

Who do you identify with in the film?

Do you think this could have happened to you?

### **BRIEF BIOS OF PARTICIPANTS AND UPDATES:**

Eve Ensler: Playwright ("The Vagina Monologues"), activist and founder of V-Day, an international organization dedicated to stopping rape worldwide.

Diane Rosenfeld: Teaches women's studies and legal issues at Harvard University. She was a Senior Counsel at the Department of Justice in Washington.

Kathy Girod: Heads a research project at a leading cancer hospital.

Vednita Carter: Co-founder and Director of "Breaking Free" an organization that helps prostitutes. Vednita experienced firsthand the coercion, trauma and violence of the sex industry when she became involved in stripping after answering an ad for dancers in her local paper.

Richard Ridlon: Currently out of prison and working full time.

Salamishah Tillet: Poet whose work "Do you know what rape feels like?" provides the moving opening to the film. She co-produced a performance piece on rape with her sister entitled "A Long Walk Home" and is finishing her PhD in African American Studies.

Bok-dong Kim: Her testimony at the Vienna tribunal relates the horrors of being enslaved as a Korean "Comfort Woman" to be raped by Japanese soldiers in World War II.

## Controversial Topics

### POINTS THAT MAY SPARK CONTROVERSY/DEBATE:

You may run into individuals who feel threatened by the film, become defensive. Their concerns are often:

What about false accusations?

What about the responsibility of the woman?

What about the "gray area" surrounding consent?

It is a major trap in a discussion to get hung up on the myth that women, for any number of reasons, often "cry rape". Dealing with the notion of false accusations is fairly straightforward because, according to the FBI, there are no more false accusations of rape than there are false accusations of any other crime. The actual figure is somewhere between 2 and 3%. When they do occur, false accusations hurt all of us, especially the real victims of this crime who have to face disbelief. The vast majority of rapes are not reported and the tendency of the media is to draw focus to the exceptions, to the rare instances of false accusations, and with a focus on the "devastating effect" on the accused.

From a feminist perspective, the reason people are focused on the woman's responsibility is because it lets sexual coercers off the hook for their predatory behavior. If you can blame the victim, you don't have to take responsibility for your own actions. It is best to steer conversations away from this pitfall. Instead, ask, "How does this fit into the larger picture?" Part of the effort of this film is to look at the larger picture of rape, outside of the "he said, she said" debate. What does it mean that we try to hold the victim responsible for her rape? Does this mean we believe that women can't wear tank tops and short skirts? Does this mean we are saying women can't go out at night? Are we saying that anyone who goes to a bar and meets someone gets what he or she deserves? Are we saying that we don't have the right to drink and be safe from sexual assault and rape? Are we saying that being drunk is a form of consent?

CONSENT is another huge area of controversy. What does "consent" mean? Remember Salamishah's story from the film. At a certain point she stopped saying "no." Why would some people interpret this as consent? What does that attitude suggest/indicate?

People project a great deal of fear into the consent debate. If you don't blame the victim it leaves men vulnerable to the criminal justice system and other sanction -- the alternative to blaming the victim is making a criminal out of the man. How does blaming the victim maintain the balance of power in social relations?

Antioch College developed a very thorough consent protocol to stop date rape. It requires that the person initiating sexual contact receive affirmative verbal consent at each level of intimacy:

<http://www.antioch-college.edu/survival/html/sopp.html>

This policy generated significant media ridicule. Why do you think there was so much negative reaction to this policy? Would you participate in a similar dialogue? Why or why not? What are important components of a campus sexual assault policy?

## **A Human Rights Violation**

Rape has been a part of war since time immemorial. Human rights reports have painted particularly horrific pictures of rape in current world conflicts. In former Yugoslavia, for example, rape was used as a deliberate tool to undermine community bonds, humiliate and torture women and weaken resistance. Only recently has rape been prosecuted as a war crime.

What do you think that says about rape? About war in general?

Does it reflect a growing awareness of the severity of rape?

## Prostitution & the Sex Trade

Vednita Carter, one of the film's participants, is the executive director of Breaking Free, an organization that helps prostituted women. Their goal is to provide them the support and protection to get out of the life. Before joining Breaking Free, she worked for an organization called WHISPER that had similar goals. She has worked with thousands of prostitutes for over 11 years. As a young woman she worked as an exotic dancer and was forced to turn tricks to get out of dangerous situations in which the dancers were brought to remote bars and they had to earn money to get home. Her perspective is that prostitution and rape are profoundly related. She thinks prostitution contributes to a climate in which rape is tolerated.

Do viewers agree with that perspective?

In Nevada, where prostitution has been legalized, the rape rates are the 4th highest in the country.

Is prostitution rape?

Is prostitution good for society?

What does it mean that men can pay for sex in our society?

What are the real choices in sex work?

How does knowing the average age (13-17) and sexual abuse history (at least 75%) of prostituted women impact the assertion that prostitution is a "career choice"? What does it mean to freely choose sex work? How does knowing that 95% of prostituted women share their money with/relinquish it to a pimp compare with your beliefs about the financial incentive in prostitution?

What about the myth that prostitutes can earn significant money? In a study in the Netherlands of legalized prostitutes, their average salary was 9 Euros, then about 7\$ an hour. How much do prostitutes really make in the US? In Nevada (where prostitution is legal)?

Vednita insists that prostitution is a continuum of slavery. In antebellum America, society condoned the rape of slaves by their male owners as a right of property. Vednita speaks of the persistence of that injustice in terms of the demographics of prostitutes (mostly poor black women) and johns (mostly middle-class to affluent white men). What connections (if any) do you observe between race and prostitution?

We are all aware that a double standard about sexuality still exists in our culture. This double standard still informs our view of the differences between the sexuality of men and women. Men are expected to want/need sex and the women who "give" sex to them are considered dirty and licentious. It becomes very difficult to discuss prostitution and sex work as an expression of women's sexual liberation because it is still so obviously a service that is in place to fulfill the sexual demands of men. Have things changed for women in the last 30 years? What do we know about even earlier attitudes?

What about the movement to unionize sex workers? Who are the activists in this movement?

Although there has been a lot of press about the unionization of Holland's prostitutes, only women with EU documents are unable to obtain permits to work as legal prostitutes. This leaves few choices for the foreign prostitutes who often cannot afford to return to their countries. They vanish underground and work in illegal brothels or from home. They are unable to claim any of the legal protection that EU prostitutes enjoy. On the contrary, they are open to blackmail, abuse, debt burdens, and everything else that comes with illegal prostitution run by criminals and pimps.

In Amsterdam, 80% of prostitutes are foreigners, and 70% have no immigration papers, suggesting that they were trafficked. (CATW Fact Book, citing Marie-Victoire Louis, "Legalizing Pimping, Dutch Style", *Le Monde Diplomatique*, 8 March 1997)

(prostitution, cont'd)

From Diane Rosenfeld's online course:

Research indicates that most women and girls working in the sex industry left their homes in search of economic opportunity or safety from physical and sexual abuse only to find more violence. The methods of control used by pimps and traffickers are similar to those used by batterers: women are denied freedom of movement, isolated, deprived of their earnings, threatened, and made dependent on drugs or alcohol. Physical and sexual violence are central to their maintenance of control. A 2001 report by the Coalition Against Trafficking in Women found:

Eighty-six percent of U.S. women, and 53 percent of the international women reported being physically abused by pimps and traffickers. One-half of the U.S. women and 1/3 of the international women described frequent, sometimes daily assaults. Eighty-eight percent of U.S. women and 47 percent of international women reported psychological abuse. Ninety percent of the U.S. women and 40 percent of international women reported being sexually assaulted in prostitution at the hands of pimps and traffickers. As evidenced from the context of interviews with women, the research team believes that these findings represent underreporting of the actual violence perpetrated, especially against international women by pimps and buyers. There may be reasons for this underreporting including normalization or non-naming of the violence in their lives.

## **Child Sexual Abuse**

Even in cases of child sexual abuse, perpetrators use the issue of consent as a defense. How does this resemble the rape of adults? What other parallels do you see regarding powerful vs. powerless?

Eve Ensler stated "(sic) my father abusing me set me up for being raped as an adult." What lessons could a traumatized child learn about relationships or self-care that would increase her or his chances of being sexually assaulted as an adult?

Richard Ridlon discussed not being believed when he disclosed that he had been sexually abused by his uncle. How might his life course been different if he had been believed and no longer had contact with his uncle?

Child sexual abuse is not the only trauma in the childhoods of rape survivors. What connections can you make between physical abuse as a child and rape as an adult? Substance abuse by a parent? Witness to domestic violence? Neglect? Numerous placements in foster care and institutions? Premature sexual overstimulation? Exposure to community violence?

The adults in the film are resilient. What characteristics can you identify that helped these survivors overcome the traumas they've endured?

## **Prison Rape**

Discussions of prison rape are useful to help men understand the power dynamics of rape and the state of fear and vulnerability in which the powerless live. Recent studies by Human Rights Watch and Prison Journal magazine estimate that at least one-fifth of the nation's 2 million inmates have either been raped or forced to perform sex acts during incarceration.

Bear in mind that the US incarcerates 1/5th of the world's prisoners. Approximately two million Americans are now serving either prison or jail time, over one million of them for non-violent offenses.

### **QUESTIONS:**

Is prison rape cruel and unusual punishment?

Is it a human rights violation?

What is the role of prisons in our society? What does the tolerance of prison rape suggest about our view of the rights of those in prison?

There is an argument that prison guards and officials tolerate rape in order to maintain a hierarchy of control among the inmates. Do you believe this to be true?

Rape in prison is often deemed a homosexual act. Studies and interviews with prisoners, however, insist that prison rapists are almost always heterosexual men who do not view their acts of sexual aggression as homosexual. Instead, they see them as satisfying sexual needs and affirming their physical power. As Diane describes in the film, "Rape is about power and control. This is especially visible in cases of prison rape where men use sex to dominate, control and humiliate other men. They even use gender epithets, negative terms aimed at women, to refer to their victims." What do you think about the gender dynamics of prison rape? How does this understanding contribute to your view of rape outside of prison? Can you see the same power/control issues in other forms of rape?



## **Dating Violence**

In the film, Salamishah describes a date rape experience in which she agrees to spend the night at a hotel because she cannot get home. Do you think this changes her ability to refuse to have sex? There are increasing reports of women students being raped when they study abroad. What factors do you think contribute to this?

Can consent be implied from prior physical contact? Why/why not? Why do people often assume consent?

What are the responsibilities of the person initiating physical contact?

At what point can a person refuse sex?

Do people give up their right to say no when they drink?

What actions/dialogue could ensure mutually acceptable levels of intimacy? What prevents this sort of interaction?

## **Pornography**

The film makes the assertion that pornography contributes to a climate in which rape is tolerated/normalized. This does not infer that pornography causes rape. It simply means that it produces and sustains gender roles that perpetuate violence against women.

Do you agree?/Disagree?

In most instances of pornography, whose image or perspective of sex is being depicted (male or female)?

What are the facial expressions of the woman? Is she often portrayed as enjoying it? Do you ever encounter images suggesting pain, violence or coercion?

Are men's bodies scrutinized in the same way that women's bodies are?

Are the images realistic representations of sex in our culture? What, if anything, is missing?

Why are men still buying the majority of pornography?

Pornography is a multi-billion dollar a year industry. Who controls and benefits from it? What are their incentives? Their views of women?

What is sexual liberation for both women and men? What would images of both look like?

## **Legal Issues**

by Wendy Murphy

Laws against rape were enacted, initially, to protect the “value” of women as men’s property. This view has changed somewhat as the law has developed more to protect the bodily integrity and personal autonomy of women as individuals. Still, the enforcement of rape laws is inconsistent and the vast majority of rapes are never reported. Why do you think this is so and how is the problem related to the fact that rape was once a crime against men’s property?

In almost every jurisdiction, the prosecution must prove that a rape was “forced” to establish that a crime occurred. Why isn’t it enough to show that penetration occurred “without consent”?

Until the early 1970s, many states had exceptions to their rape statutes forbidding criminal prosecution of men who raped their wives. Even today, most states laws treat “wife rape” as a less serious crime than other types of rape. Why do you think this is so? Could an argument be made that “wife rape” is an even more serious form of sexual violence than stranger rape?

Is the credibility of a rape victim more suspicious than the credibility of another type of crime victim? Why?

False allegations of rape are no more common than false allegations of other types of crime, yet people talk about “false allegations” as if they are common. Why?

Women are no more likely to suffer mental health illnesses than men, yet people often ask about the psychological well-being of rape victims when assessing their credibility. They don’t do this with robbery victims. Why not?

Rape shield laws guarantee that nothing about a victim’s sexual history may be considered by a jury on the question of consent, yet this information often gets admitted at trial. Why? The same is true of a woman’s clothing. The law claims to protect a woman’s right to wear whatever she wants without bearing legal blame if she is raped while wearing a short skirt. How does the admissibility of a victim’s prior sexual history or manner of dress undermine women’s freedom? How does it affect the “right to say no”?

It is extremely uncommon for there to be witnesses to the crime of rape or for there to be scientific “proof” that a crime occurred because in the vast majority of cases, the accused admits a sexual act occurred and only disputes whether there was consent. But resources (including millions of federal dollars) aimed at improving the criminal justice system’s handling of rape cases are disproportionately earmarked for better DNA testing in rape cases. How will too much spending on DNA testing hurt the majority of rape victims? What would be a fairer allocation of resources?

It has been thirty years since the women’s movement and law reform yet the reporting, prosecution and punishment rates for rape remain drastically low. Why did reform efforts fail? Is there a way for women as a class to inject a greater voice for themselves in the political/legal process? What might a new approach to reform look like? What are the barriers? How can they be overcome?