Familial Violence, Violent Familiars: Agency Compromised and Claimed

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In memory of my grandmother, Hawa Bibi Loonat

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ABSTRACT

Within liberal societies victims of gender-based violence have access to institutions of justice but these do not always guarantee them access to justice. There is a misfit between the assumptions of liberal institutions, and liberal legal institutions in particular – that victims of gender-based violence will approach them for justice - and the actions that women actually take when they suffer gender-based violence, not all of which include approaching liberal institutions. One of the causes of this misfit is various social actors' gender discriminatory behavior. One example of gender discriminatory behavior is when various social actors represent women's good as instrumental to some further good and not as an end in itself. In a similar and perhaps related way, women who suffer intimate partner violence sometimes see their own good as instrumental to the good of those they are in meaningful relationships with when they choose to remain in abusive relationships, or leave them. Even before any legal or disciplinary proceedings are underway, various individuals who interact with campus rape victims directly or indirectly thwart her efforts to obtain justice through a range of gender discriminatory behaviors. One of the gender discriminatory behaviors is the way in which they deploy shame to silence campus rape victims. The social nature of shame, and the uncodified but commonly understood gender discriminatory nature of rape myths suggests that the U.S. college context shares features of a shame culture. A weak substantive conception of autonomy provides the necessary normative content to disrupt the

social norms that support gender discriminatory practices and shape our social

context in ways that allow us to make autonomy-enhancing choices.

Chapter 1

Introduction

My dissertation research is driven by the concern that even within liberal

societies victims of gender-based violence have access to institutions of justice, but

these do not guarantee them access to justice. My puzzle is why some women within

liberal societies who suffer actionable gender-based violence like intimate partner

violence or campus rape do not always access justice institutions to seek justice,

although they may act in other ways.

When victims of gender-based violence do not access justice institutions this

ought to be of concern for, among others, two key reasons. First, a victim's choice

not to access legal institutions of justice is especially troubling because institutions

of justice within liberal societies are premised on the assumption that access to

institutions of justice would for the most part translate into access to justice. By

justice here I mean the procedure and outcomes when legal institutions dispense

the punishment that they in principle support, for example, a man who rapes a

woman after rendering her unable to give consent through drug or alcohol

consumption can expect to receive up to fifteen years imprisonment if he is

convicted. If such a case does not even go to court the very question of punishment

for the perpetrator does not even arise, thereby signaling a failure of the justice

system. By institutions of justice I am referring to institutions within a liberal

society that are concerned with resolving disputes between individuals or groups, especially where these disputes include breaches of the law.

Second, gender-based violence occurs within a gender-discriminatory social context that oppresses women in other patterned and systematic ways as well. There is a pattern to these forms of oppression in that they happen predominantly to women as a group, and they are systematic in that institutional structures support them in ways that make these forms of oppression regular in their application. While these other forms of oppression are not unrelated to gender-based violence, they may exist independently of gender-based violence in particular instances. The following are some examples of these forms of oppression. For example, society rewards men financially in ways that it does not reward women. Women are also often disproportionately represented in low paid, less desirable and unstable jobs in which they have few if any benefits and little opportunity for advancement (Walker, Spohn, and DeLone 1996 in York 2011: 4) Employers also tend to push women into and out of the workforce depending on the boom and bust cycles of the economy (Anderson and Collins 2004 in York 2011: 4). The patterned and systematic way in which various individuals within and outside of liberal institutions oppress women makes attending to the reasons why victims do not access justice institutions when they suffer gender-based violence part of a wider effort to address gender-based oppression.

The patterned and systematic forms of gender-based violence have consequences that reach further than the immediate act of violence. Women display adaptive preferences as precautionary measures against rape and these adaptive

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preferences have consequences for many aspects of their lives. For example, when women go out in the evenings, they are likely to be more conscious of the time of the event than men are, to think about whether they will be alone at the time, where they will park their cars, who they will be with and so on (Shugart: 1994). They may also forgo the opportunity to go out if the risk of doing so is too great, and choose a less risky activity in its place. Victims of gender-based violence suffer loss of self-esteem, shame and post-traumatic stress disorder, as well as a range of physical ailments (Street and Arias 2001).

It is important to note that there is a gender discriminatory logic behind why certain behavior is deemed risky for females but not for males. Excessive and underage drinking is one example of this type of risk taking. While intoxicated underage male students are less likely to be targets of sexual assault, underage female students who pass out after excessive drinking are at higher risk of being raped. Emily Yoffe's argument that college women should stop getting drunk to prevent men from raping them is an example of this gender discriminatory logic (Yoffe 2013). Likewise lack of parental supervision and other forms of risk taking have unequal consequences for male and female students.

There is a misfit between the assumptions of liberal institutions, and liberal legal institutions in particular – that victims of gender-based violence will approach them for justice - and the actions that women actually take when they suffer gender-based violence, not all of which include approaching liberal institutions. What are some of the factors that may help to explain the gap between the assumptions of liberal institutions and the actions victims of gender-based violence take? How do

individuals within liberal institutions directly or indirectly thwart a victim's attempts at obtaining justice? Intimate partner violence and campus rape are two examples of gender-based violence that reveal both the challenges that various individuals present to women's agency and reveal fresh insights that will enable us all to conceive of our agency in the face of gender-based violence in new ways.

Most feminists have argued that when individuals exercise power in what many take to be private spaces like the family, they are able to threaten women's equality and liberty. In this way, the personal is political. It is not that the state does not interfere in family life, but that the ways in which it does interfere often does not challenge hegemonic masculine privilege. When the state does interfere in ways that create choice for women, individuals may see that as the state interfering in the private sphere (Nedelsky 2011).

Cynthia Enloe sees the personal as international, and illustrates the various ways in which states' foreign policy requirements shapes the lives of women all over the world (2004). Some feminists argue that domestic violence ought to be included in the scope of international affairs, and when government officials deem torture to be a subject of international concern but leave domestic violence beyond the scope of international affairs, they neglect what is a principle source of violence against women on a global scale (Higgins 2010).

Feminists agree on the extent of the problem presented by all forms of gender-based violence, including intimate partner violence and campus rape. One in three women in the world, which is one billion women worldwide, will be beaten or

raped in her lifetime.[1] Within the US, Congress has passed laws that aim to address gender-based violence. In 1994 then-Senator Joe Biden, in consultation with advocacy groups drafted the Violence Against Women and Girls Act (VAWA). On March 7, 2013 President Obama reauthorized VAWA, and this reauthorized version of VAWA mandated schools to develop new initiatives to respond to stalking, sexual assault, domestic violence and dating violence (The White House Council on Women and Girls 2014).

Title IX is a federal statute that the U.S. Congress passed in 1972 that protects college and university students from sex-based discrimination. Title IX has broad scope, and applies to athletics, admissions and financial aid, as well as sexual harassment. Much like anti-racial discrimination laws, Title IX also aims at securing civil rights on the basis of gender, and is enforced by the Office for Civil Rights. Sexual assault on college campuses is a form of sex discrimination, so courts apply Title IX to sexual violence on campuses.[2]

In spite of laws against gender-based violence, violence against women persists. Within the US, one in seven men, and one in four women experience severe physical violence by an intimate partner (National Task Force to End Sexual and Domestic Violence Against Women 2013). As many as four million women are victims of intimate partner violence, and there is a fatality rate of at least three

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[1] http://www.onebillionrising.org/

[2] The Dear Colleague Letters are issued from the Office for Civil Rights and aim to provide schools that receive federal funding with guidance on how to interpret and implement the requirements of Title IX as it concerns sexual violence and sexual harassment on school and university campuses. The letter aims to educate students and school employees about sexual violence and how they should respond to it, and includes advice to schools on how to take proactive steps to prevent sexual violence on campuses. http://www2.ed.gov/about/offices/list/ocr/publications.html

women lost to intimate partner violence each day (Bracken 2008: 1-2). Women are disproportionately victims of intimate partner violence: they are more than four times more likely to be beaten than are men; they are more than six times more likely to be slammed into something than are men; and they are nine times more likely than are men to be hurt through suffocation or choking (National Task Force to End Sexual and Domestic Violence Against Women 2013).

Between twenty and twenty-five percent of college women nationwide reported having suffered rape or attempted rape over the course of their college careers (Talbot, Neill and Rankin 2010: 171; Sudderth, Leisring and Bronson 2009/2010: p. 56; The White House Council on Women and Girls 2014). U.S. universities report official crime rates on their campuses in accordance with U.S. federal law but these reports typically underestimate the real crime rates on campuses. Also, by just focusing on reported rapes universities tend to undermine the scope of the problem (Sanday in Wilkerson: 1999). It is not uncommon to find that women do not wish to report being raped. Koss found that 42% of female college students who had suffered rape had never told anyone at all about the experience. In another study of 650 college-age women, 42% reported that they had been victims of sexual assault, but only 28% of them sought help (Sable, Marjorie R., Fran Danis, Denise L. Mauzy and Sarah K. Gallagher 2006: 158).[3]

Feminists recognize that the best way to understand violence against women is not to see that violence as simply the violence of one man against one woman,

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[3] Sudderth *et al* report that college students report anywhere between 35% and 43% of the crimes committed against them (Sudderth, Leisring and Bronson 2009-2010: 56).

although that is often the locus of where the problem may come to the attention of others and to law enforcement (Hirschmann 2003). Feminists have shown that gender discriminatory laws, norms and institutional practices that make this violence possible and shape the way in which women experience the violence and react to it. I deepen this analysis – I use intimate partner violence to argue that aside from and perhaps as a consequence of these gender discriminatory laws, norms and institutional practices some women come to see themselves as instrumental to the good of others, even when they suffer abuse. I use campus rape as an issue area that allows us to see the ways in which various individuals display gender discriminatory norms and institutional practices that thwart campus rape victims in their search for justice, whether they do so directly or indirectly. Campus rape also allows me to highlight the role that shame plays in silencing campus rape victims. This is important in light of the quiet around shame as a silencing mechanism in the US, which deals a double injustice to campus rape victims. First they suffer an injustice in the form of rape, second various individuals use shame as a mechanism to silence them and third the fact that most Americans do not recognize the U.S. as a shame culture makes it more difficult for all stakeholders like campus administration and policy makers to address the silencing effects of shame in the college campus context.

It is important to note that individuals who interact with victims of gender-based violence often do so often as friends and family of victims or as shelter workers, police, campus officials and medical personnel, among others. Friends and family members have social roles as people who are in relationships of varying

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degrees of closeness with victims. Shelter workers, police, campus officials and medical personnel, among others, have institutional roles as those who interact with the victim in a more formal and official capacity. Both individuals with social roles and those with institutional roles thwart a victim's attempt at obtaining justice whether they do so directly or indirectly – in some cases their gender discriminatory behaviors may overlap and in other cases their motivations for silencing victims may differ.

A note on terminology: women who suffer gender-based violence may refer to themselves as 'victim', 'survivor' or 'thriver' (Wozniak and Allen 2012) and my use of one term over another is admittedly problematic. Calling someone a victim may suggest that she is passive and has no agency. As the title of my dissertation suggests, various individuals compromise women's agency, but women exercise their agency in various ways, so I in no way mean to depict women as passive or lacking in agency. Calling someone a survivor suggests that the woman has great inner strength and has been able to heal and move forward with her life. As the forthcoming chapters will show, various individuals thwart a victim's healing and moving on process. My decision to refer to women who suffer gender-based violence as victims in no way intends to undermine their agency. In fact, my project is concerned with women's agency – the ways in which individuals who behave in gender discriminatory ways sometimes thwart their exercise of agency, the ways in which individuals within and outside of liberal legal institutions misrecognize their agency and the ways in which women express their agency under conditions of gender discrimination. But my project moves beyond individual women's

experiences and individual expressions of agency, and includes the ways in which various social actors construct women's oppression through a range of gender discriminatory norms and practices. Because my analysis occurs at the level of interpersonal relationships, the wider societal level and at the level of institutions, calling a woman a survivor at the level of interpersonal relationships does not mean that she is a survivor at the wider social level or at the level of institutional oppression. The excerpts and news reports I include in my analysis show quite clearly that victims' battles against gender discrimination at the second two levels are far from won. Within this gender discriminatory environment, a range of gender discriminatory norms and practices make women who suffer gender-based violence vulnerable to the violence even before it happens, and these norms and practices then continue to influence women's agency after they suffer an attack. My choice to use 'victim' stems from the fact that while I want to recognize and respect women's agency in the face of gender-base violence, I also do not want to underestimate the oppressive gender discriminatory context that creates victims, and that re victimizes victims in a range of ways even after they escape a particular experience of assault. However, in cases where women refer to themselves as survivors I will refer to them similarly.

This is a feminist project - my research question is one that would be of interest to feminists, and my conversation partners are feminist theorists. What makes this project distinctively feminist is that it seeks to investigate some of the reasons for why there may be an absence of reports of gender-based violence rather than analyzing reports that do exist. In doing this I reveal new sources of injustice

on the basis of gender. Mine is also a feminist project in so far as I am committed to a feminist research ethic or orientation that is attentive to power relationships between myself and those whose experiences I analyze; to the power that agglutinates to presumed knowledge, especially my own; to my own context and social situatedness as well as the context and social situatedness of the women whose case studies I analyze (Ackerly and True 2010: 1). I commit too, to periodically examining my assumptions, reflecting on the ways in which I approach my research and understanding that the forces that shape gender-based violence will continue to change even as I study it. I acknowledge that the decisions that I have made regarding my research have been shaped by my own location, both political and social (Ackerly and True 2010: 3). My methodology is also feminist. By a feminist methodology I mean both a commitment and a perspective. It is a commitment to ending the oppression on the basis of sex and gender (Hirschmann 2003: 30) and a perspective that takes into account the ways in which structures, practices and norms - be they political, economic or social - create injustices that women experience as a group.

I will now provide an outline of the chapters that follow. In chapter two I argue that a weak substantive conception of autonomy provides the necessary normative content that will allow us to disrupt the social norms that support gender discriminatory practices both within and outside of liberal legal institutions. In this way a weak substantive conception of autonomy shapes our social horizon of choices in ways that will create a greater likelihood that victims of gender-based violence will have access to justice. This is because victims of gender-based violence

exercise their agency in relation to other people, law and social practices (Nedelsky 2011). In these relations, the gender discriminatory practices of individuals within various social institutions, including but not limited to legal institutions, influence victims' agency in ways that impede their search for justice (Hirschmann 2003). This is one reason why we cannot limit our call to institutional reform in line with a procedural view of justice. While institutional reform is necessary it is insufficient to create the autonomy-enabling context within which victims of gender-based violence can exercise their agency to obtain justice. Because agency is relational to other people and social practices as well, the choices that each one of us, including victims, makes with regard to gender-based violence shape the social horizon against which victims of gender-based violence make choices. Choices that inhibit our own autonomy shape our social context in ways that make it more difficult for other women to make autonomy-enhancing choices. Choices that enhance our own autonomy create a context in which it becomes easier for other women to make autonomy-enhancing choices. This is why the content of our choices matter.

In chapter three I argue that various social actors see women as instrumental for a variety of ends. Similarly and perhaps relatedly women come to see themselves as instrumental to the good of others - even in situations in which they suffer abuse. Feminists have identified ways in which women who suffer intimate partner violence face a number of challenges in the form of external constraints in dealing with the violence. External challenges include economic constraints, immigration status, race, religious norms, fear of retaliatory violence and a flawed justice system. I deepen their analysis by arguing that women also face challenges from internal

constraints that arise from the ways in which various social actors socialize women into devaluing themselves in relationships with men. When women see their own good as less valuable than that of others, they may see themselves as instrumental to the good of others they are in meaningful relationships. The good of these others then plays a role in whether women choose to remain with abusive partners or leave them. When this happens it is indicative of the success with which individuals socialize women in gender discriminatory ways.

In chapter four I argue that even before any legal or disciplinary proceedings are underway, individuals with social roles such as friends and family of victims or individuals with institutional roles such as campus police, medical personnel or stakeholders in their various capacities within the university who interact with the victim thwart her efforts to obtain justice, whether they do so directly or indirectly. In this way, the scope of people who are implicated in shaping how women who suffer campus rape respond to the assault is wider than just campus administration. One mechanism through which some of these individuals thwart victim's efforts at justice is through shaming and blaming the victim into silence. Even those who use shame unintentionally should feel that they bear part of the collective responsibility for silencing women who are raped on college campuses because even their non-malicious deployment of shame contributes towards silencing campus rape victims (May and Strikwerda 1994, Shen 2011).

In chapter five I broaden the analysis of shame as a mechanism that individuals use to silence campus rape victims, and argue that the U.S. college campus context shares features of a shame culture. Most societies fall along a

continuum that has an ideal, purely shame based culture on the one hand and an ideal purely guilt based culture on the other. Shame cultures tend to be more collectivist while guilt cultures tend to be more individualistic in character. While the U.S. is an individualistic culture, its college campuses share two key features with shame cultures. The first is the social nature of shame that tends to prevent campus rape victims from seeking justice from social institutions, though they may act in other ways. The second is the way in which much of the information about campus rape exists in the form of rape myths that form part of an unwritten code that, despite its uncodified nature, most of the persons who interact with the rape victim and the victim herself know. The ways in which shame and rape myths work outside of the law, within social institutions like the university, indicate that despite its individualistic underpinnings, the United States in general and the U.S. college context in particular share features of a shame culture.

Chapter 2

The Choices We Make Matter

Introduction

Gender-based violence is one of the patterned forms of oppression women suffer, and it is often attended by a patterned lack of justice for its victims. There is a pattern to gender-based oppression in that individuals within various social institutions direct these forms of oppression predominantly to women as a group, and they are systematic in that institutional structures, norms and practices support these forms of oppression and routinize them in their application to women (Cudd 2006: 23). My concern in this chapter is with the content of choices that victims of intimate partner violence and campus rape make, the overwhelming majority of whom are women. I do not intend to place the entire onus of meaningful social change in this regard on women, or worse, to indulge in victim-blaming. I understand that institutional reform is key, but the more limited task I undertake in this chapter is to ask: What view of women's agency emerges when we take into consideration the choices victims of intimate partner violence and campus rape make in seeking justice against gender-based violence? What conception of autonomy enhances women's agency in a way that takes account of their relations to laws, structures and social practices? Relatedly, why are the choices they make at all important?

I argue that a weak substantive conception of autonomy is the answer, because not only is our ability to have meaningful choice important, but it is important that we make our choices reflect the fact that we are individuals within social contexts, and the fact that our choices shape those contexts. In my account I build on a relational conception of autonomy. I argue that it is precisely because our autonomy is relational to law, structures and social practices that we cannot be neutral on its content. The content of the choices we make matter precisely because we are in relationships with the law, structures and social practices, and the choices we make shape these laws, structures and social practices and have the potential to disrupt the gender discriminatory nature of these relationships.

Within a liberal society that has social institutions like domestic violence shelters and courts that are tasked with addressing intimate partner violence, most people would expect victims of intimate partner violence to approach these institutions to obtain justice. However, victims of intimate partner violence may take actions that are often not viewed as fitting the expected course of action for a victim of intimate partner violence to take. For example, a victim of intimate partner violence may tell a friend or family member about the violence, but she may perhaps not approach a domestic violence shelter, nor lay a criminal charge against her partner.

When women do access domestic violence shelters to seek help in leaving an abusive relationship, or when they approach the police and courts to seek justice for the violence they have suffered, they may face discriminatory behavior and practices from shelter workers, police and judges. For example, in one case, shelter

workers denied a Hispanic woman entry into a shelter for victims of domestic violence because she could not speak English, as staff believed the language barrier would not allow her to participate in a mandatory support group. Staff rejected the possibility of her son translating for her until a Spanish-speaking advocate could be found, arguing ironically that this would further victimize her. It did not seem to matter to the shelter workers that the woman had been living on the streets for the last two days, too afraid to go home, and that she had been mugged twice during that time. They were more concerned about following "proper" forms of "empowerment" (Hirschmann 2003: 121). This example speaks to the ways in which the institutional practices of these social institutions may sometimes dissuade victims from accessing them, and it illustrates the need for institutional reform that will respond to the needs of immigrant women who are victims of intimate partner violence.

But various social actors also socialize women to see themselves and their good as instrumental to the good of others, and not to see their own good as an end in itself. When women who suffer intimate partner violence come to see themselves as instrumental to the good of those they are in meaningful relationships with when responding to the violence, it is indicative of effective socialization. If we affirm all choices women make in these situations we affirm the gender discriminatory socialization that makes women see themselves as instrumental to the good of others – even when they suffer abuse. It is important to remember that the content of the choices women who suffer intimate partner violence make matter precisely

because they are in relationships with the law, structures and social practices, and the choices they make have the power to shape these relationships in positive ways.

When fellow students rape women on college campuses and these women fear losing their friends and reputation should others come to hear about their experience, they may be reluctant to reveal that they were attacked, even to their friends. One of the leading reasons that women who suffer sexual assault remain silent is shame. When victims do report the attack, they may suffer gender discriminatory behavior from sexual assault counselors, campus administration and medical personnel. Once again, it is because we are in relationships with laws, social structures, practices and one another that the choices we make in the face of sexual assault matter. They matter because the choices we make have the power to influence the very laws, social structures and practices that oppress women and make crimes like campus rape possible.

I will first outline the state of the field with regard to agency. Second I will outline a conception of autonomy that is related to other people and to social institutions. Third I argue that it is because our autonomy is in an interactive relationship with the autonomy of others and to social institutions that the content of the choices we make matter. Fourth I argue that a weak substantive conception of autonomy encourages women to make choices that enhance their autonomy, and that enhances the autonomy of others.

Literature Review

Having agency is a product of having the capacity to act (autonomy) and the conditions that facilitate that action (freedom) (Showden 2011: ix; Nussbaum 1999; Nussbaum 2000; Sen 1999). Sen argues that it is important to recognize the import of individual freedom, but that it is equally important to recognize the significance of social influences on individual freedom (Sen 1999: xii). Nussbaum too argues that community makes conditions of freedom possible – if a community creates options and opportunities for women that endorse certain social norms, women in that community may be better able to endorse those norms "as good for themselves" (Nussbaum 1999: 54).[4]

Feminists have revealed a variety of ways in which liberal societies restrict women's autonomy: through violence and the threat of violence, economic deprivation (Cudd, 2006), gender discrimination in the family (Okin 1989), a lack of attentiveness to women's female embodiment (Young 1990a) and what Cornell calls their 'sexuate being' (Cornell 1998), the development of adaptive preferences in line with limited or limiting and unfair arrangements (Nussbaum 1999), and legislation permitting pornography that is directly related to harms that women suffer (MacKinnon and Dworkin 1998). Young (1990a) and Hirschmann (2003) have emphasized the import of socialization on women's embodied experiences (Young 1990a) and the ways in which it produces a material reality that reinforces women's oppression (Hirschmann 2003).

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[4] Rights on their own have no meaning unless they can be translated into actual functioning, for example, a society may grant an individual the capability to be healthy and the individual may or may not translate this capability into functioning as a healthy person (Nussbaum 2000: 14).

Ruth abbey argues that despite the feminist critiques of liberalism, many feminists argue that liberalism remains valuable because it provides the political and normative resources that can help improve women's situations (Abbey 2011: 2). A revised liberalism, on this view, may be more responsive to women's needs than it currently is (Abbey 2011: 10).[5]

Feminists have deepened the insights that come from our recognizing that our autonomy is influenced by the fact that we are social beings. Some feminists argue that we may, for example, reconceptualize liberal values like freedom, rights and individualism (Abbey 2011: 19; Nedelsky 2011) in ways that reflect the fact that we are social beings whose good is interrelated with the good of others.

There are two main debates within which scholars conceive of autonomy. One way, as John Christman outlines, is to argue for basic autonomy versus ideal autonomy, where basic autonomy refers to the minimal condition of being independent, responsible and able to make one's preferences known, and ideal autonomy refers to a condition in which an individual is maximally free of distorting and manipulative influences (Christman 2012).[6] We are never atomistic, and never fully independent of other people in some consistent way. As Young points out, all human beings move into and out of periods of greater and lesser dependence on other people (Young 1990). Making one's preferences known is not a satisfying conception of autonomy if it does not take account of the fact that there may be no

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[5] Cf. Carl Pateman who argues that liberalism cannot be redeemed because gender inequality is built into the very foundations of the social contract. For Pateman, the social contract just is a sexual contract in which men subordinate women (Pateman 1988).
[6] The process of making one's preference known need not be speech oriented as Christman suggests (Christman 2012).

unitary self that makes choices that are coherent with one another. This is because without a unitary self that expresses choices that are coherent with one another, it may be difficult to privilege the particular fragment of the disjointed self these preferences arise from. Instead, we may make choices that might appear to stand in tension with our feminist commitments. For example, a woman may resist society's objectification of the female body, but also cringe at the thought of wearing shorts when the hair on her legs have grown a few centimeters in length.[7] Making one's preferences known is also not a satisfying conception of autonomy if it does not take account of the fact that we often make choices, not as neatly separate and atomistic individuals, but as subjects who are embedded in meaningful social relationships with others. This is because our choices are related to law, structures, social practices and those we are in meaningful relationships with, making it difficult for us to argue for a conception of autonomy that does not take this relationality into account. Ideal autonomy is of little use for the purposes of a practical politics and real-world decision-making, in which individuals are never free of distorting and manipulative influences.

Christman characterizes the a second debate as that between moral autonomy and personal autonomy, where moral autonomy refers to the capacity to impose objective moral laws on oneself that then serve as an organizing principle for all questions related to moral obligation (Hegel 1820 in Wood 2000; Kant 1781 in Meiklejohn 2009: 844; Rawls 1971). Personal autonomy refers to the capacity to make decisions regarding all aspects of one's life, not just with regard to moral

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[7] I draw this example from Paloma Goni's Huffington Post article *I Don't Shave my Legs* (Goni 2013)

questions (Christman 2011; Dworkin 1988: 34-47; Feinberg in Christman 1989: 27-53).[8]

Feminist reflection on these debates uncovers their shortcomings. Both debates are limited to the individual and do not take account of the fact that we may not in fact be unitary selves with a single vision of the good. Nor does either debate take account of the fact that we may possibly be plural subjects who do not always make choices in line with a coherent vision of the good (Lehrman 1997), and who may be, in different ways, both free and unfree. For example, a victim of gender-based violence may clam her right to an education but choose to remain silent in the face of gender-based violence. In that case she is free to the extent that she claims her right to education but unfree to the extent that she remains silent in the face of gender-based violence. Her autonomy then is plural - plural autonomy allows us to recognize that autonomy is never unidimensional, and that we make choices that are both free and unfree in different ways (Krause 2012).

Adding feminist reflection to these debates also shows that they do not take account of the fact that we are not neatly separated individuals, but relational beings who stand in relationships with significant others. Relational autonomy provides a conception of autonomy that is related to laws, structures, social practices and other people (Nedelsky 2011). Recall that I argue that it is because our autonomy is related to laws, structures, social practices and other people that the content of our choices become important. Our choices have a social dimension to them, and they

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[8] It seems to me that most aspects of ones life should involve moral reflection. Using a toilet when so many people around the world do not have access to running water or sanitation or choosing heterosexual sex when some feminists argue that it bolsters patriarchy may be two examples.

have the power to shape laws, structures, social practices and the choices of other people.

This is why I situate my position on the autonomy of victims of gender-based violence within the debate between a more heavily procedural conception of autonomy (Cornell 1998; Friedman 2003; Sommers 2007; Young 2006) and a more heavily substantive conception of autonomy (Cameron and Frazer 2000; MacKenzie and Stoljar 2000; MacKinnon and Dworkin 1997; Nussbaum and Glover 1995; Okin 1989; Silbert and Pines 1993; Russell 2000; Yuracko, 2003). Let me explain both sides of this debate.

For someone who argues for a procedural view of autonomy, ensuring that the enabling conditions for autonomy exist is both a necessary and sufficient condition for autonomy. Those who argue for a procedural conception of autonomy argue that for women to be autonomous they require a range of autonomy-enabling conditions which include being free of violence and the threat of violence, being free of paternalistic laws, having access to options that are free of stereotyping and sex discrimination (e.g. in employment and education) (Baehr 2012), and being able to imagine their lives otherwise (Cudd 2006; Meyers 2002).

For someone who argues for a substantive view of autonomy, ensuring that the enabling conditions for autonomy exist is a necessary but insufficient condition for autonomy – the actual content of the choices women make must fall within certain parameters for them to count as autonomous (MacKenzie and Stoljar 2000). Those who argue for a substantive conception of autonomy argue that the content of women's choice is also important - some choices simply cannot be autonomous

(Cameron and Frazer 2000; MacKenzie and Stoljar 2000; MacKinnon and Dworkin 1997; Nussbaum and Glover 1995; Okin 1989; Silbert and Pines 1993; Russell 2000; Yuracko 2003). For example, Nussbaum argues that life and health just are better than death and disease; sexual pleasure just is better than pleasure-less and possibly painful sex after a clitoridectomy (Nussbaum 2003).[9] Yuracko also argues that feminism is by its very nature committed to a substantive project because of its normative goals (Yuracko 2003). We must then, make commitments about substance before we can offer valuable normative gender perspectives.

When I situate my position on autonomy within the debate between procedural conceptions of autonomy and substantive conceptions of autonomy it allows me to do two things. First it allows me to confirm the value of the autonomy enabling conditions that those who advocate for procedural autonomy appreciate. Second, it also lets me consider how the content of the choices women make, which is the subject of substantive autonomy, influences their autonomy, and the autonomy of those they are in relational networks with. It is important to see that our autonomy is relational to others, and that victims' choices do influence others' autonomy by shaping the social horizon against which others make choices. Choices that inhibit autonomy affect the social context in ways that make it more difficult for other women to make autonomy-enhancing choices. Choices that enhance

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[9] Cf. Baehr who categorizes Nussbaum as someone who argues for a procedural view of autonomy, citing the fact that Nussbaum does allow for the ascetic to compromise her bodily health. This is why Baehr argues that Nussbaum's capabilities function as "identifying autonomy deficits in women's lives and promoting the conditions that enable autonomy." (Baehr 2012) I argue that Nussbaum's anti-relativist stance on gender discriminatory issues would make her committed to at least a weak substantive view of autonomy, because she clearly does not approve of all choices that women may make.

autonomy create a context in which it becomes easier for other women to make autonomy-enhancing choices (Hirschmann 203).

Not acting against an injustice (especially if it is egregious) is a moral wrong for at least two reasons: a.) It violates a moral duty we have to protect ourselves, and b.) If we understand our choices as at least partly informed by our social context, and as influencing that context, it violates any duty we may feel we have to others with regard to the kind of social precedents we set with our choices. Even if we do not believe we have moral duties to others, our relationality means that setting detrimental social precedents carries with it the risk that these precedents may later boomerang and engender forms of oppression that may more directly affect us (Song 2007).[10]

My own conception of autonomy is in line with the most recent feminist understanding of autonomy not as simply noninterference (Berlin 1958 in Sandel 1984), but as concerned with the conditions that enable or disable it and shape it in various ways (Friedman 2003; Hirschmann 2003; Nussbaum 1999; Sen 1999), as relational to other people, law, structures and social practices (Benhabib 1986; Nedelsky 2011) and as plural (Krause 2012; Lerhman 1997) such that victims do not always make choices in line with a coherent vision of the good (Krause 2012).

Let me elaborate on what I mean by each of these descriptions, beginning first with conditions that disable autonomy. I am concerned with external

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[10] It may be damaging for a woman's self esteem and sense of her own agency to hear that she has made the wrong choice when she does not act against an injustice (Friedman 2003: 156). This is why, in some cases, expressing one's sense of her moral worth, without directly calling upon her to act, may be all one can do to bolster her self-worth, and in so doing, motivate her to act.

conditions that disable autonomy, e.g. gender discriminatory behavior by individuals within various social institutions who interact with victims of gender-based violence. But I am also concerned with disabling conditions that are internal to both the victim and those she interacts with. When I speak of conditions that are internal to the individual and those she interacts with, I am interested in the ways in which both a campus rape victim and those she interacts with may understand sex and sexual violence as shameful and how these understandings may shape the victim's choices in seeking justice after she suffers an assault. In the case of intimate partner violence I am interested in the ways that various social actors represent women's good as instrumental to some further end and not as an end in itself, and the ways in which women come to see themselves as instrumental to the good of others, even in situations in which their partner is abusing them. It is important to note that while emotions like shame are in one sense experienced internally by the individual, they still have a social component in so far as the individual experiences shame before an other, even if that other is her own internal spectator (Smith 1759 in Raphael and Macfie 1976). Shame is also social in that the way in which victims and individuals within various social institutions experience and deploy shame has real consequences for the victim - these consequences are not limited to individual psychological harm but also influence the choices victims make. These choices then affect the external conditions of victims' environments in ways that inhibit or enable the choices of others.

Barclay and Nedelsky argue for the ways in which our autonomy is relational and not removed from our being situated in social contexts (Barclay in Mackenzie

and Stoljar 2000: 57; Nedelsky 2011). Following Nedelsky, by relational autonomy I mean autonomy that is related to law, structures and social practices, and that is constituted by networks of relationships ranging from intimate relationships with family and friends to professional relationships with colleagues, to participation in global networks (Nedelsky 2011: 19). On this view, our interactions with others and the messages we receive from them helps us shape our capacity for agency, just as the messages we give them helps shape their capacity for agency.

I agree with Krause that we may not in fact be unitary selves with a unidimensional vision of the good, but that we may possibly be plural subjects who do not always make choices in line with a coherent vision of the good, and that, as a result, we may be free and unfree in different ways (Krause 2012). If one were to judge an individual's decision as not being autonomous this does not mean that one would thereby judge the person making that decision as having no autonomy - she may well be making other decisions that we may deem autonomous (Charles 2010: 426). This is in keeping with a plural conception of autonomy in which we make decisions that enhance and also undermine our autonomy, such that we are free and unfree in different ways. Gender-based violence provides a lens through which we can see individuals being free and unfree in different ways. For example, a privileged white upper middle class woman may be free in so far as she is able to make decisions regarding various aspects of her life. Yet she may remain silent about her partner abusing her and may be unfree in this way.

In keeping with a relational view of autonomy, I also argue that it is because of our embededdness in meaningful relationships that we may make choices that do not enhance our autonomy. What this means within the context of gender-based violence is that a victim sometimes prioritizes her relationships and the good of significant others over what many may deem to be more straight forwardly self-interested concerns. In a more narrowly delineated definition of self-interest many may take what is good for the self to be separate from the importance we place on our relationships or the value we place in the good of those we are in meaningful relationships with. On this view, some may argue that she is prioritizing her relationships and the good of others over her own good, as though these are two separate goods.

The point I wish to make in this regard is that victims of gender-based violence, like the rest of us, often see the relationships they are embedded in, and the good of those they are in meaningful relationships with, to be inextricably linked with their own good. When an individual makes a choice, she may do so as an individual who is interested not solely in her own good as separate from the good of those she is in meaningful relationships with, but as someone who cares for the

good of those others in similar ways as she cares for her own good.[11] Likewise, she

makes choices by taking into consideration the value she places in relationships.[12]

It is difficult for victims of gender-based violence to separate out their own

good from the good of those they are in meaningful relationships with. This makes it

all the more important that victims of gender-based violence, like the rest of us,

understand the ways in which individuals within various social institutions have

come to link their good as victims with the importance they place on relationships,

and the good they desire for those they are in meaningful relationships with. It is

also important that victims of gender-based violence, like the rest of us, reflect on

the ways in which individuals within various social institutions have taught us to

place value in the good of those we are in meaningful relationships with even at risk

to our personal safety.

Note that I am not saying that we should not place importance on the

meaningful relationships we are engaged in, nor that the good of those we care

about should not be our concern. To the contrary, like most people, I believe that it

is the quality of these relationships that brings happiness to and fulfillment in our

lives. However, I argue that it is important that we understand the social

mechanisms that make us place the good of those we are in meaningful

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[11] A case that illustrates this point well became evident during hurricane Katrina. The evacuation process did not accommodate pets. Some pet owners steadfastly refused to leave their pets behind, and the result was that many people and animals died as a result. In these cases, it is clear that these pet owners saw the good of their pets to be inextricably tied to their own, so much so that they risked their lives staying behind with their pets rather than evacuate and leave their pets behind (DiBasio 2012).
[12] See Taylor (1992) where he argues that making and sustaining our identities depends on our dialogical relationships with others (1992: 34).

relationships with over our own good. One example is that of women who remain in abusive relationships because they believe that staying is beneficial for their children, particularly if her partner is not abusive to the children as well. I also argue that it is important that we critically reflect on the ideological representations that make us prioritize relationships that undermine our autonomy. For example, a victim of intimate partner violence or a campus rape victim whose boyfriend assaults her may remain with her abuser because she may have internalized society's ideological representations of heterosexual romance as something that is important for a good life. She may value the social capital of remaining with him and even risk her personal safety as a result. It is imperative that we reveal the unhealthy forms of socialization that encourage her to think in this way and to deconstruct them.

I argue that a weak substantive conception of autonomy may help us deconstruct these unhealthy forms of socialization. I am not a relativist on issues of justice; I am committing to a weak substantive view of autonomy in which being a liberal does not entail supporting all choices. One of the ironies of unfettered liberalism is that it gives illiberal thoughts political voice. I also agree with Nussbaum that there are numerous instances of injustices that parade under the banner of moral relativism and 'choice' (Nussbaum 1999). In the place of relativism and 'choice' Yuracko argues, "encouraging women to live in accordance with a grounded and well-defined conception of human flourishing…is the most effective way to redress the gender inequalities that stubbornly persist in our society

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(Yuracko 2003: 1).[13] Society ought not to support choices that cause demonstrable harm, like paying women less for the same work, even in principle, because this power differential then pervades the family. (Okin 1989: 147). Likewise, we must challenge socialization in the form of 'helpful advice' that guides women into jobs that are compatible with a future that assumes that they will perform the primary caregiver role for children (Okin 1989: 145-146). Unfair division of labor within the family is another example of gender injustice, where a woman's role as primary caregiver dramatically reduces her options (Baehr 2007) for work, study and leisure.[14] Our challenge in this approach is to ensure that we are not overly confident about the substantive choices we make, or to impose them unjustly on others (Nedelsky 2011).

One of the mechanisms through which society constrains the autonomy of campus rape victims is shame. I argue that together with other forms of structural oppression (Moghadam 2010: 285-286), the ways in which individuals within various social institutions socialize women into experiencing shame constrains their autonomy. The culturally specific ways in which society socializes women into experiencing shame will affect whether, and if so how, they will interact with institutions of justice that are meant to enable their autonomy. This suggests that like economic and political forces, culture, and in particular the acculturation into

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[13] Cf. Friedman (2003) who does not reject substantive conceptions of autonomy but who argues for a procedural and what she calls a content-neutral form of autonomy as the most basic requirement for autonomous choice.

[14] Bojer has argued that unless the nurture and care of children are included in the social contract, the subordinate position of women within society cannot be resolved. To this end, she suggests legal limits on overtime and compulsory parental leave for both parents (Bojer 2002).

shame, has structural dimensions. Social dynamics are a semi-structural form of oppression because a.) At any particular point in time, their particular configuration can be as constraining as are other structural forms of oppression but b.) They also have a fluid character and are therefore incrementally, and within certain limits, malleable. To the extent that women's acculturation into shame constrains their choice, it appears to have linkages that constrain autonomy.[15] These linkages suggest that for us to enable the autonomy of victims of campus rape will require us to undo the shame that campus rape victims experience.

The excerpts of interviews and personal narratives I provide below aim to highlight the role of socialization in the choices women make. In the case of intimate partner violence the excerpt shows the role that women's socialization into ideological misrepresentations of reality plays in keeping a woman in an abusive situation. In the case of campus rape, the personal narrative I use illustrates the role that women's socialization into shame plays in silencing a campus rape victim. The other examples I provide highlight the ways in which the choices women make in the face of gender-based violence influence the choices that other women make in similar situations. These examples illuminates the fact that not only does socialization shape our choices but that our choices also have the power to rewrite social norms. They also show how institutions are responsive to women's choices, and this emphasizes the fact that we can hold our institutions accountable and through our actions, instigate institutional reform.

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[15] I borrow the word 'linkages' from Narayan who uses it to argue that while there appear to be linkages between a woman's sense of her socio-cultural situated-ness and her decision to make or not make a public claim against an injustice, there is no fixed causal determinism (Narayan 1997: 5).

Intimate Partner Violence

Socialization may enable or disable the agency of victims of gender-based violence. When society constructs the nuclear family as the ideal, women may believe that this is the ideal they should aspire towards. In keeping with this ideological representation of the nuclear family, individuals within various social institutions often construct single mothers as inadequate parents, citing the argument that children of single mothers tend to get into trouble more than those who come from two-parent households, that children raised by single mothers tend to do drugs more often than children from two parent homes, that they tend to have lower grades and that they have a higher risk of falling pregnant at an early age (Lemieux 2013). Some people go so far as to describe a single woman as a "troubled identity" (Reynolds and Wetherell 2003 in Towns and Adams 2009: 745), a label few would be happy to wear. Cara Lemieux argues that what those who criticize single mums people forget is that at one point there was a man, and that man is now absent, and we need to hold him accountable for his role in creating a household headed by a single mother. Lemieux argues that single mothers "get hit with a triple whammy" – society blames them for their family's situation, they bear the responsibility of raising their children alone, and "they are cited as a main reason our society is going to hell in a handbasket." (Lemieux 2013)

When women subscribe to the nuclear family ideal, they may enjoy social approval, respectability and in some cases even the envy of those who do not live within nuclear families. One result of women subscribing to this ideal is that when they are victims of intimate partner violence they may remain silent about the abuse

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they suffer. If they speak out against the violence they may fear disrupting society's perceptions of them living the ideal life, and they may fear the loss of social prestige this will likely bring. They also risk others blaming them for their children's behavioral problems.

The agency of victims of gender-based violence is related to the good of others within her family. Women may stay in abusive relationships for the sake of their children, because they believe that their children would be better off having a father in the home, especially if he is not abusive towards the children. As Friedman notes, women may also fear losing custody of their children if their abuser threatens to take custody of them should she decide to leave him (Friedman 2003: 145). As a result of her valuing her relationship to her children, a victim of intimate partner violence may choose to remain with an abusive partner.

The agency of victims of gender-based violence is also related to people outside of the family. Women and men may blame victims of gender-based violence for the abuse that those women suffer. It is troubling that in a study of 422 women in North Carolina, while nearly all rejected norms that approve of wife battering, a significant minority of 18, 8% accepted the idea that some situations justified a man beating his partner. These situations included if a woman flirted with another man and if she were "drunk, nagging, or having an affair" (Hirschmann 2003: 123). When women themselves justify the abuse of other women, they help create a social context in which women fear others blaming them for being abused, thereby making it generally more difficult for any woman to speak about the abuse she suffers. One consequence of other people blaming the victim for her abuse is that women may

then blame themselves for the abuse they suffer. Research shows that women who suffer intimate partner violence may blame themselves for provoking the abuser (Rand 2003: 29) or they may blame themselves for not being conciliatory enough (Friedman 2003: 146).[16]

The agency of a victim of intimate partner violence also stands in relationship to, and is shaped by, social practices. One example is when, in everyday conversation, both men and women express a belief that women are responsible for making relationships work (Hirschmann 2003: 122). As a result, when women suffer intimate partner violence, aside from feeling responsible for the fact that they were assaulted, they are also more likely to feel responsible for not making the relationship work.

Casie's example below illustrates the way in which competing emotions of love and hate in her relationship with her husband and her commitment to making the relationship work influenced her agency as a victim of intimate partner violence. He was not just her abuser. He was also the man she both loved and hated.

> When it was happening I hated him, I I used to actually wish he was dead or gone, I really - when it was actually physically happening between slaps or between - some of the sessions of violence would go on for an hour and a half two hours and he'd berate me and then he'd bash or kick or slap or punch something – Dur - actually living in it was how I hated him, I hated him with a vengeance and I hated myself even more, for sitting there for being in that position and I *hated* him for putting me in that position, I *hated* myself for allowing myself to be there. The next day or the next hour or after the 'kiss and make up' it was this terrible sense of trying to make him feel better about what

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[16] Some women go so far as to feel responsible for the abuser, especially if he is an alcohol or substance abuser (Hirschmann 2003: 113) and may even blame their own abuse on their partner's alcohol consumption (Friedman 2003: 146), thus deflecting responsibility away from their partner.

he'd done because he was so sorry, because he loved me so much and
'God Casie you're the last person I want to hurt I know you're the only
person who loves me for what I am,' the wine and roses kicks in and
then I would just feel sorry that it had had to happen and I would
reinforce his unbelief in himself by believing what he was telling me.
And letting that be the truth between us that he was sorry and that I
know he didn't mean it and that he had all this pain inside him and it
wasn't his fault that he unleashed it on me, it was just that I was here
and it was because I loved him so much and he knew it was safe and -
and really that was love was all about was supporting him through
good and bad - better or worse (Casie p. 22: 6 in Towns and Adams
2009: 745-746).

In Casie's case we can see how at least two ideological constructions served
to placate her and keep her within the abusive relationship. The first was that of
romantic love, and the value that people place on gestures of wine and flowers as
evidence of romantic love. The second, related to the first, were words that invoked
the sacredness of marriage vows, namely, "good and bad - better or worse." Society
tends to place worth in both these ideological constructions, and in Casie's case
these constructions served to keep her within an abusive relationship.

There are similarities in the ways in which individuals within a variety of
social institutions constrain the autonomy of victims of intimate partner violence
and victims of campus rape. Like victims of intimate partner violence, the agency of
victims of campus rape involves more than simply noninterference (Berlin 1958 in
Sandel 1984). Like intimate partner violence, the conditions that enable or disable
agency shape the ways in which campus rape victims view their choices
(Hirschmann 2003). Their agency too is related to other people, law, structures and
social practices (Benhabib 1986; Barclay in Mackenzie and Stoljar 2000: 57;
Nedelsky 2011). The autonomy of victims of campus rape is also plural (Krause

2012; Lerhman 1997) such that victims do not always make choices in line with a coherent vision of the good (Krause, 2012). I elaborate on this in the next section.

Campus Rape

External conditions influence the agency of victims of campus rape, e.g. gender discriminatory behavior by the various people who interact with victims as well as conditions that are internal to both the victim and to those she interacts with influence her agency. In the latter case, I am concerned with the ways in which both the victim and those she interacts with trade in shame in ways that shape the victim's choices with regard to whether or not she chooses to report the assault.

A study by Sable *et al* revealed that among thirteen barriers to female rape victims reporting the assault, the leading three barriers were "shame, guilt, embarrassment," "concerns about confidentiality" and a "fear of not being believed" (Sable, Marjorie R., Fran Danis, Denise L. Mauzy and Sarah K. Gallagher 2006: 157). Thompson, Sitterle, Clay and Kingree found that college women were more likely to cite as reasons for not reporting a sexual versus a physical attack their being ashamed, their fear of being blamed, and their not wanting others to know about the attack (which presumably will also involve being shamed) or a reluctance to getting the police involved (Thompson, Sitterle, Clay and Kingree 2007: 277).

In what follows I will focus on the role that shame plays in silencing campus rape victims. The way in which individuals within various social institutions construct shame around sex often results in their also attaching shame to both crimes of a sexual nature, and to victims of sexual assault. The shame around sexual

violence places an unfair emotional burden on campus rape victims with the result that students who suffer rape or sexual assault may feel too ashamed to admit to others, and sometimes even to themselves, that someone has raped or sexually assaulted them (Hirschmann 2003: 113).[17]

Let us now look at the way in which shame may operate to silence a campus rape victim. The case of Angie Epifano is illustrative in this regard.

> My Enlightenment occurred when I least expected it. Four days into the Ward, I was sitting in on an introductory Substance Abuse and Mental Health Rehabilitation meeting since there was absolutely nothing better to do..........As my fellow patients went around the circle it all suddenly clicked. I realized why I never spoke about the rape, why I had refused to tell my school friends, why I had totally broken down, why I had steadily degenerated over the past few months. I was ashamed, and because of this shame I could not begin healing (Epifano 2012).

A rape victim may sometimes remain silent about her experience rather than risk reporting the rape and having others shame her. In order to address the silence of campus rape victims, we need to do two things. First we need to understand the various ways in which our relationships to law, structures, social practices and other people helps to construct the shame around sexual violence. Second we must accept that shame does operate within U.S. college campuses and that it may work to silence campus rape victims (this is the subject of chapter five). Understanding the ways in which we each help to construct shame around sex and sexual violence is the first step towards deconstructing the ways in which various social actors attach shame to both to sexual violence and to the campus rape victim as well.

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[17] Hirschmann makes the case for how society constructs stigma, shame and responsibility in gender-biased ways that also prevent women from acting against intimate partner violence (Hirschmann 2003: 113).

Victims value their social relationships, and they may fear placing those relationships at risk by reporting a rape. Women tend to be less likely to report a rape when they know the perpetrator. One reason for this is because they may struggle with feelings of self-blame, and this can discourage or delay their reporting the rape. A second reason is that a victim may fear losing the friends and acquaintances she has in common with her attacker. A third reason a victim may not report a rape is because she may fear that her peers may blame her for being 'shambley', which is a college campus expression that makes reference to someone whose life is generally in shambles or who lacks composure, especially in the context of binge drinking. In this way, a victim's reporting the attack threatens to generate problems that will radiate throughout her campus network.

Conclusion

Access to liberal institutions of justice does not equal access to justice. There is a misfit between institutions of justice promoting victims' agency in the face of gender-based violence in principle and the gender discriminatory behavior of individuals within those institutions that may thwart victims' agency. Society creates institutions of justice with rules and goals that purport to promote the autonomy of victims of gender-based violence, but the people who inhabit these institutions display gender discriminatory behaviors that do not serve to further those goals. As a result, victims of gender-based violence make choices within a relational social context in which various social actors are able to act in ways that may thwart the agency of these victims. It is because victims' agency is relational to

individuals who display these discriminatory practices that victims have access to liberal institutions of justice but this does not equal their having access to justice.

Individuals within various social institutions also misrecognize the agency of victims of gender-based violence. One of the reasons for this is that the law tends to treat gender-based violence much like it treats other cases of stranger assault. Yet gender-based violence is dissimilar from stranger assault. What distinguishes gender-based violence from other cases of assault by a stranger is that in cases of gender-based violence, the man assaults a woman because of her gender. He assaults her because the social context makes sexual assault on individuals of her gender possible, just as the same social context also makes it difficult for a prosecutor to successfully prosecute him for the assault. Most often it is a family member, a friend or an acquaintance that assaults the woman.[18] One result of the law dealing with gender-based violence in this way is that the law then treats individual instances of gender-based violence as "discrete events" that follow "traditional liberal conceptions of harm." (Showden 2011: 47). As a result of the way in which the law treats gender-based violence, individuals within various social institutions may expect the agency of a victim of gender-based violence to resemble

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[18] This is not to say that men are not victims of sexual assault. In cases where a man sexually assaults another man, the attacker "feminizes" his victim, thus making the sexual assault of men also a gender issue. In the case of a sexual attack on a male, the attacker does this because of existing social ideas about men being more powerful than women, and their being able to exert that power through sexual violence with some impunity. By sexually attacking another man, he exerts his power over his male victim in much the same way that men may exert their power over female victims. The trauma for male victims of sexual violence is severe, because many of them have been socialized to associate being penetrated sexually with being female. And they have often also been socialized to understand that to be female is to be "less" than a man. In any event, gender-based violence has at its heart unequal gender relations.

the agency of a victim of stranger assault. But the agency of a victim of gender-based violence may not resemble the agency of a victim of stranger assault. The agency of a victim of gender-based violence is related to laws, structures, social practices and other people in quite a different way from the relationship of a victim to a stranger who assaults her. While the victim of intimate partner violence may risk losing financial support from her partner were she to report the assault, or a victim of campus rape may risk being ostracized by her peers for being the victim of a sexual assault or for reporting the assault, the victim of a physical assault by a stranger may not risk losing financial support from her partner. She may also be more likely to enjoy the sympathy of her peers as a result of the assault, and the support of her peers as she reports the assault. As a result of these factors, the agency of victims of gender-based violence may not resemble the agency of victims of stranger assault. When the agency of the victim of gender-based violence does not resemble the agency of victims of stranger assault, individuals within a variety of social institutions may misrecognize her agency.

Showden rightly argues that not all women who stay with abusive partners are "dupes or lacking in agency" because there are a variety of actions that they take, regardless of whether they leave or stay, "that could count as agentic" (Showden 2011: 38). Victims of gender-based violence exercise their agency in choosing to report the violence, in choosing to share their experiences with only a few trusted others, or in choosing to remain silent altogether. Showden argues that in order for us to assess their agency, we must see victims as they are situated within specific social and cultural contexts. In one context staying with an abusive partner could be

a "mere iteration of gender norm expectations" (Showden 2011: 38) but in another context "it could be an attempt to struggle with, resist, or otherwise assert one's will toward opening up future horizons of action and self-development." (Showden 2011: 38) In all these cases, women display agency. What is at issue is for us to understand their agency in light of the social context within which they act, and more importantly, to attempt to change the social context in ways that will positively influence their agency.

Women's choices are plural, making them free and unfree in different ways. For example, a woman who is well educated may be free to the extent that she may have greater employment options that someone less educated may have. But she may also struggle to report that her boyfriend raped her because of the stigma around sex and sexual violence, making her unfree in this regard. The fact of plurality in the choices that victims of gender-based violence make is an indicator not just of the variety of choices that women make, but it is also a reflection of the socially constructed constraints under which women make their choices. Some of the choices victims make are made in conditions that are far from ideal. The result is that victims of gender-based violence are both free and unfree in different ways (Krause 2012; Lerhman 1997) and make choices that both enhance and undermine their autonomy.

I argue that a weak substantive conception of autonomy encourages women to make choices that enhance their autonomy, and that enhances the autonomy of others. It builds on a relational conception of autonomy by not only recognizing the importance of relationships and the ways in which we may reconstitute these

relationships through law, but it highlights the ways in which individual women's choices alter the social horizon against which they and others will make future choices. It is important to notice that when victims of gender-based violence respond to the violence they suffer, the content of the choices they make helps construct the social conditions that may enable or disable their own and others' future actions. Showden rightly argues that when we make choices to alter our lives in some way, we project our will into the world, and in doing so we develop and nurture our internal capacities for autonomy. But the choices we make also change the external relations that shape our creative capabilities (Showden 2011: xi). We must be attentive to these choices and relations because as indirect forces they "work through the psychology of the oppressed to mold them and co-opt them to result in choices and decisions that harm the oppressed while benefiting the privileged." (Cudd 2006: 157)[19] It is through the choices that we make that we "contribute to the histories that carry us forward" (Evans and Lawlor 2000: 3 in Showden 2011: 22).

Our autonomy is related to that of other people, and within this relational context, the histories of the choices victims make do influence others' autonomy by shaping the social horizon against which those others make choices. Choices that inhibit autonomy affect our social context in ways that make it more difficult for other women to make autonomous choices. Choices that enhance autonomy create a

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[19] Cudd argues that it is important to understand how indirect psychological forces work to aid in men's oppression of women. In this regard she says, "indirect psychological forces cause inequality through the choices and decisions of the members of the oppressed group themselves, as they try to live in the face of other inequalities and injustices" (Cudd 2006: 157).

context in which it becomes easier for other women to make autonomy-enhancing choices (Hirschmann 2003). In this way, victims' choices influence their own autonomy or capacity to act, and the autonomy or capacity to act of those they are in relational networks with.[20]

Joanna Espinosa, a student who recently filed a complaint against the University of Texas-Pan American for violating Title IX by creating a hostile environment on campus by engaging in victim-blaming has this to say, "I'm not sure I would've come forward if all those people hadn't done it before me. I needed the validation. I needed someone to confirm, "You're right you're not blowing things out of proportion." (Espinosa in Grinberg 2014) CNN noted that while they do not name survivors of sexual assault, they did so in this article because the women concerned chose to come forward "in the hopes of holding their schools accountable *and encouraging others to speak up*." (Grinberg 2014) (my own italics)

Sophie Karasek, a student at the University of California, Berkeley, confirmed this sentiment by saying, "We're recognizing the snowball effect that comes from speaking out." (Karasek in Grinberg 2014) Karasek's view is substantiated by data – the Office for Civil Rights received 11 complaints in 2009 and 2010. That number grew to 18 in 2011, dropped by 1 to 17 in 2012, and climbed significantly to 30 in

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[20] Charles Taylor expresses this forward-looking aspect of our lives well when he argues,

> The issue for us has to be not only where we are, but where we are going………Since we cannot do without an orientation to the good, and since this place is something that must always change and become, the issue of the direction of our lives must arise for us (Taylor 1989: 47).

2013. For the 2014 fiscal year, which began in October 2013, the Office for Civil Rights has, as of February 2014, received 16 complaints (Grinberg 2014).

The fact of our relationships to laws, structures and social practices makes it important that we recognize and utilize our agency in ways that will enhance our collective freedom and autonomy. The fact that we are embedded in these relationships makes it all the more important that we make choices that will shape our relationships to laws, structures, social practices and others in positive, agency-enhancing ways. We are all in this together, and the choices we make are important for our own autonomy, but they are equally important for the autonomy of those we are in relational networks with. It is clear that a victim of gender-based violence will be able to make choices that enhance her autonomy if those she is in relationships with are supportive of her autonomy-enhancing choices. This relationality suggests is that in order for us to create an autonomy-enhancing social context within which victims of gender-based violence can make autonomous choices will require a shift at the social level, in which individuals collectively recognize and address the external and internal conditions that enable and challenge victims' autonomy. This brings me to my argument for weak substantive autonomy.

A weak substantive conception of autonomy is not exhaustively prescriptive but it does provide enough normative content to help deconstruct the social norms that support gender discriminatory practices. It can also help shape the social horizon of choices in ways that will, given our relationality, positively influence the choices other victims of gender-based violence make.

Some choices simply cannot be autonomous (Cameron and Frazer 2000; MacKenzie and Stoljar, 2000; MacKinnon and Dworkin 1997; Nussbaum and Glover 1995; Okin 1989; Silbert and Pines 1993; Russell 2000; Yuracko 2003). Selling oneself into slavery would be an obvious example. The content of our choices do matter. "Choice feminism" is a term coined by Linda Hirschman in which she argues that feminism should give women choices but not pass judgment on what they choose (Snyder-Hall 2010: 255). Ferguson argues persuasively that choice feminism is motivated by a fear of politics. I agree with Ferguson when she argues that while choice feminism includes all women and all the choices they make and is inclusive and non-judgmental, it allows feminists to sidestep "the difficulties of making the personal political" (Ferguson 2010: 247) and enables them to avoid demanding meaningful change from their friends, family and lovers (Ferguson 2010).[21]

Some choices just simply are better than others, and like Nussbaum, I do not hesitate to point out that they are. Hirschmann, like Ferguson, argues that it is important to point out the merits and demerits of certain choices, because to remain silent, withhold judgment or to support all choices indiscriminately is to betray feminism (Hirschmann 2010: 276). I argue it is also a way in which we betray our present and future selves as well as those we are in social relationships with.

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[21] Cf. Snyder-Hall argues that since the mid 1990s, third-wave feminism, in being inclusive, non-judgmental and pluralistic, is really not exhibiting a thoughtless endorsement of "choice" but is rather exhibiting a deep respect for self-determination and pluralism (Snyder-Hall 2010) Even the term "choice feminism" is misleading Snyder-Hall argues, because the word ""choice" trivializes what are often hard decisions." (Snyder-Hall 2010: 256)

As someone who endorses a weak substantive conception of autonomy I would prescribe that victims of gender-based violence not only report the violence they suffer, but also resist and report the gender discriminatory practices they encounter from individuals who inhabit institutions of justice. I would argue that reporting the violence just is better than not reporting it, because reporting the violence allows the victim the opportunity to engage the legal process to obtain justice, no matter how unappealing it may be for her to report the violence or to follow through with legal proceedings. Her resisting gender discriminatory behavior by individuals who occupy positions within institutions of justice just is better than her not resisting such behavior or avoiding accessing institutions of justice for fear of encountering such behavior. If she does not resist their gender discriminatory behavior she allows it to continue unchallenged. If she does resist their gender discriminatory behavior she challenges the gender discriminatory socialization and practices that make it possible for men to perpetrate gender-based violence. In doing so, she will help alter the social context to make it more likely for other women to resist such practices as well.

Let me be clear that I do not place the full burden of altering the social context within which gender-based violence happens on victims of the violence. Legal intervention is important because law is often necessary to ensure that people do the right thing (Nedelsky 2011). For example changes in the Dear Colleague letter that made it illegal for universities to retaliate against campus rape victims for going public about their assault made it more difficult for universities to silence

campus rape victims. In doing so it also made it easier for campus rape victims to come forward without fear of retaliation.[22]

I would also urge social institutions to identify the ways in which individuals who inhabit them display gender discriminatory behavior towards victims of gender-based violence, and educate these individuals into altering their behavior. But it is also important to notice that social institutions are, or can to some extent be coerced into being, responsive to the choices victims themselves make, as the example below illustrates.

Landen Gambill's (now ex) boyfriend raped her on the University of North Carolina (UNC) campus. Together with four other students she filed a complaint against UNC for routinely violating the rights of victims of sexual assault on the campus, and for failing to assist victims in their recovery after the assaults. When the university sent a warning to Gambill that she may have violated the school's honor code for speaking out against the university's handling of sexual assault cases on campus and that she faced possible expulsion if she were found guilty, Gambill filed a new complaint with the U.S. Department of Education's Office for Civil Rights. In the new complaint she claimed that the university retaliated against her by threatening her with a possible honor code violation (Kingkade 2013e). UNC-Chapel Hill Chancellor Holden Thorp then asked the honor council to suspend the charges against Gambill (Kingkade 2013f).

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[22] In another example of how changes in the law can ensure that people do the right thing, Ecuador's law requiring businesses that hire more than 25 people to hire 4% of disabled people started a social transformation for the disabled in the country (Caselli 2013). http://www.bbc.co.uk/news/world-latin-america-23692217

Gambill's choice to complain - first about the university's handling of sexual assaults on the campus, including her own, and then about the fact that the university administration intimidated her with charges of violating the honor code – accomplished at least four things. First it raised public interest in the issue of campus rape on the UNC campus. Second it helped enforce existing legislation that aims to protect student's rights and their safety - the complaint instigated an investigation by the U.S. Department of Education Office for Civil Rights of UNC's handling of sexual assaults on their campus, for which the university could be found guilty. In this way the Office for Civil Rights signals that it will hold universities accountable. Third it helped to check any possible abuses of power by the administration – Gambill's complaint that the university aimed to intimidate her with the charge of an honor code violation resulted in the university administration dropping the charges against her. Her actions helped to disrupted the effectiveness with which university administrative officials socialize students into quietly accepting their authority. Fourth, and perhaps most significantly, Gambill's choices no doubt altered the social context on the UNC campus, and the social horizon of choices against which students on the UNC and on other campuses see as possible choices of how they may respond to sexual assault and intimidation by campus administrations. Her choices made it a little less likely that students on the UNC would be able to sexually attack other students with relative impunity. Her choices made it less likely for the UNC administration, and other university administrations in general, to try to intimidate other campus rape victims into silence. Her actions have probably alerted university administrations across the U.S. to the fact that they

can be held accountable for gender discriminatory behavior, thus making it less attractive for them to discriminate against campus rape victims. Her choices made the UNC campus a little safer overall for students.

Admittedly Gambill has shown extraordinary courage and tenacity in the face of intimidation by university officials, an example of courage and tenacity that many rape victims may find difficult to match. However, a weak substantive autonomy would demand that each one of us, including victims of campus rape, take every possible action to counter gender discrimination. We should do this with a view to demanding institutional reforms that make liberal institutions responsive to the needs of victims of gender-based violence. We should demand accountability from the liberal legal institutions that are meant to serve justice, in principle. We should do this as one way of shaping the social horizon against which victims and others will then make choices.

Chapter 3

Familial Violence and the Problem of Instrumentality

Introduction

In this chapter I argue that various social and political actors represent women as instrumental to some further end and not as ends in themselves, and that in a similar and perhaps related way, women may see themselves as instrumental to the good of others even in the face of intimate partner violence, thereby enabling their own oppression. In addition to and as a consequence of the many other socially constructed factors that play a role in women's decision-making when they suffer intimate partner violence, what is at the heart of many decisions that women who suffer intimate partner violence is effective socialization. This socialization makes them prioritize the good of significant others that they are in meaningful relationships with into account both when they choose to leave abusive relationships as well as when they choose to remain in those relationships. I will present excerpts from interviews with women who have suffered intimate partner violence to show the influence that concern for the good of significant others had in how they negotiated the experience of intimate partner violence and how it influenced their decision to either stay in the relationship or leave. The argument presented in this chapter will deepen the contextualized analysis of intimate partner violence that other feminists have provided, by highlighting the ways in which women who suffer intimate partner violence come to see themselves as

instrumental to the good of others, even at the cost of their personal safety, thereby further enabling their own oppression.

It is a puzzle that some victims of intimate partner violence who have access to liberal institutions often do not access these institutions as one would expect, although they may act in other ways. Individuals within various social institutions often assume that should any member of their society be a victim of intimate partner violence, that member would approach liberal institutions to seek justice, because liberal institutions are meant to serve justice, in principle. When they do attempt to access these institutions, individuals who occupy roles within these institutions display gender discriminatory behaviors that may make it difficult for them to obtain justice, or to access resources. The implication of this gender discrimination is that there is a gap between the assumptions of liberal institutions (that they are able to address injustices like intimate partner violence) and the reality of many victims not approaching them, or approaching them and then experiencing unsatisfactory results.

Intimate partner violence is a serious social problem, and one that both men and women are subjected to. One in seven men, and one in four women experience severe physical violence by an intimate partner (National Task Force to End Sexual and Domestic Violence Against Women 2013). Within the U.S., as many as four million women are victims of intimate partner violence (Bracken 2008: 1) with a fatality rate of at least three women lost to intimate partner violence each day (Bracken 2008: 2). Women are disproportionately victims of intimate partner violence: they are four times more likely to be beaten than are men; they are six

times more likely to be slammed into something than are men; and they are nine times more likely than are men to be hurt through suffocation or choking (National Task Force to End Sexual and Domestic Violence Against Women 2013).

As a result of this violence, victims of intimate partner violence suffer loss of self-esteem and experience shame and guilt (Street and Arias 2001). Victims may also suffer post traumatic stress disorder (PTSD), which is a consequence of ""death or serious injury, or threat to one's physical integrity" or witnessing such an event, or learning that a family member or close friend has experienced such an event." (Cudd 2006: 92) Among the symptoms of PTSD are hypervigilance, insomnia, difficulty concentrating, depression, amnesia and an exaggerated startle response. The effects of PTSD often make victims unable to cope effectively in society, with possible material losses as a result of an inability to cope at work, and a loss of social ties that may follow these psychological states (Cudd 2006: 92). When we take into account that it is not just the victim of intimate partner violence who may suffer these symptoms but also those who may witness the violence or learn of it, the effects of intimate partner violence are society-wide.

Other feminists have approached the problem of intimate partner violence with an eye to how a variety of factors go into making this violence possible. These include external constraints like legal challenges that women who suffer intimate partner violence face, economic constraints that keep them within abusive relationships and racial discrimination that affects women of color. They also include internal constraints that arise from the ways in which individuals within various social institutions socialize women into devaluing their own gender and

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their work, and to feel a greater responsibility than men do to maintaining relationships. Feminists have also criticized the ways in which various social and political actors have used women as instrumental to some other end, and not as ends in themselves. What these critiques around instrumentality have missed is the way in which women who suffer intimate partner violence may come to see themselves as instrumental to the good of others they are in meaningful relationships with. I have chosen to use excerpts from interviews that illustrate the ways in which the fact that victims of intimate partner violence may see themselves as instrumental to the ends of others may influence the ways in which they respond to intimate partner violence – it may be a reason for them to remain in the abusive relationship just as it may become a reason for why they choose to leave.

I will first outline the state of the field with regard to intimate partner violence. Second I will discuss some of the ways in which social construction shapes women's responses to intimate partner violence. Third I will discuss the ways in which various social actors socialize women into devaluing themselves, and this creates internal constraints on how victims of intimate partner violence respond to the violence. Fourth I will outline the problem of how social and political actors depict women and women's good as instrumental to some further end and not as ends in themselves. I argue that in a similar and perhaps related way to these others seeing women as instrumental to a variety of other ends women may come to see themselves as instrumental to the good of those they are in meaningful relationships with. Fifth I will provide excerpts from interviews with abused women that show how in cases of intimate partner violence women see themselves as instrumental to

the good of others, and how this influences whether they remain with abusive partners or leave them. This self-understanding of being instrumental to the good of others influences how they respond to the violence and it helps perpetuate their own oppression.

Literature Review

Feminists recognize that the best way to understand violence against women is to see that violence not as simply violence of one man against one woman, although that is often the locus of where the problem may come to the attention of others and to law enforcement (Hirschmann 2003). Rather, feminists have shown that to understand this violence is to understand the wider social context that makes this violence possible (Hirschmann 2003; Nedelsky 2011). In this wider context, both socialization and social construction are at work.

Socialization is "something that is done to people by particular other people" and is "at least quasi-conscious or intentional" (Hirschmann 2003: 12) - it refers to lifelong learning that occurs through social experience (Macionis and Gerber 2011: 103) and it is "the process by which people learn characteristics of their group's norms, values, attitudes, and behaviors" (Cheney 2009). For example, a mother may teach her child the value of certain behaviors, and a woman may learn what the norms of beauty are in her society though the images that magazine editors and advertisers select for their cover pictures – that is the power of social experience. In this way, individuals and groups within society socialize other individuals into norms, values, attitudes and behaviors. However, this socialization is not entirely a

top-down affair – in later phases of life individuals do shape their social reality through their own creative interaction with society.

Social construction goes much deeper than socialization. Social construction involves "much less overt forms of social production" (Hirschmann 2003: 12) but it does create social phenomena and shapes our material reality. It is the idea that all people "are *produced through* social formations, and not simply *limited* by them." (Hirschmann 2003: 12) In Ferguson's words, "It is not simply that [we are] being socialized; rather, a subject on whom socialization can do its work is being produced." (Ferguson in Hirschmann 2003: 12) These social formations include social and legal institutions. For example, how we speak about, think about, interpret and understand social phenomena produces our material reality (Bem 1993: 2). These ways of speaking, thinking about, interpreting and understanding social phenomena occur within the context of our social, political and legal frameworks. The material reality that emerges then determines the boundaries of what we can do and be (Hirschmann 2003: 79; Nussbaum 2000). Through habituation, socialization and social construction become normalized in a society and it becomes difficult for us to see the power at work in the way in which individuals create the social, political and legal structures within which we live (Foucault 1989), and the ways in which these shape how we relate to one another (Nedelsky 2011). The social construction view shares features with the 'adaptive preferences' view in that social construction shapes individuals' preferences in accordance with the options they see available to them (Hirschmann 2003: 11). On the adaptive preferences view what appear to be women's individually chosen

preferences really are the product of the ways in which social structures and outer forces construct certain choices as desirable (Hirschmann 2003: 12).

Hirschmann shows how both social construction and socialization influence a woman's choice. She uses a typology of factors external to the self, like the number and type of choices that social institutions make available to her, the impediments these institutional policies and individuals within them present to her making a choice she may prefer, and these correspond roughly to the outcomes of social construction. She also outlines factors internal to the self, like will and desire that correspond roughly to being products of socialization (Hirschmann 2006: ix). On Hirschmann's reading when women choose not to leave abusive relationships it is because various levels of external and internal constraints socially construct and constrain their choice (Hirschmann 2003: 127). Both types of factors shape a woman's will and desire as a choosing subject.

Nussbaum argues that we are fundamentally social, and that our ends include shared ends. For Nussbaum, gender discriminatory external conditions, both social and political, affect women's human capabilities and these external conditions result in women having capabilities that are unequal to men's (Nussbaum 2000: 1). By capability Nussbaum means those things that we can do and be, and that are "informed by an intuitive idea of a life that is worthy of the dignity of a human being" (Nussbaum 2000:5). Within these gender discriminatory political and social circumstances, various social actors treat women as instrumental to the ends of others, and not as ends in themselves. Some of these instrumental roles include being "reproducers, caregivers, sexual outlets, agents of a

family's general prosperity." (Nussbaum 2000: 2)[23] While Nussbaum does not deny

the role of socialization, she focuses more heavily on the ways in which social

construction is at work in the gender discriminatory social and political institutions

that shape women's capabilities.

Nedelsky agrees with Nussbaum that legal rights are one way of

implementing values. One example that comes out of Nussbaum's work is the way in

which we can use rights as a way of protecting and advancing human capabilities

(Nedelsky 2011: 244). But Nedelsky criticizes Nussbaum for the fact that despite

Nussbaum's focus on human sociability and shared ends, she still tends to lapse into

"a strong insistence on separate individualism" (Nedelsky 2011: 29). Nedelsky

argues that when Nussbaum does this, she misses the fact that what matters about

our individuality is entirely consistent with the importance we place on our

relationships with one another (Nedelsky 2011: 30). Nedelsky argues that the

"relational dimension of human experience" is "central to the concepts and

institutions by which we organize our collective lives." (Nedelsky 2011: 3) Nedelsky

argues against the idea of individuals as independent, bounded selves (Nedelsky

2011: 14) For Nedelsky, "the self is relational because human beings become who

they are – their identities, their capacities, their desires – through the relationships

in which they participate." (Nedelsky 2011: 4) These relationships include intimate

relationships with parents, lovers, less intimate relationships with teachers and

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[23] For Nussbaum, women's instrumental value may sometimes be strongly positive just as it may be negative (Nussbaum 2000: 2). With regard to development, Nussbaum argues that problems of poverty and development cannot be confronted until the "international political and economic thought" is not attentive to the problems that women face because of their gender (Nussbaum 2000: 4).

employers, as well as economic relations, gender relations and relationships to

governmental power that are more structural in nature (Nedelsky 2011: 4).

Relationships are also constitutive of our conceptions of the law, our autonomy and

the self (Nedelsky 2011: 3).[24] In particular, Nedelsky argues that law is a powerful

mechanism that structures human relationships. This makes it possible for the law

to be able to use concepts like rights, autonomy and the self in ways that both reflect

our relationships with others and also restructure human relations in ways that

deepen and broaden in our relationships with others to further justice for all

(Nedelsky 2011). Nedelsky's view takes account of both socialization and social

construction. In this regard Nedelsky says,

> [V]iolence against women cannot be prevented until the relations
> between men and women are transformed – which means that
> transformation of these social and intimate relations must be an
> objective of the liberal state. A conception of rights that routinely
> directs our attention to structures of relationships is better suited to
> facilitate that transformation than one, like the traditional liberal
> conception, aimed at the protection of boundaries. Yet there is no
> issue that more powerfully invokes the need for legally protected
> boundaries than violence (Nedelsky 2011: 200).

Social Construction, Socialization and Instrumentality

Hirschmann, Nussbaum and Nedelsky recognize how social construction and

socialization work to perpetuate injustices against women. I deepen their analysis

on socialization and social construction by showing that these processes may be so

effective that women may come to see themselves as instrumental to the good of

others they are in meaningful relationships, even in the face of intimate partner

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[24] For example, our relationship to employers, teacher and parents shapes our
autonomy (Nedelsky 2011: 3).

violence. When women see themselves as instrumental in this way they not only aid in their own oppression, but they also reinforce the processes of socialization and social construction that constrains their and other victims' choices in the face of intimate partner violence.[25]

Hirschmann's typology of external and internal constraints is an effective way of showing how the processes of social construction and socialization operate to oppress victims of intimate partner violence. I deepen this analysis by showing how these processes may lead women to see themselves as instrumental to the good of others they are in meaningful relationships with, even in the face of intimate partner violence. It is important to notice the ways in which socially constructed institutions and norms external to the self present external constraints to women's agency. But it is also important to notice the ways in which various individuals have socialized women so that they also come to have internal constraints to their agency. Together with other socially constructed external constraints, this socialization influences their capacity to "do and be" (Nussbaum 2000). When this socialization is most effective, women may come to see their good as instrumental to the good of others and not as a good in itself, and they may exercise their agency in ways that perpetuate the idea that they are instrumental primarily for the good of those others. In this way they aid in their own oppression. This is why it is important to notice the ways in which women are socialized into seeing themselves as instrumental to the good of others, and to notice the ways in which social

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[25] As I argued in chapter one, they thereby also contribute to the formation of the horizon of choices against which other women make choices.

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construction works to disadvantage women. I argue that while feminists have critiqued the ways in which various social actors have constructed women as instrumental to a variety of ends, they have missed the ways in which, as a result of the intersection of oppressive socialization and oppressive social constructions, women have come to see themselves as instrumental to the good of others. Intimate partner violence is an issue area that illuminates this insight well.

Feminists have identified, among others, economic constraints, immigrant status, racial discrimination, religious norms, retaliatory violence and a flawed justice system, as well as the intersection between these, as external constraints that shape the way in which women experience and react to intimate partner violence.

External Constraints to Women's Agency

Economic

Where an abusive partner is the chief breadwinner, an abused woman may fear material harm should she leave him (Friedman 2003: 145). There are several socially constructed reasons for this. In paying women less, employers are allowed to maintain an illusion of social relations in which all women are married, and are married to men, thereby ignoring the fact of single mothers as well as the fact of lesbian relationships where the joint income of both partners would generally be less than that of a heterosexual couple. Batterers may prevent women from working or studying during their relationship so as to increase the woman's dependence on them, with the result that should she choose to leave the relationship, she will also lack employable skills. Here a batterer may rely on tropes about a woman's place

being that of a caregiver in the home. A woman who leaves her abuser may, as a

result of facing gender discrimination in employment opportunities and pay scales,

find it very difficult to find a job that pays her enough to support herself and her

children (Hirschmann 2003: 111; Okin 1989). In this case, we can see how the social

construction of gender discrimination in the economy influences a woman's

decision to remain with an abusive partner.

Immigrant Status

Economic constraints intersect with immigration status to make the plight of

immigrant women who suffer intimate partner violence that much worse than that

of most non-immigrant women (Barnett 2001: 18). A 2000 study reported that 48%

of Latinas reported that they experienced an escalation of intimate partner violence

after they immigrated to the U.S. (Dutton, Orloff and Hass 2000 in Bracken 2008: 1).

In a similar study done by Tjaden and Thoennes, 60% of Korean immigrant to the

U.S. women reported being physically abused by their spouses (Tjaden and Thoenne

2000 in Bracken 2008: 1).[26] Immigrant women may be illiterate or face language

barriers that make it difficult for them to access information about resources that

may otherwise be available to them (Hirschmann 2003: 119) or to access resources

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[26] Various explanations have been offered for the higher prevalence of intimate partner violence in immigrant communities - among these is that immigrant women's culture allows them to accept abuse (Erez in Bracken 2008: 1). Levinson used anthropological data to argue that intimate partner violence is more prevalent in societies where divorce is not easily attained, where men control decisions and finances within the family and where violence is often used to resolve conflict (Levinson in Bracken 2008: 2).

when they do have the necessary information (Erez in Bracken 2008: 1).[27] Women

who are in relationships with undocumented workers may also fear that their

partners will be deported if they report the violence, with the subsequent loss of

financial support this implies for them (Hirschmann 2003: 119). In this case, we can

see how the intersection of immigrant status within an economic context that

discriminates against women further constrains women's choice when they suffer

intimate partner violence.

Race

The problem of leaving an abusive spouse is often compounded for women of

color because of racism in hiring practices as well as the inherent racism in the U.S.

legal system, which women of color may not wish to subject themselves or their

partners to. For women of color, gender intersects with racial discrimination both in

the economy and in the legal system to constrain their decision-making in the face

of intimate partner violence. Additionally they may face censure from their own

community, should they call on the police, for being 'traitors' to their own

(Hirschmann 2003: 118).

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[27] In one case, shelter workers denied a Hispanic woman entry into a shelter for victims of domestic violence because she could not speak English, as staff believed the language barrier would not allow her to participate in a mandatory support group. Staff rejected the possibility of her son translating for her until a Spanish-speaking advocate could be found, arguing ironically, that this would further victimize her. It did not seem to matter to the shelter workers that the woman had been living on the streets for the last two days, too afraid to go home, and that she had been mugged twice during that time. They were more concerned about following "proper" forms of "empowerment" (Hirschmann 2003: 121).

Religious Norms

Some women may feel a responsibility to a higher power like God or a moral norm that requires that she maintain her marriage under any condition, even at high cost to herself (Friedman 2003: 146). In these cases, it does not help that religious leaders also fail to support women when the latter approach them for help (Barnett 2001: 7). In some cases women may not even seek help from clergy if others have socialized them to believe that their husband has a religious right to "discipline" them. For example, the Christian Domestic Discipline movement, which has a few thousand followers in the US, advocates that husbands beat their wives to maintain discipline within the family and wives within the movement "consent" to this practice (Bennett-Smith 2013). This is an example of the ways in which women face constraints on their agency from the beliefs and practices of the religious institutions they belong to and the ways in which they also internalize these beliefs that then shape how they respond to intimate partner violence.

Retaliatory Violence and Stalking

A woman may not leave an abusive partner out of fear that her husband may engage in retaliatory violence should she leave (Rand 2003: 29; Barnett 2001: 10). Women are also less likely to report intimate partner violence while they are in an abusive relationship because of a fear of retaliatory violence, but they feel more able to do so after they separate from those partners (Hirschmann 2003: 112). Separation too is fraught with risk. Intimate partners who are physically abusive are more likely to kill women who leave the relationship – statistics show that women who leave abusive relationships are at 75% more risk of their partners killing them

than those who remain within those relationships (Rand 2003: 27). Some women who leave abusive relationships report that living in fear of partners who stalk them long after they leave can be worse than actually continuing to live with those partners, and women's anticipation of that kind of stalking and harassment may hold women back from leaving (Friedman 2003: 145).[28]

Justice System

  The justice system itself presents significant barriers to women who suffer intimate partner violence. For example, police may view intimate partner violence as a 'domestic matter'; additionally they may take a conciliatory approach to abusers or deem scratches on the man as evidence that the violence was mutual, and not the result of the woman acting in self-defense (Hirschmann 2003: 104). Anecdotal evidence abounds in the media and in scholarly journals about judges who trivialize women's complaints and even disclose their whereabouts to their abusers. Despite evidence that wife and child abuse are related, judges may still grant custody to male abusers, or grant them visitation rights that force the abused woman to have continued contact with her abuser. Judges may even believe that women are unfit mothers because they have suffered abuse, and some judges use the fact that the batterer has violated a protection order as evidence that the woman is an unfit mother (Hirschmann 2003: 116).

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[28] In other cases, a victim may not seek help because she may be physically isolated from sources of support, for example, if she lives in a rural area (Davis, Taylor and Furniss 2001).

As Friedman notes, women may not leave an abusive relationship because they fear losing custody of their children to their partner should they leave him (Friedman 2003: 145). In other cases, women may fear that reporting the abuse to law enforcement may prompt child protective services to investigate the family, and possibly remove her children from her care (Barnett 2001: 6). Women may resist leaving an abusive partner if they know that women who secure a separation or divorce from their spouses may lose alimony in many cases while those who do obtain court orders for child support are often unsuccessful in actually collecting it (Hirschmann 2003: 111). These possibilities highlight structural problems with the law, which is often ineffectual in securing financial support for spouses and children, and often ineffectual in ensuring that the child support reaches the women and children who need it when it does provide a court order for child support.

Medical personnel who treat abused women may also file child abuse reports against abused women because they believe that wife abuse harms the child (Hirschmann 2003: 118). Medical personnel are often the first point of contact that an abused woman has with the outside world but often their internalized logic of gender discrimination makes them ignore the connections between the injuries they see and intimate partner violence. This is why medical personnel screen for intimate partner violence in only 6 to 10% of cases when studies indicate that 20% of emergency room visits and 25% of homicides are the result of intimate partner violence (Hirschmann 2003: 117). It is true that when men abuse women in front of their children, this harms the children, but when medical personnel file child abuse reports against the woman and child protective services remove children from their

mother both medical personnel and individuals who work for child protection services perpetrate a further injustice against the abused woman.

Nuisance property laws or crime-free housing ordinances further constrain how some women respond to intimate partner violence. Victims of intimate partner violence may fear reporting the abuse by calling 911 because of a growing trend across hundreds of towns and cities in the U.S. that have adopted nuisance property or crime-free housing ordinances. These laws aim to lessen the burden on police and to protect neighborhoods from "seriously disruptive households" (Eckholm 2013). The problem, as ACLU lawyer Sandra S. Parks argues, is that these ordinances "turn victims of crime who are pleading for emergency assistance into 'nuisances' in the eyes of the city…..They limit people's ability to seek help from police and punish victims for criminal activity committed against them." (Parks in Eckholm 2013)

When Lakisha Briggs' abusive boyfriend arrived at her place last summer she feared calling the police because she would have violated Norristown, Pennsylvania's ordinance which allows officials to pressure landlords to evict a tenant if police have been called to the property three times within four months (Eckholm 2013). The fact that Briggs' right to call on police for help was undermined by the way in which the ordinance worked highlights the dilemma some victims of IPV face when they have to choose either their personal safety from an abusive partner or eviction. That night, her boyfriend Mr. Bennett attacked her with a broken ashtray leaving her with a gash on her head, and a four-inch stab wound in her neck. Even though Briggs begged her neighbor not to call the police

before she lost consciousness, her neighbor did so and medical personnel arrived to take Briggs for emergency treatment. Norristown officials asked her landlord to evict Briggs within ten days or face losing his rental license. The town backed down after Briggs contacted the American Civil Liberties Union (ACLU) (Eckholm 2013).[29]

Victims of intimate partner violence often face a choice between going back to their abusers or facing homelessness because of a shortage of housing for victims of IPV (Haugen 2012). Between 1996 and 2000, the Violence Against Women Act (VAWA) allocated some $50 million annually to housing, and annually increased that by $175 a year from 2000 to 2005. In 2005 government did not reauthorize provision for shelter funding, so direct funding for housing for victims of intimate partner violence was reduced to nothing. In its place, VAWA reauthorization left shelter funding to grants, or what they called, "Collaborative Grants to develop Long-Term Housing for Victims" (Haugen 2012: 1067). Each day of 2010 saw an average of 9, 000 unmet requests for help (Haugen 2012: 1068).[30]

Internal Constraints to Women's Agency

Feminists recognize that the gender specific ways in which various social actors socialize male and female children plays a major role in how women deal with intimate partner violence. Hirschmann discusses internal barriers to women's

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[29] http://www.nytimes.com/2013/08/17/us/victims-dilemma-911-calls-can-bring-eviction.html?hp&_r=0

[30] Haugen questions of what use VAWA is when it raises awareness about intimate partner violence, is often the driving force behind organizations and battered women's shelters, but does not extend enough funding to these organizations and shelters such that they are often forced to turn away women and children who need their services because of this lack of funding (Haugen 2012: 1066).

responses to intimate partner violence that I take to be a product of socialization because we can identify particular individuals who relay these norms, attitudes and behaviors to women. For example, Hirschmann argues that a woman may choose to stay with an abusive partner because she may have observed her father beating her mother and internalized the belief that violence is a 'normal' expression of love, or she may stay because of the way in which people around her may euphemistically interpret a man's controlling behavior, which may be psychologically abusive, as 'endearing' features of his love and care for every aspect of her life.

From a young age, various social actors socialize girls into devaluing their own gender and occupational successes, and to focus instead on relationships and affiliations with male partners. No wonder then that teenage girls tend to seek approval from boys (Barnett 2001: 8) and that women may stay with abusive partners as a result of depression, low self-worth, feelings of loneliness, having a sense of bearing responsibility for the relationship, holding traditional values about men's and women's roles, and their fear of the stigma that attaches to divorce or the need for control (Hirschmann 2003: 112-113).

Fairy tales and other traditional narratives, including love stories begin the process of socializing young women into the idea that the starting point of a happy life is when they meet a man and share a committed, loving and intimate relationship with him (Towns and Adams 2009: 745). The ideal end of this relationship is most often marriage (Towns and Adams 2009: 746-747). Romance novels and on-screen love stories reinforce this trope during girls' teenage years and in later life. As a result of these forms of

socialization, victims of intimate partner violence may hold beliefs about love

and romance that entrap them in abusive relationships. Meyers describes

this phenomenon well when she argues,

> The culturally entrenched tropes, mythic tales, and pictorial
> images that depict women serve as a kind of shorthand in which
> group norms are crystallized and through which these norms become
> embedded in the 'geology of desire' (I borrow Barbara Herman's
> phrase; Herman 1991: 787). Indeed, it would not be inaccurate to say
> that these figurations fossilize gender norms in the geology of culture,
> for they integrate these norms into the corpus of common sense,
> where they are protected from criticism (Beauvoir 1989, Chapter 9;
> Kittay 1988; Rooney 1991). Mere social convention – normalized
> gender – is thus naturalized (Meyers 2002: 25).

Students for example may believe that jealousy is a normal aspect of dating.

Women in abusive relationships may believe that other women have problems that

are comparable to their own, and that other women also have problems with love

and mutual trust (Barnett 2001: 8). Women may also believe that intimate partner

violence is commonplace (which, given the statistics, it is) and so they see their own

situation as not very unusual and so something they should put up with. When

people around a victim of intimate partner violence place value in attitudes of love,

commitment and hope this may make her feel a need to display those attitudes and

stay in an abusive relationship because this accords with the value she and many

around her have come to place in those attitudes (Barnett 2001: 8-9). A woman may

experience the thought of separating from her partner, permanently or otherwise,

or of him rejecting her as threatening enough for her to believe that dealing with his

sporadic aggression may be a better option than leaving him. She may even blame

his aggression on herself and a failure on her part to maintain the relationship

(Barnett 2001: 8).

Women may remain with abusive partners because they believe that a two-parent home is important for their children. As a result, they may deem having their partner in the home to be more important than having to tolerate his abuse (Barnett 2001:9). This is especially so if the man is not abusive towards their children, leading the woman to believe that her children are better off having a father in the home (Friedman 2003: 145). One reason for this is because society often constructs single mothers as inadequate parents, citing the argument that children of single mothers tend to get into trouble more than those who are not. Some people go so far as to describe a single woman as a "troubled identity" (Reynolds and Wetherell: 2003 in Towns and Adams 2009: 745), a label few would be happy to wear.

Within the context of the family, various social actors often construct a woman's love for her children in terms of self-sacrifice, and this construction of motherhood may also shape how women respond to intimate partner violence. Women serve as instrumental to the good of their children in various ways, and to various ends. Women's relationships with and concern for their children are also a contributing factor in how they respond to abuse.

Social construction favors men as a group. And socialization favors them as well. As far as social construction goes, men enjoy advantages over women in their interaction with most social institutions, e.g. most men enjoy an advantage over most women in terms of hiring practices and terms of employment, and they enjoy an advantage over women in most religious belief systems as well. They enjoy an advantage in socialization as well, because various social actors often socialize boys to value themselves and their work. These actors also often give boys mixed signals

about bad behavior – even if caregivers punish boys for bad behavior, these caregivers may see this behavior as something that they expect of boys, because, as the saying goes, "boys will be boys." As a result, boys themselves may use their punishment for bad behavior as something they should be proud of and they may even fear being labeled as "goody-goody" for their good behavior by their peers. In this way boys receive an almost tacit license to behave badly (May and Strikwerda 1994: 138).

Men may find it more difficult to speak of the intimate partner violence they suffer because most people associate being a victim of intimate partner violence with being female, and they may fear being ridiculed were they to speak out. However Barnett argues that while male victims find that their colleagues will accept their victim status with some humor, and their bosses tend to be sympathetic, abused women tend to experience unsympathetic bosses who tend to blame them for the abuse, and who may seek to suspend their employment, making women reluctant to share their experience of abuse with others (Barnett 2001: 6).

To summarize this section of the chapter, women who suffer intimate partner violence face challenges from external and internal constraints. They face challenges from the intersection of discriminatory laws, socially constructed economic disadvantage and other non-legalized forms of discrimination, for example, everyday forms of discrimination against individuals on the basis of gender, race and immigrant status. At the level of laws and institutions social construction works to oppress women, and on the more interpersonal level socialization aids in making women conform to gender expectations that further

disadvantage them. Social construction and socialization are so effective that women may have normalized the processes that systematically devalue them to the point where women may come to see themselves as instrumental to the good of others - even in the face of intimate partner violence.

The Problem of Instrumentality

Most feminists have criticized instances in which various social and political actors socially construct men and women as instrumental to some other end. In these cases individuals within various social and political institutions construct men and women as instrumental to some other end, and to the extent that their depictions of individuals become normalized in a society, they may socialize men and women into accepting these representations of themselves. Earlier I mentioned the ways in which states constructs masculinity to serve their foreign policy objectives. Here I will confine my discussion to the ways in which various actors use women as instrumental to some further end.

Bina D'Costa (2003) and Cynthia Enloe (2004) show how states use women as instrumental for the ends of nation building and foreign policy objectives respectively. It is not uncommon to find those who champion the cause of women's development citing women's development as instrumental to some other social good. "The Girl Effect" campaign is a good recent example of this problem. The campaign's website cites investment in girls as important because girls are "agents of change" and because "the cost of excluding girls is high." By calling girls agents of change, campaign organizers cite girls' education as being instrumental to delaying

child marriage and teen pregnancy, but also resolving issues like HIV/AIDS and poverty. In referring to the cost of excluding girls from education, campaign organizers cite the lost potential of income from educated girls to be in the region of $10 billion in both India and Uganda, and $69 billion over the course of educated girls' lifetimes in Bangladesh.[31] Uma Narayan criticizes Kristoff and WuDunn, the authors of *Half the Sky* for presenting women as instrumental in these ways – she argues that the book is replete with instances of the authors depicting women as economic and political resources that are instrumental to some other good and not as ends in themselves (Narayan 2010: 282).

I argue that women should see their own good as a legitimate end in their decision-making, and as a good in itself, particularly when they are suffering abuse. I agree with Hirschmann that women may choose to remain within abusive relationships because of various external and internal constraints. But I think that it is equally important to explore the ways in which, within the context of these constraints, men and women construct the ideological content of meaningful relationships in ways that result in women seeing themselves as instrumental to the good of others when they negotiate their responses to intimate partner violence. These others may include, among others, their children, parents, siblings, and ironically, even their abuser. I am recommending that in addition to critically analyzing the social construction of legal and other institutions, which no doubt shape the ways in which women act in response to gender-based violence, we also

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[31] http://www.girleffect.org

unmask the socialization that makes it possible for women to see themselves as instrumental to the ends of others.

Hirschmann will agree that women's sense of their being instrumental to the ends of others is a consequence of socialization, social construction and what she calls ideological misrepresentation of gender roles. Nussbaum will agree that when women see themselves as instrumental to the good of others, this shapes what they can do and be. Nedelsky will agree that the ways in which women come to see themselves as instrumental to the good of others is a consequence of the ways in which our relations with one another and with social institutions structure our gender relations. All three will agree that intimate partner violence is an issue area that highlights the problem of women's instrumentality – not just as nation builders, foreign policy specialists and human development experts craft it - but also as individual women factor it into their decision making in situations in which their very safety is at risk.

Hirchmann (2003) and Cudd (2006) argue that oppressive external forces shape the inner lives and choices of the oppressed in ways that reinforce the disadvantageous representations that oppressed individuals have of themselves. I argue that the processes of socialization are so effective that women may treat themselves as instrumental to the ends of others when they take the good of significant others into account when responding to intimate partner violence. I do not subscribe to a view of relationships in which individuals remain insulated from the needs and wants of their loved ones, because it is precisely our vulnerability to the needs and wants of those we are in relationships with that makes those

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relationships meaningful. However, vulnerability ought to be mutual and reciprocal, and even where that vulnerability is mutual and reciprocal, women ought not to treat themselves as instrumental to the good of others in situations in which they are suffering abuse - it is difficult to argue that they should do so when they often live with a constant threat to their safety and wellbeing.

Social, political and legal institutions construct the power imbalance between men and women through laws and practices that discriminate against women. The socially constructed nature of these relationships makes them open to being reconstructed in ways that can address the power imbalance between men and women so as to positively influence the ways in which women respond to intimate partner violence. Institutional reform is necessary for women to have the requisite legal and economic resources to leave abusive relationships. But this is insufficient. It is also necessary that in addition to institutional reform, we also socialize one another differently such that women see themselves and their good as ends in themselves and not only as a means to the ends of others. This will apply to women who do not suffer from intimate partner violence just as it will apply to victims of intimate partner violence and make them more willing to report the violence they suffer. A woman's greater willingness to report the violence may reveal to her options that, while not being perfect, may open several avenues of relief for her. For example, among other things, if she and her partner voluntarily attend couples

therapy it may end the violence in a relationship she values, or it may facilitate exit

options for her in a relationship that she may believe has run its course.[32]

When women see themselves as instrumental to the good of those they are in

meaningful relationships with, they may remain in abusive relationships. This is

perhaps because they are invested in relationships that they do not wish to

jeopardize by leaving. Women may make their decisions about how to respond to

intimate partner violence by considering what the consequences are for those they

are in meaningful relationships with, whether those others are children, parents,

siblings or their abusive partner. Victims of intimate partner violence may take into

consideration, among other things, the financial implications their leaving the

abuser will have on their children, their fear of their children losing a father figure

were they to leave, or they are unwilling to cause their children or parents the

emotional pain that may result from their leaving their partner. In this regard, it is

important to note that in many cases, women do not see the man who abuses them

as only their abuser, but also as someone they care about and with whom they are in

a meaningful relationship with, so they may even craft their responses to their

partner's violence in ways that make them instrumental even to his good.

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[32] Studies show that the difference in recidivism between subjects who go into treatment as a result of being mandated to do so by the court, and those who are arrested but do not go for treatment is small. When courts mandate men to go for treatment they often do not do so, and those who discontinue treatment prematurely often remain as violence-free as men who complete their treatment. These results suggest that court mandated treatment for spouse abuse is not as effective as its advocates propose (Rosenfeld 1994: 205).

Excerpts of Women's Instrumentality in Intimate Partner Violence

I want to draw attention to the many ways in which women see themselves as instrumental to the ends of others, and how it is consideration for others, rather than consideration for themselves, that drives their responses to intimate partner violence. The following are examples in which victims of intimate partner violence appear to see themselves as instrumental to the good of those they are in meaningful relationships with. Notice that in their accounts of how they chose to respond to the violence, these women draw on their socialization.

This is an excerpt from an interview with a woman who suffered intimate partner violence in Canada.

> My hope was to get away from my husband. At that time, my condition was difficult. I have nobody to look after me since my parents and my sisters are living in my home country. I have nobody here. No relatives, no friends. I am like a lonely tree. Once in a blue moon, I called my parents. They did not listen to my story. They did not want to believe the truth. They wanted to hear a different story. They wanted to believe or tell others that I was in a very good position. [Her husband came to her country of origin, married her and sponsored her to Canada] ... my parents compelled me to stay with him. They thought if I left my husband, it would be shame for our family and it would affect my sisters' marriage prospects. I had nobody to rely on. I stiffened like a rock. I thought this was my fate and I decided to stay with him. ... [She later decided to leave him, once her sisters were married]. Welfare gave me a chance to hide from my husband for a while without having to go to work. The welfare money is not enough...everybody would agree with me. Nevertheless I am relieved even though I did not get a job yet at least I can eat one meal a day because of the welfare money (Mosher *et al* 2004: 15).

In the above excerpt, we can see that it is very important that the state provide material support to women who suffer intimate partner violence. When the state does not provide adequate material support to abused women, it makes it very difficult for them to leave their abusive partners. Institutional support and reform is

necessary to provide women with adequate material resources. It is equally

important that we notice that while state support was necessary for her to leave, it

was not sufficient. She was for a time still hampered in leaving her partner because

her parents had socialized her into believing that if she left her husband she would

bring shame on the family. She saw herself as instrumental to not bringing shame on

her family by staying with her partner. She left him after her sisters got married,

which suggests that she had seen herself as instrumental to their marriage

prospects as well. In this way, she made the way in which she responded to the

violence she suffered instrumental to the good of her parents and siblings. The way

in which her family members and the wider community had likely constructed her

role as a daughter, a sister and a community member made her remain with her

abuser until a key restraining factor – the fact of her sisters not yet being married -

was removed. It is true that she may not have been able to leave her partner even

after her sisters were married were it not for the support he received from welfare,

but welfare appeared to be of support to her only after she felt she had fulfilled her

responsibility to her family.

Gloria, a 41-year-old woman in the U.S. from Mexico suffered intimate partner

violence for some 26 years of her life. She says,

> What made me stay with him was that my mother was still alive at
> that time. My father had died in 97', but my mother didn't die until
> 2008. It was then that everything stopped, because if I would have left
> him before they died it would have caused them a great deal of
> emotional pain. However, all that ended when they died. When they
> died, I stopped feeling the need to protect them (Gonzalez 2010: 82).

Gloria's parents socialized her into believing that were she to leave her

husband, it would cause them "a great deal of emotional pain." (Gonzalez 2010: 82)

Gloria treated herself as instrumental to the emotional well being of her parents for as long as they were alive and only left her abusive husband when her parents died. In placing her consideration for her parents' emotional wellbeing above her own need to leave her abusive spouse she treated herself as instrumental to the emotional good of her parents over her own happiness and safety.

In Lindgren and Renck's study, one woman who had several children from an earlier relationship and then one from her abusive spouse described how she would not even cry as her partner assaulted her out of her concern not to wake her children. This woman "described how she thought and acted as she was lying on the kitchen floor being hit repeatedly about the head: ''And I don't cry out because I don't want to wake the children''" (Lindgren and Renck 2008: 117-118). In this example, a woman whose husband was beating her around the head resisted crying out because she did not want to wake her children. In doing so she saw her quietly accepting the beating as instrumental to her children's good.

Within an abusive relationship women's concern for their children is a restraining factor in keeping them in the relationship just as much as it can serve as a consideration in making them leave the relationship. Women who chose to leave abusive partners cited worries about how their children were affected by the violence they saw, or worries about whether, or realizations that, the man had also subjected their children to violence. For example, one woman described how the fact that her eleven-year-old son came between her and her husband time and again as a way of protecting her was a turning point in her choice to leave. In her words,

> ...and it was not the first time he had stood between him and me. And I thought but what the hell am I doing here, what do I expect of this. How

many times is my son to stand and protect me so that his dad doesn't hit me (Lindgren and Renck 2008: 121).

In another case, an abused woman reported,

And then I know that on one occasion . . . he was angry with me and I don't really know why. I think it was because she [the baby] cried and then he went for me and took hold of my hair in the back of my neck and just turns me round as I stood like this (as if holding a baby) with xxx [the baby], turns me to the wall and then stands and begins banging her and me against the wall. I try as much as I could to resist but it is not so easy, so both she and I go into the wall ...and I shout and ask what are you doing, what are you doing . . . . And I think of her and she is crying hysterically. He did this ten or fifteen times and then left. And there I was, first I was, it hurt and I was worried about her and everything . . . but above all the shock . . . I didn't think he would ever do anything to her. It was then, I think, the penny dropped that I had to get away from here . . . somehow (Lindgren and Renck 2008: 121).

For the woman in the above example it appears to be more her daughter's safety that prompted her to leave the abusive relationship, and not her own.

For a third woman, her realization that her children had been sexually abused was key in her decision to leave her abusive spouse.

And then I understood that he had violated my children. So I called him at the crayfish party and said what the hell do you think you're doing, then I began to dare to put my foot down and I didn't give a damn about the consequences. And I said you are not welcome, enough is enough, now you're out for good (Lindgren and Renck 2008: 121).

A fourth case was that of a woman from the Eastern Shore of Maryland who reports having ignored several red flags in her marriage until her husband assaulted her son.

There were probably several red flags when I reflect on that marriage, but I was in deep denial. The first indication of a problem was when I began having physical symptoms. I had severe colitis and panic attacks. I also suffered from migraines. Other red flags were the facial expressions and reactions to my husband's behaviors I noted in the

few friends who visited me toward the end of the marriage. A major red flag was when my husband was asked to leave the church because of inappropriate behavior with his 14-year old Sunday school student, who incidentally was also our babysitter. I completely believed in my husband's innocence, and remained steadfastly loyal until I discovered my husband had been physically abusive to my son. I found out that he had tied my son to a chair and had beaten him with a belt. That woke me up. That was when I knew something was wrong. I also had found out that he had punched our son in the face to the point of knocking him over the back of our couch. I realized he was dangerous and I left. I left because I could no longer deny that my children were now in danger (Bracken 2008: 42).

In a fifth case, a woman identified as Daisy in Bracken's study, describes the only time she felt able to do anything was when it involved her son,

I remember one time my ex-husband was all drunked up and wanted to correct my son… I do remember pushing him and telling him not to touch our son when he was drinking…and he knew that I meant it. About the only time I feel I had any strength was whenever it had anything to do with my son (Bracken 2008: 79).

What these examples show is that these women were motivated to stay, remain silent while being beaten, leave or otherwise resist their abusive partners when they acted in the interests of others they were in meaningful relationships with. In all these cases these women saw themselves as instrumental to the good of others rather than seeing their own good as an end in itself. What these examples show us is that relationships are important to these women, just as they are to those of us who do not suffer abuse. But what these examples highlight is the ways in which socialization can be so effective as to make women see themselves as instrumental to the good of those they are in meaningful relationships with, even when they suffer intimate partner violence. To the extent that those of us who are not victims of intimate partner violence can recognize how our own socialization allows us to think of ourselves as instrumental to the good of those we are in

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meaningful relationships with, we can understand the reasoning of these victims of intimate partner violence.

Conclusion

In all the above cases, the women acted for the good of significant others when they responded to intimate partner violence. They saw themselves as instrumental to the good of others as a reason for staying with their abusive partners, and as a reason for leaving them. Women may make decisions to stay out of concern for what they believe are the best interests of their children. Women may remain in abusive relationships because they do not want their leaving to be the cause of any adverse social fallout for their sisters or a source of pain to their parents. Likewise they may leave because they do not want their staying in abusive relationships to be a source of pain to their loved ones. They may choose to leave an abusive relationship when they believe that the consequences of staying are negatively affecting their children.

What we see in the excerpts of interviews reproduced in this chapter are women who sometimes, or perhaps oftentimes, put others before themselves, even when they suffer abuse. In doing so, they make themselves and even their personal safety instrumental to the wellbeing of those they are in meaningful relationships with. Individuals seeing themselves as instrumental to the ends of others may be a natural consequence of what it means for any individual to be social. There are better and worse ways in which we can serve as instrumental to the good of others.

Both men and women are subject to violence, but in different ways. While state construction of masculinity may make men more susceptible to, among others, military violence, a range of actors construct gender in ways that make women susceptible to remaining in situations in which they suffer intimate partner violence. When women treat themselves as instrumental to the good of others this forms part of a wider social and political culture that uses women's sexuality, women's labor and women's development as instrumental to some other end. Given this fact, the considerations that women take into account when responding to intimate partner violence are important to help us understand how to address intimate partner violence. What we find is that in some situations in which women suffer intimate partner violence, they sometimes make decisions even against their own personal safety because they are seeking to accomplish some good for those they are in meaningful relationships with. The ways in which women treat themselves as instrumental to the good of others, even in situations of intimate partner violence, is indicative of the success with which various social actors socialize women to devalue themselves and even their safety.

Chapter 4

Violent Familiars: Challenges Camus Rape Victims Face

Introduction

There has been a spate of news reports of rape on college campuses

nationwide.[33] Campus rape is a significant social problem that has recently received

attention at Vanderbilt University, Yale University and Amherst College, among

others.

In January this year, The White House Council on Women and Girls and the

Office of the Vice President issued a report, "Rape and Sexual Assault: A Renewed

Call to Action" in which the Obama administration outlines the scale of the problem

of rape and sexual assault, and cites college women as a being especially vulnerable

to sexual assault. It recounts the efforts the administration has taken to address the

problem, the many shortcomings in the ways in which liberal institutions continue

to fail victims, and urges that all stakeholders do more to address the problem of

violence against women.

Campus rape is an issue that renders clearly visible the discrepancy between

the assumptions of institutions of justice – that crime victims have access to

institutions of justice, and will therefore obtain justice - and their failure in

delivering justice.

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[33] When I speak of college campuses, I am referring to campuses in which
instructors teach students on site as opposed to primarily online, and where a
significant number of students live on campus and socialize with one another in
university housing.

Even if it is true that all victims of campus rape may not consciously or formally seek justice following the assault, at least some do. Even if all campus rape victims do not call what they seek "justice" this does not exclude the possibility that they expect justice be done. In fact, several recent cases in which campus rape victims lodged complaints with the Office for Civil Rights did so because they believed that the university did not abide by the Office for Civil Rights' guidelines on how to deal justly with victims of sexual violence.

An increasing number of young women are now calling their universities to account for not handling their complaints of sexual assault adequately. For example, Sarah Beth O'Brien is one of a group of Vanderbilt students who filed a complaint with the Office for Civil Rights in her freshman year. She said that she and others who were raped at Vanderbilt were afraid of coming forward because they had heard "horror stories" from earlier complainants of the lengthy process associated with reporting their assaults to university officials. In O'Brien's words, "In spring 2010, I joined the majority of victims of rape who remain silent about their assault. I could not imagine facing the institutional and communal feelings of betrayal and shame." (O'Brien in Jarrett 2013) Two former and four current students, including O'Brien, filed federal Title IX complaints against Vanderbilt University on November 14, 2013 for the university's alleged "mistreatment of sexual assaults." (Jarett 2013)[34]

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[34] In October 2013 the Office for Civil Rights opened 25 investigations into the way in which colleges and universities have handled sexual assaults on their campuses, and whether they have done enough to fulfill their Title IX obligations to protect students (Khan 2013). Among the universities that are under federal investigation for failing to take reports of sexual harassment and violence on their campuses

I will first outline the state of the field with regard to campus rape. Second I argue that even before any legal or disciplinary proceedings are underway, individuals within key social institutions interact with the victim in ways that attempt to thwart her efforts to obtain justice, whether they do so directly or indirectly. Third I show how individuals within all social institutions are likely to attempt to silence a rape victim because they experience a heightened sense of their own vulnerability or inadequacy when they have to deal with her experience. Lastly I will show how campus administration officials may attempt to silence a rape victim because they experience a conflict of interest with their roles as university officials who may experience a need to maintain a good reputation for the university.

Literature Review

Feminists agree on the extent of the problem presented by gender-based violence. According to a 2000 report by Fisher *et al*, between twenty and twenty-five percent of college women nationwide reported having suffered rape or attempted rape over the course of their college careers (Talbot, Neill and Rankin, 2010: 171; Sudderth, Leisring and Bronson 2009/2010: p. 56).

U.S. universities report official crime rates on their campuses in accordance with U.S. federal law but these reports typically underestimate the real crime rates on campuses (Sanday in Wilkerson: 1999). I suspect that universities are motivated

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seriously include the University of Connecticut, University of Colorado-Boulder, University of North Carolina-Chapel Hill, Occidental College, Swarthmore College and the University of Southern California (Kingkade 2013l; Kingkade 2013m).

to underplay the real crime rates on their campuses because both parents and students are likely to take student safety into consideration when making choices about the university the prospective student will attend. If I am right, then universities that reflect higher crime rates in their reports can expect to find a decrease in student applications, with a corresponding fall in the revenues they could receive from higher numbers of student admissions.[35]

Studies show that it is not uncommon to find that women do not wish to report being raped. For example, in a national sample of 6, 159 students enrolled in 32 institutions of higher education in the U.S. Koss, Gidycz and Wisniewski found that 42% of female college students who had suffered rape had never told anyone at all about the experience (Koss, Gidycz and Wisniewski 1987). In another study of 650 college-age women, 42% reported that they had been victims of sexual assault, but only 28% of them sought help (Sable, Marjorie R., Fran Danis, Denise L. Mauzy and Sarah K. Gallagher 2006: 158).[36]

Eviatar Zerubavel argues that "conspiracies of silence are clearly socially patterned" (Zerubavel 2006: 5) and it is the patterned nature of the silence around gender-based crimes like campus rape that make them a systematic form of injustice. Maureen Mahoney argues that we can also see silence as an avenue to power, which is contrary to the position that some feminists take that "voice" is "central to women's experience and exercise of power." The latter feminists see

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[35] Interestingly, universities may set themselves up as "families" or small close-knit communities, and when university administration fails a campus rape victim, they mirror the gender injustices Okin and others point out that we see within families.
[36] Sudderth *et al* report that college students report anywhere between 35% and 43% of the crimes committed against them (Sudderth, Leisring and Bronson 2009-2010: 56).

women's recovery of an authentic "voice", and an ability to express it as key to their

strength, and as necessary for overcoming their subordination (Mahoney 1996:

603). Mahoney argues that just as women's voices are multiple and also diverse in

terms of women's cultural and personal histories, so too is the meaning of silence.

According to Mahoney, silence – the inability or unwillingness to speak – is also

multidimensional and complex (Mahoney 1996: 603). Mahoney argues that silence

need not always be equated with powerlessness, pointing out that in an interview,

the silence of the interviewer is not a sign of powerlessness. Gaps in a slave's

narrative or her silence may likewise be an act of defiance and so it too is not

entirely powerless (Mahoney 1996: 604). Silence, on Mahoney's account, contains

the possibility of power. Let me say that I acknowledge the possibility of power in

silence in the cases Mahoney describes above, but when it is a systematic silence

around a gender-based issue like campus rape, silence re-inscribes the injustice.

When women remain silent in cases of campus rape it may protect them from

further abuse by individuals they may interact with, with regard to the rape, but it

does not contain the possibility of power.

It is important to notice that silence operates to different degrees because

some victims are less vocal than others and the same victim may move into and out

of moments of silence at different times depending on who she is speaking to, and

where she is in her healing process. So my point is not that campus rape victims are

silent altogether, but rather that individuals with social roles and individuals with

institutional roles *attempt* to silence them in various ways, with varying degrees of

success. Epifano's recounting of her experience of campus rape below shows that

individuals with social roles and those with institutional roles attempted to silence her, and that there was a time in the past when she did to some extent feel shamed into silence. It is important to notice that I am only able to make my argument about the silencing effects of shame because women like Epifano spoke out about the efforts that the individuals she interacted with made to silence her, and because she did not remain silent altogether.

Feminists recognize that male violence against women is patterned and systematic. They also recognize that individuals within various social institutions who subscribe to gender discriminatory norms and who display behaviors in keeping with these norms create an environment in which victims of gender-based violence suffer a miscarriage of justice that is also patterned and systematic (Hirschmann 2003; Nedelsky 2011; Cudd 2006). There is consensus among feminists that this miscarriage of justice is rooted in a set of gender discriminatory practices that negatively influences women's agency (Cudd 2006; Enloe 2004; Friedman 2003; Narayan 1997; Nedelsky 2011; Nussbaum 1999; Okin 1989; Song 2007; Shen 2011).

The patterned and systematic forms of gender-based violence have consequences that reach further than the immediate act of violence. Instead, the violence affects among other things, women's health and the choices they make that relate to their personal and professional lives (Campbell, Sefl and Ahrens 2003; Cudd 2006; Street and Arias 2001).

Rape is a problem for women's health. Rape victims' assessment of their health and physical wellbeing is significantly poorer than the national norm.

Survivors of sexual assault also appear to have more health problems than other women and these health problems may last for years after the assault (Campbell, Sefl and Ahrens 2003: 90; Street and Arias 2001). For example, rape victims report more psychological distress, more sexual activity and more alcohol use compared to non-victims (Sudderth, Leisring and Bronson 2010: 58). Victims who suffer trauma are likely to suffer from post-traumatic stress disorder (PTSD) and a significant minority attempts to commit suicide. PTSD makes victims' alertness to danger maladaptive – they may go into a state of alertness to danger even when there is no danger present; victims may relive the trauma over and over again with all its emotional intensity, and they may suffer from periods of dissociation from reality (Cudd 2006: 159). PTSD and depression can impede a student's ability to succeed at school, and studies have linked anxiety and depression to higher dropout rates from school (The White House Council on Women and Girls 2014: 14).

With regard to choices that relate to their personal and professional lives, women display adaptive preferences as precautionary measures against rape, and these adaptive preferences create disadvantages for them in their personal and professional lives. Cudd argues that what is wrong with adaptive preferences is that the woman forms them under circumstances of social inequality: she may find certain choices desirable under conditions of social inequality when she would not find those same choices desirable under conditions of social equality (Cudd 2006). Shugart outlines some of these precautions: When women go out in the evenings, they are likely to be more conscious of the time of the event than men are, and to think about whether they will be alone, where they will park their cars, who they

will be with and so on. Women may make arrangements to carpool. A woman also generally tends to be far more conscious of her surroundings than men tend to be, and women tend to take extra safety precautions like locking themselves in securely. Adaptive preferences include forgoing certain academic opportunities like traveling abroad for study programs, working until late at the library or taking night classes. They may also forgo economic opportunities like not taking on certain jobs because they perceive a greater risk of sexual harassment. All of these adaptive preferences restrict women's movements and delimit their personal and professional opportunities in ways that most men's are not.[37] Ironically, as Shugart points out, the threat of rape makes it more difficult for women to earn money, but at the same time it requires her to have more money, because she will want to avoid public transportation and live in a 'safe' neighborhood, which obviously costs more (Shugart: 1994).

When university administrations offer rape prevention techniques, focus on individualistic strategies like self-defense classes, encourage students to take precautions against someone attacking them, and provide facilities like call boxes and ride services, they ignore the fact that the incidence of acquaintance rape on college campuses is far higher than stranger rape (Wilkerson 1999). For example, all Vanderbilt emails that relate to sexual assault have this component. I recently saw

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[37] For example, I recently forewent an opportunity to enjoy socializing and networking with faculty and students at a reception held at Sewanee: The University of the South's Gender and Sexual Diversity House. In forgoing this opportunity I lost out on the possibility of making new friends and developing valuable working relationships with professionals in my area of research. I did so in part because I could not dispel my fear of walking home alone in the dark when I know that at least two convicted sex offenders live within a five mile radius of my apartment.

notices in Vanderbilt's central library that urged students to take responsibility for their own safety as well. One example of university administrations placing the onus on women not to be raped instead of attempting to change the social context that makes rape possible is evident in the following security notice sent out to the Vanderbilt community on August 8, 2012 in response to a sexual assault on campus. The section of the email entitled "Risk Reduction Tips" reads as follows,

> Always stay aware of your surroundings, trust your instincts and let friends know where you are going.
> Consuming alcohol reduces your ability and others' ability to make good decisions.
> Stay alert and TRUST YOUR INSTINCTS -- If you feel uneasy, leave. Go to a safe location and notify VUPD.

In this way, university administrations tend to place the onus on women not to be raped instead of attempting to change the social context that makes it possible for men to rape, often with impunity. In following this approach they also tend to ignore the socially constructed nature of gender-based violence. The reality is that the scope of the problem is in fact far wider than individual instances of rape and it encompasses the way in which various social actors contribute to the social construction of masculinity.

Men on college campuses perform hypermasculinity in peer groups that often perpetuate the marginalization and objectification of women. The amalgamation of all-male networks and constructions of "hostile masculinity" produce ""emotional detachment, competition, and the sexual objectification of women" as the norm in all-male spaces (Bird 1996: 122 in Rich, Utley, Janke and Moldoveanu 2010: 270). I found illustrative examples of this phenomenon in Sharon Bird's research into the maintenance of hegemonic masculinity in which she

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observed and recorded conversations in two coffee shops and three taverns frequented by men. In these interactions, she recorded men referring to women as 'them', as 'other' and as objects they used for their pleasure. For example, Bird noted how men competed with one another in narrating their sexual exploits. In one man's words, "I've run across those kind.... I'll tell 'em, "I'll buy ya a beer." [And the hypothetical woman replies,] "Na, I'll buy you a beer." Then I'm thinkin' she's ready to get outa there with me. I just want one I can step out with, shoot up her, and get back in the bar in 5 or 10 minutes" (anonymous man in Bird 1996: 129) Not to be outdone, another man added his story as follows, "Aw, shit, I had one down near Vegas.... Well, to make a long story short, when it was time to hit the rack we went back to her room.... We found a bucket of ice and a bottle of liquor at the door with a note from some other guy attached to it.... I just went ahead and drank the stuff and screwed her!" (anonymous man in Bird 1996: 129)

The ways in which some men objectify women explains why the likelihood of men raping women appears not to be evenly distributed throughout college campuses. A 1999 survey of 477 male students at a large Southwestern Division 1 university revealed that athletes and fraternity brothers held significantly more negative gender beliefs and were more in agreement with rape myths than the control group (Shen 2011: 66). Among fraternities, those in which men treat women less respectfully, and engage in behaviors, conversations and jokes that degrade women are higher-risk places for women than fraternities where men do not behave in this way (Boswell and Spade 1996: 137).

Shen rightly points out that when individuals place an exclusive focus on fraternities as the source of the problem, they are able to deflect attention away from their own role in the construction of the problem (Shen 2011). Rape is a socially constructed problem and one in which even those with no criminal history participate. Larry May and Robert Strikwerda argue that, through engaging in various sexually discriminatory behaviors, ordinary men can be held collectively responsible for rape. It is these more routine, everyday sexually discriminatory behaviors that make rape more likely. May and Strikwerda (1994) give an account of how they, as part of a group, individually narrated fictional sexual exploits and then gradually began to talk about possibly raping women they passed in the street. Given the part they played in performing masculinity in this way May and Strikwerda question whether they share responsibility for the rapes that other men had committed, where these men had similar formative experiences as their own and where those other men's formative experiences were perhaps supported by May and Strkwerda's performances of masculinity (May and Strikwerda 1994).

Challenges After the Assault

Recall that my research is driven by the concern that even within liberal societies victims of gender-based violence have access to institutions of justice, but these do not always guarantee them access to justice. This is especially troubling because institutions of justice within liberal societies are premised on the assumption that access to institutions of justice would for the most part translate into access to justice. By justice here I mean institutions of justice dispensing the

punishment that these institutions in principle support, for example, a man who

rapes a woman after rendering her unable to give consent through drug or alcohol

consumption can expect to receive up to fifteen years imprisonment if he is

convicted. If such a case does not even go to court the very question of punishment

for the perpetrator or justice for the victim does not even arise, thereby signaling a

failure of the justice system. By institutions of justice I am referring to institutions

within a liberal society that are concerned with resolving disputes between

individuals or groups and punishing crimes, especially where these disputes include

breaches of the law. Given the scope of this chapter I take institutions of justice to

include courts as well as judicial boards concerned with disciplinary procedures

within universities. My including the latter as institutions of justice may appear to

be unfounded, as the Office for Civil Rights tasks universities with guaranteeing the

safety and security of students, and not with dispensing justice. However, given that

disciplinary committees within universities may mete out punishments to an alleged

perpetrator based on a preponderance of evidence that includes suspending him for

a semester or expelling him from the university altogether, means that perpetrators

and complainants may view these committees as sites of justice. They may do so

despite the fact that within a liberal society courts serve the function of dispensing

formal justice and disciplinary committees hand down less dire punishments than

courts do. In several recent newspaper reports some campus rape victims cited

their dissatisfaction with the punishments that disciplinary committees meted out

to their rapists, which suggests that victims do expect these committees to act justly,

even though they may not be institutions of justice in the same legal sense as courts are.

When various social actors delay or thwart a rape victim's efforts at obtaining justice they re-inscribe the injustice of the rape. It is with this assumption that I attempt to provide one answer to the question of what thwarts rape victims' efforts at obtaining justice in general, but what silences them within the college context in particular.

I argue that key social institutions like the family, medical institutions, law enforcement and universities are inadequate to the task of addressing campus rape for two reasons: Even before any legal or disciplinary proceedings are underway, individuals within these institutions, such as friends and family of rape victims who have social roles or campus police, medical personnel or stakeholders in their various capacities within the university who have institutional roles interact with the victim in ways that may thwart her efforts to obtain justice, whether they do so directly or indirectly. The fact that individuals within social institutions make the rape victim feel shame results in the rape victim not wanting to proceed with reporting the rape. When individuals with social roles or those with institutional roles deploy shame to silence campus rape victims they render the social institutions that liberal societies task with supporting the rape victim in her search for justice inadequate.

I focus on college campus rape for two reasons: First the socially intense college context and the involvement of campus administration throws into sharp relief the way in which various individuals thwart the rape victim's efforts to obtain

justice, whether they do so directly or indirectly. Second, I do so because college women are one of a few groups of women who are in a high-risk category – college women are three times more likely to experience sexual violence than women in the general population (Rich, Utley and Janke 2010: 268).[38]

My research on this topic began after an alleged rape on the Vanderbilt campus made me curious about the factors that led the victim in the case to seek medical assistance after the assault but not to provide a description of the male student who allegedly raped her. I reproduce the email that the Vanderbilt police department sent out describing the incident. I will then look at an article written by a rape victim from Amherst College for two reasons: First, the article allows me to explore the ways in which individuals with social roles and those with institutional roles thwarted her efforts at obtaining justice. Second, the article illuminates the role that shame played in hampering her efforts at obtaining justice. I will use the work of psychologists Brené Brown and Ronnie Janoff-Bulman to suggest a broader applicability of my theory about shame as it relates to campus rape victims.

The theoretical implications of this research are that various social actors including feminists, campus rape activists, individuals holding social roles within families, or those who have institutional roles within universities or hospitals, may, after reading my work, pay attention to the ways in which they may perpetuate gender discriminatory practices that thwart a campus rape victim's efforts at obtaining justice. They may also factor the role that shame plays in thwarting

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[38] Other groups that are highly vulnerable to sexual abuse are the cognitively disabled (Clifford 2012), female military personnel (Yermen 2012) and even undergraduates who study abroad (Kimble, Flack and Burbridge 2012).

victims' search for justice into their understanding of campus rape. The latter implication is important because shame, together with guilt and embarrassment, is among the leading barriers to female rape victims reporting the assault (Sable, Marjorie R., Fran Danis, Denise L. Mauzy and Sarah K. Gallagher 2006: 157) and yet it remains under-theorized in relation to campus rape.

The practical implications of my research will be that individuals who engage with a campus rape victim may be better placed to identify their own gender discriminatory practices that thwart the campus rape victim's search for justice, and hopefully avoid them in their own behavior towards her. These individuals may also be able to focus on the role that shame plays in silencing campus rape victims, and reflect on the ways in which they contribute to the construction of shame as it relates to campus rape victims.

Key social institutions like the family, medical institutions, law enforcement and universities are inadequate to the task of addressing campus rape. One indicator of their inadequacy is the fact of underreporting. I outline some of the challenges that campus rape victims face when they do report an assault. Below I argue that even before any legal or disciplinary proceedings are underway, individuals within key social institutions who interact with the victim thwart her efforts to obtain justice, whether they do so directly or indirectly.

In this section of the chapter I will use an email that the Vanderbilt University Police Department sent to the university community on September 4, 2012 to illustrate the problem of underreporting of campus rape. I then use an article

written by an Amherst College campus rape survivor to make the three arguments stated above.

Underreporting

Underreporting refers to the phenomenon in which crime or other statistics as reflected in official reports are lower than is actually the case, because these crimes or other statistics are not captured in official data. On September 4, 2012, the Vanderbilt University Police Department sent out the following email to the university community that illustrates the problem of underreporting with regard to campus rape:

> **Subject:** VUPD SECURITY NOTICE: SEXUAL ASSAULT ON CAMPUS
>
> ***TIMELY SECURITY NOTICE***
> **DATE: 09/4/2012 VUPD#: 12-92646 MNPD#: 12-722064**
> **WARNING: SEXUAL ASSAULT ON CAMPUS**
> At approximately 4:40 p.m., Sept. 2, 2012, VUPD was informed by Vanderbilt University Medical staff that a female student was reporting that she was the victim of a forcible rape in a dormitory by another student during the early morning of Sept. 1, 2012. The student reported that the suspect is an acquaintance she had met at a party in a fraternity house on Sept. 1, 2012. Sexual assault is non-consensual sexual activity, ranging from unwanted sexual touching to forced intercourse.
> **DESCRIPTION:** The student did not wish to provide a description of the male student. VUPD is continuing to investigate the incident.
> IF YOU HAVE INFORMATION RELATING TO THIS OR A SIMILAR INCIDENT,
> **PLEASE CALL THE VANDERBILT** UNIVERSITY POLICE DEPARTMENT **AT** (615) 322-2745**.**
> IF YOU WISH TO REMAIN ANONYMOUS,
> **CALL NASHVILLE CRIME STOPPERS AT 74-CRIME** (615-742-7463**)**
> **Risk Reduction Tips**
> Always stay aware of your surroundings, trust your instincts and let friends know where you are going.
> Consuming alcohol reduces your ability and others' ability to make good decisions.

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Stay alert and TRUST YOUR INSTINCTS -- If you feel uneasy, leave. Go to a safe location and notify VUPD.
Please Remember Our On-Campus Resources
Psychological & Counseling Center 322-2571
Employee Assistance Program 936-1327
Student Health Services 322-2427
Margaret Cunninggim Women's Center 322-4843
Project Safe 322-1333

REPORT SUSPICIOUS PERSONS, VEHICLES, OR ACTIVITIES IMMEDIATELY!
ON CAMPUS, DIAL 911 OR USE A BLUE LIGHT PHONE!
(NOTE: from a cell phone, call 615-421-1911*)*
*In compliance with the U.S. Department of Higher Education and the Jeanne Clery Act, Security Notices are issued to provide timely warning information concerning a potentially dangerous situation on or near Vanderbilt University. This information is provided to empower our students and employees the information necessary to make decisions or take appropriate actions concerning their own personal safety.

What caught my attention in this email was the fact that the alleged rape victim seemed to be clear that the sexual encounter was nonconsensual, and that she needed medical assistance, and yet she chose not to seek justice, either through approaching a disciplinary committee within the university, or through filing a police report. It appears that while the rape victim probably spoke about her experience to medical personnel she chose to remain silent when it came to providing a description of her assailant before campus police. Vanderbilt University medical staff informed the police about the incident.

Underreporting on campus rape is one of the ways in which we can see how effectively individuals within various social institutions silence campus rape victims, to the point where it appears that campus rape victims are silencing themselves. Students confront the evidence of underreporting first hand when they compare

official university reports on rape with their personal encounters with campus rape victims - while university statistics may indicate perhaps one rape every year or two, students report that they encounter many rape victims on their own dorm floor (Wilkerson 1999).

According to a 2006 report by the U.S. Department of Higher Education's Center for Alcohol and other Drug Abuse and Violence Prevention, surveys of current students indicated that victims report only 25% of campus violence to campus police or to the wider community (Mayhew, Caldwell and Goldman 2011: 255) Sudderth, Leisring and Bronson argue that college students report between 35% and 43% of the violent crimes they suffer. Women report cases of sexual victimization even less than they do other crimes – Sudderth, Leisring and Bronson report that only 4% to 12% of women report sexual victimization to law enforcement officials (Sudderth, Leisring and Bronson 2010: 56). The National College Women Sexual Victimization Survey estimates that college women report fewer than 5% of the attempted or completed rapes they suffer to law enforcement while The White House Council on Women and Girls report cites a 2007 study that suggests that only 12% of student victims report an attack to law enforcement (Kilpatrick 2007 in The White House Council on Women and Girls 2014: 14). One study by Koss revealed that a full 42% of college rape victims never told anyone at all about the attack (Sable, Danis, Mauzy and Gallagher 2006: 158). These statistics suggest that underreporting is a very serious problem with regard to campus rape.

Studies show that women who report to the police tend to have better psychological recovery than women who do not (Thompson, Sitterle, Clay and

Kingree 2007: 277). When women do not report their experiences to the relevant authorities, these authorities may not be able to direct them to legal, social and health services that they may be eligible to receive. When official data do not reflect the actual numbers of crimes, this may create the impression among university administrations and even law enforcement officials that the problem is less severe than it is, with the result that these institutions may direct fewer resources to addressing the issue than would be the case were official data more accurately capturing a fuller extent of the problem.

The fact that women know their attacker affects whether or not they report the violence. Women tend to be less likely to report a rape when they know the perpetrator, and between 78, 5% to 90% of women who are victims of sexual violence on college campuses know their attackers (Sudderth, Leisring and Bronson 2010: 57). 43%-73% of women do not label their experience as rape, even when it fits the legal definition of rape. One reason for this is that the victim knows the perpetrator and she may even trust him, with the result that she may be left feeling unsure about whether what he did was criminal (Sudderth, Leisring and Bronson 2010: 57). A second reason is that victims may struggle with feelings of self-blame, and this can discourage or delay their reporting the rape. Third, given that the campus rape victim tends to be isolated from family and older school networks, she may feel even more of a need to fit into the socially intense atmosphere of the college campus. Within the college context, when the rape victim reports the attack, her reporting threatens to generate problems that will radiate throughout her campus network, and she may fear losing friends and acquaintances she has in

common with her attacker. Fourth, government regulations that require campuses

to report rape may make many victims unwilling to speak to anyone about their

experience, for fear that their disclosure about the attack may implicate them in

investigations they are unwilling to be a part of.[39] This unwillingness to report

stems in part from the challenges that campus rape victims may face when they do

report the assault.

Challenges of Reporting

Even before any legal or disciplinary proceedings are underway, individuals

within key social institutions who interact with the campus rape victim thwart her

efforts to obtain justice, whether they do so directly or indirectly. When various

social actors silence campus rape victims, victims' silence then inadvertently helps

to maintain the silencing subculture of the campus environment. This is despite the

fact that legislation exists that aims to address gender discrimination more broadly

and sexual violence more specifically on college campuses.

Title IX is a broad ranging federal law that aims to reduce discrimination in

education, and addressing gender discrimination is one aspect of the law. Under

Title IX, a federal law that aims broadly to eliminate discrimination in education,

universities have an obligation to address and prevent sexual harassment against

their students, no matter who is perpetrating the sexual harassment – be it other

students, school officials or teachers.[40] The Dear Colleague Letter dated April 4,

2011 requires schools to "take immediate and effective steps to end sexual

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[39] http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html
[40] http://www.justice.gov/crt/about/cor/coord/titleix.php

harassment and sexual violence" and provides guidelines on the Office of Civil

Rights' expectations regarding the steps schools need to take to achieve the end

outlined by Title IX.[41] The Dear Colleague letter requires schools to distribute

information to students about the their rights under Title IX, to appoint a Title IX

coordinator to address complaints of sexual harassment and sexual assault, and to

craft and publish their grievance procedures that can assure students of "prompt

and equitable" resolutions of their complaints (Sieben 2011). The 2011 Dear

Colleague letter requires universities to use a "more likely than not" standard of

evidence and not the "clear and convincing" standard that some universities may

have been using.

The Dear Colleague Letter of April 24, 2013 also makes it clear that if

universities retaliate against students who bring civil rights problems to the

attention of university administration they will be in violation of federal law.[42] A

University of North Carolina student, Landen Gambill, filed a complaint with the U.S

Department of Education Office of Civil Rights in which she alleged that the

university "routinely violated the rights of sexual assault survivors and failed to

assist them in recovery after the reported abuse" (Kingkade 2013c). The University

of North Carolina sent a warning to Gambill that she may have violated the school's

honor code for "disruptive and intimidating behavior" against her alleged rapist and

informed her that she faced possible expulsion if the honor council found her guilty.

Gambill had never named her alleged attacker publicly but if the university's

disciplinary committee had found her guilty of disruptive and intimidating behavior,

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[41] http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104_pg2.html
[42] http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.html#ftn2

she faced disciplinary measures. Punishments for honor code violations at the University of North Carolina may include suspension, expulsion, grade penalties and community service, among other options (Kingkade 2013c). Gambill then filed a new complaint with the U.S. Department of Education's Office for Civil Rights. In the new complaint she claimed that the university retaliated against her by threatening her with a possible honor code violation for speaking out against the university's handling of sexual assault cases on campus (Kingkade 2013e). UNC-Chapel Hill Chancellor Holden Thorp then asked the honor council to suspend the charges against Gambill (Kingkade 2013f). As a result of these types of retaliatory disciplinary measures and other forms of gender discriminatory behavior by campus administration and others, students may be reluctant to report an attack to university officials or to the police.

Under Title IX a campus rape victim may file a campus report and a police report at the same time, she can expect to report sexual violence to campus administration officials without fear of retaliation, and she can expect to see university administration officials taking steps to end sexual violence on her campus. In line with Title IX requirements university administration officials advise students to approach them in the event of being raped, but the fact that many students do not do so signals an institutional failure that warrants investigation.

Despite the fact that Title IX has instituted safeguards for women to report the violence they suffer without fear of retaliation and with the expectation that the university will work towards creating a safe, non gender discriminatory environment on campus, women who experience violence may often not tell anyone

at all about their experiences (Murray and Kardatzke 2007: 83). Those who do speak about the sexual violence they have experienced are more likely to share their experiences with friends than with police or counselors (Murray and Karatzke in Sudderth, Leisring and Bronson 2009-2010: 56). Of those who did tell someone, 66% told friends but not family or school officials. Of those who sought help following the violence, 75% sought help from a friend rather than from a professional (Sable, Danis, Mauzy and Gallagher 2006: 158), which suggests that women are reluctant to approach police and mental health professionals. Angie Epifano's experience, which I will recount below, suggests that women experience a real problem in the way in which police and mental health professionals treat them when they access both institutions of justice within universities as well as health care institutions.

Federal government guidelines with regard to campus rape are also not above criticism: there is a contradiction between the Office for Civil Rights' goal to end gender discrimination in higher education and their objective to treat alleged perpetrators of sexual violence and their victims fairly. The Dear Colleague Letter, published by the Office for Civil Rights, recommends allowing both the alleged perpetrator and complainant to produce character witnesses at a hearing in the interests of "fairness."[43] It is ironic that in the interests of "fairness" disciplinary committees actually prop up the very gender discriminatory environment that made the sexual violence possible in the first place. This is because character witnesses, especially as they apply to the complainant, are damaging regardless of whether

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[43] http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf

those witnesses provide good or bad testimonies about her. A gender discriminatory environment makes it more likely that witnesses may draw on a complainant's sexual history in giving testimony about her character, whether they do so directly or indirectly. If the complainant has a sexual history that witnesses disapprove of and they deem her to be of bad character this in no way detracts from the fact that she may be a victim of an alleged crime. It is no better if witnesses speak well of her. Even 'good' opinions are actually dangerous because individuals usually construct them within a gender discriminatory social context that is characterized by oppressive gender norms, and these 'good' opinions serve to perpetuate those norms for the victim and other women. Opinions informed by oppressive gender norms reinforce the pressure on the victims, who are overwhelmingly women, to worry about the way in which potential witnesses will assess their character. The wider social repercussion of such a practice is that it fosters an oppressive gender discriminatory social environment in which all women develop heightened awareness about the way in which others assess their character. This may lead women to police themselves in line with gender discriminatory practices and to blame the victim in cases where she does not conform to oppressive gender norms. In this way, members of disciplinary committees indirectly re-inscribe the gender discriminatory environment that enables sexual violence.

The Clery Act is a federal law that requires all universities and colleges that receive federal aid to report on their annual crime rates that include crimes of sexual violence in an accurate and timely manner (The White House Council on Women and Girls 2014). Universities tend to undermine the scope of the problem

by, among other things, just focusing on rapes that women report (Sanday in Wilkerson: 1999). Universities may also undermine the scope of the problem by mislabeling sexual assault as a lesser injury, as a recent case at the University of Southern California (USC) demonstrated. A student at USC wondered in May of 2013 why, after she had filed a report of sexual assault in March of 2013, neither the Los Angeles Police Department nor the school's Department of Public Safety had contacted her regarding her experience. Upon investigation, she found that the Department of Public Safety at USC had mislabeled her report of sexual assault as an "injury response." According to the student, campus police told her that the crime was not a rape because her assailant did not orgasm (Kingkade 2013h). She subsequently filed a complaint with the U.S. Department of Education against USC for violating the Clery Act. This case illustrates that universities frame the problem of sexual assault in ways that play to their advantage while clearly discriminating against victims of sexual assault.

Melinda Manning, a former dean of the University of North Carolina at Chapel Hill confirms that universities are reluctant to label a case of sexual assault as sexual assault. Manning recounts how the University of North Carolina at Chapel Hill also showed a reluctance to classify an assault as a sexual assault. She told America Tonight, "I think we were reluctant to classify an assault as a sexual assault because it would be accounted in official numbers……. We absolutely put much more emphasis on preventing plagiarism than preventing rape. That was reality." (Manning in Khan 2013). In this way, universities may undermine the scope of the

problem of campus rape, and aid in creating a gender discriminatory environment on college campuses.

The problem of mislabeling begins even before a woman's college years. Middle and high school officials also distort information about sexual harassment or sexual assault in a comparable way. Murphy argues that in middle and high schools most cases of "bullying" involve girls, and most of the "bullying" takes the form of sexual harassment or sexual assault. Schools may be inclined to frame the problem as one of "bullying" so as to avoid using the term 'sexual harassment' or 'sexual assault', terms that, if used, may open them up to liability and exposure. If schools refer to these cases as "bullying" and then do all the wrong things in addressing the problem, they have what Murphy calls, "virtually perfect immunity". In this way their liability and exposure diminishes significantly (Murphy 2012).

The problem that Wendy Murphy refers to as the "liability disparity" suggests that should campus rape victims attempt to seek justice from their university's administration, they suffer a little known yet clear disadvantage compared to their assailant (Murphy 2012). Murphy argues that if a university does nothing for the victim who reports sexual assault, it is at a lower risk of liability. Should universities "over-punish" the respondent in sexual assault cases they are at a far greater risk of the complainant suing them. This makes it cheaper for schools to do nothing for the victim than to punish the perpetrator and then face a far greater possibility of the perpetrator bringing a lawsuit against the school. This built-in liability disparity then creates a further challenge to campus rape victims reporting their assault.

Another very effective strategy that university administrations used to thwart a campus rape victim's attempts at obtaining justice was by running out the clock on her report. In those cases, university administrations would deliberately schedule the case to be heard when the victim (and likely her assailant too) would be due to graduate (Murphy 2012). This meant that if the university did not find the alleged perpetrator guilty the victim would be less inclined to continue to fight for justice because she would have graduated and likely left campus. This was a win-win situation for the alleged perpetrator and the university – the alleged perpetrator could get off lightly because the timing of the hearing precluded his victim from filing an appeal against any decision the administration made that favored him and the university benefitted from being able to artificially reduce the number of rape cases on its campus. The Dear Colleague Letter now provides clear time frames within which universities must deal with students' reports of sexual assault.

The recent spate of cases in which campus rape victims file complaints against their universities for failing to adequately address their reports of sexual violence may be evidence that university administrations may be less successful than they were previously at silencing campus rape victims. From receiving 17 complaints in 2012, the Department of Education's Office for Civil Rights received 30 in 2013. The OCR currently has 39 investigations against universities for violating Title IX (Grinberg 2014).

Individuals with Social Roles and Individuals with Institutional Roles

The problem of underreporting is often not the result of a victim's lack of access to institutions of justice, because access is, in principle, open to all; rather it is that family members and friends (individuals with social roles) and campus police, university administrators, university counselors, hospital staff etc. (those with institutional roles) thwart a victim's efforts to obtain justice, whether they do so directly or indirectly.

I draw on the ways in which individuals within both groups interact with campus rape victims to highlight how all encompassing a victim's sense of isolation can be. The nature of these interactions may make the campus rape victim feel isolated and vulnerable before strangers a well as those she considers her friends and family. The way in which those with social roles and those with institutional roles attempt to thwart a victim's efforts to obtain justice may vary in some ways and share some features in common.

Both those with social roles and those with institutional roles may lack training in or attentiveness to the gender discriminatory nature of campus rape. Both individuals with social roles and those with institutional roles may also directly or indirectly thwart a victim's attempt at obtaining justice by subscribing to rape myths. Rape myths refer to "attitudes and generally held beliefs about rape that are widely and persistently held, and that serve to deny and justify male sexual aggression against women" (Lonsway and Fitzgerald 1994: 134 in Talbot, Neill and Rankin 2010: 171). For example, the myth that women are sexual 'gatekeepers' in their interactions with men may even result in some rape victims blaming

themselves for their victimization (Bridges 1991 in Talbot, Neill and Rankin 2010: 173).[44]

Women tend not to report a rape when it does not involve any other type of physical violence, and some researchers have tied this underreporting to stereotypical beliefs about a rape including severe physical injury. Individuals who subscribe to the myth of rape always involving severe physical injury believe that severe injury is "evidence" that the woman valiantly fought back, and this gives them reason to view her sympathetically her for being attacked. For example, Bill Napoli, a Republican South Dakota representative, argued that the only case in which abortion might be justified would be if there "would be a rape victim, brutally raped, savaged. The girl was a virgin. She was religious. She planned on saving her virginity until she was married. She was brutalized and raped, sodomized as bad as you can possibly make it, and is impregnated." (Napoli in Valenti 2009: 14) When individuals with institutional roles propagate the myth that rape must include severe physical injury, rape victims whose rape did not involve severe physical injury may hesitate to report the assault.

It is because individuals with institutional roles and those with social roles propagate these myths about what a quintessential rape looks like that we see such serious underreporting - 43%-73% of women do not label their experience as rape, even when it fits the legal definition of rape (Sudderth, Leisring and Bronson 2009-

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[44] According to Talbot, Neill and Rankin, myths surrounding rape fall into one of three broad categories all of which work towards thwarting the rape victim's attempt at obtaining justice. The first category involves blaming the victim. The second category involves excusing the rapist from responsibility for the rape and the third category of myths justify the assault (Johnson *et al* 1997 in Talbot, Neill and Rankin 2010: 172).

2010: 57). In this way, both individuals with institutional roles and those with social roles may directly and indirectly thwart a rape victim's attempt at obtaining justice.

Male rape victims tend to be even more reluctant to report being raped. A study in the U.K. found that 79% of male rape victims did not seek help after the attack, and only 15% reported the attack to police (Sable, Marjorie R., Fran Danis, Denise L. Mauzy and Sarah K. Gallagher 2006: 158). Male victims underreport rape because rape is a gender discriminatory crime that typically claims female victims. Sjoberg and others have made the argument that men's fear of being raped is at root men's fear of being feminized (Sjoberg 2006; Oliver 2007). Male rape victims also carry the added burden of others judging them to be gay (Sable, Marjorie R., Fran Danis, Denise L. Mauzy and Sarah K. Gallagher 2006: 157). When men fear reporting being raped (or being judged gay) one of the things they fear is society ascribing a female identity to them. Bearing a female identity brings with it other forms of disadvantage that these men may also want to avoid. The way in which social institutions construct shame and silence around the issue of rape prevents both male and female rape victims from reporting the crime.

When individuals with institutional roles subscribe to rape myths this shapes their behavior *as representatives of those institutions* towards the rape victim and their behavior in turn serves as a representation of the institutional practices of the university or hospital they hold positions within. Rape victims often interact with representatives of various social institutions who subscribe to one or another rape myth, and these representatives' belief in these myths shape their behavior towards the rape victim, often silencing her. For example, 70% of police officers, doctors,

lawyers and counselors in one Singapore study believed that women provoke rape through the ways in which they dress (Du Mont and Parnis 1999; Moor 2010).

Rape myths serve different purposes, depending on the gender of the person subscribing to them. When men subscribe to these myths they may believe that the rapist bears diminished responsibility for the rape. When women subscribe to myths that hold the victim accountable for the rape, they may experience a false sense of security if they believe that they do not share the relevant "rape-prone" characteristics with the victim. In this way both individuals with social roles and those with institutional roles contribute to the continued prevalence of rape on college campuses (Talbot, Neill and Rankin 2010: 172).

One difference between those with institutional roles and those with social roles is the following: individuals with institutional roles may shape their behavior towards a rape victim in line with the constraints of their office and their efforts at maintaining a good public image for the university or for themselves as professionals within these institutions. Individuals with social roles, unlike those with institutional roles, may directly or indirectly silence a rape victim because their encounter with a rape victim may generate feelings of inadequacy or shame if they understand their social roles to include certain responsibilities like protecting the victim from assault. For example those that have personal involvement with the victim like a father or husband may experience shame or a sense of inadequacy that they were unable to protect the victim from the attack.

Both individuals in social roles and those in institutional roles may want to believe that the world is a just place, and that "people get what they deserve and

deserve what they get" (Idisis 2007 in Shen 2011: 23). On this view the world is a

safe and protected place and the victim must have deserved what happened to her.

When we perceive the level of harm to the victim as high, our own fear that 'this

could happen to me' also rises. In this situation, individuals with social roles and

individuals with institutional roles may blame the victim and convince themselves

that they would have acted differently, such that someone would not have raped

them. This then gives individuals who interact with the rape victim a(n albeit false)

sense of safety, as well as a sense of control over, and protection from, traumatic

events (Idisis in Shen 2011: 37).

One of the reasons then that both individuals with social roles and those with

institutional roles may blame the victim for the rape is because the very fact of

having to encounter a rape victim heightens their sense of vulnerability to suffering

a similar attack. Blame may take the form of finding fault with the victim's character

(e.g. people may blame the victim for being promiscuous) or for her behavior (e.g.

people may blame her for drinking or walking home late) (Shen 2011: 20). When

encountering their own vulnerability to rape, shaming the victim may be a defense

mechanism through which various individuals try to avoid confronting that

vulnerability. In an attempt to mitigate their sense of their own vulnerability more

generally or to rape in particular, individuals try to create a distance between

themselves and a crime victim. Their need to create this distance leads to

rationalizations that justify the rape, and these rationalizations emerge from, and in

turn reinforce, myths that enable them to do this. When these individuals displace

their own feelings of inadequacy or shame onto the victim, they contribute towards silence around the issue of campus rape.

Brené Brown describes the process of distancing oneself from those who have suffered trauma thus: when Brown's husband was in his residency he often came home and shared with her stories of "dangerous deliveries, dying babies and grieving families." (Brown 2007: 149) Brown admits that when faced with these stories, and her own pregnancy at the time, her instinct was to look out for some difference that would distance these suffering people from herself. She would look for differences in their race, their income level, their potential drug use, their access to prenatal care and possible genetic problems they had. Finding some difference between herself and those who suffered made her less fearful that someone like her would endure similar suffering (Brown 2007: 150). Brown argues,

> It's hard. We don't want to connect with people who are in pain, especially if we believe they deserve their pain or if their pain is too scary for us. We don't want to reach out. It feels risky. Just by associating with them, we could either end up in the same "other" pile or be forced to acknowledge that bad things happen to people like us (Brown 2007: 151).

While Brown relates her response to victims who suffered the trauma of dangerous childbirth and the death of newborn infants, Janoff-Bulman argues that individuals react in much the same way when confronted with other trauma victims, including rape victims (Janoff-Bulman 1992).

To sum up the argument of this section, institutions of justice are part of a wider range of *social* institutions that include, among others, the family, police force and medical personnel that, while not adjudicating disputes, are supposed to serve as resources for victims of campus rape. The gender discriminatory behavior of

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those with institutional roles within these institutions makes victims' actual and meaningful access difficult, if not impossible. When campus rape victims do follow prescriptions laid out by university administrators to report an assault, they face challenges from, among others, campus sexual assault counselors, university administration and medical personnel. In all these ways, those with institutional roles as well as those with social roles may thwart a rape victim's efforts at obtaining justice, whether they do so directly or indirectly. This is why I argue that victims have access to institutions of justice but this does not always guarantee them access to justice.

Individuals with Institutional Roles

Even before any legal or disciplinary proceedings are underway, individuals with institutional roles who interact with the victim thwart her efforts to obtain justice, whether they do so directly or indirectly. Their lack of training in or attention to the gender discriminatory nature of campus rape, their efforts at maintaining a good public image for the university or for themselves as professionals may also shape their behavior towards campus rape victims in ways that directly or indirectly thwart her efforts to obtain justice. The way in which some individuals with institutional roles treated Angie Epifano, an Amherst campus rape victim, illustrates the lack of training in and attentiveness to the gender discriminatory nature of campus rape that some individuals who perform institutional roles display.

An acquaintance allegedly raped Angie Epifano in Crosset Dormitory on

Amherst College campus on May 25, 2011. After trying to hold things together for

close to a year after the assault, and before counseling services referred her to the

psychiatric ward, Epifano approached the campus sexual counselor, and in Epifano's

words, this is what the counselor allegedly said to her,

> No you can't change dorms, there are too many students right now.
> Pressing charges would be useless, he's about to graduate, there's not
> much we can do. Are you SURE it was rape? It might have just been a
> bad hookup...You should forgive and forget (Epifano 2012).[45]

Epifano goes on to say,

> I was continuously told that I had to forgive him, that I was crazy for
> being scared on campus, and that there was nothing that could be
> done. They told me: We can report your rape as a statistic, you know
> for the records, but I don't recommend that you go through a
> disciplinary hearing. It would be you, a faculty advisor of your choice,
> him, and a faculty advisor of his choice in a room where you would be
> trying to prove that he raped you. You have no physical evidence, it
> wouldn't get you very far to do this (Epifani 2012).[46]

When Epifano expressed suicidal thoughts in counseling she was almost

immediately escorted into an ambulance that took her to Cooley Dickinson's

Emergency Room. There, Epifano says,

> The doctor was skeptical to say the least: I really don't think that a
> school like Amherst would allow you to be raped. And why didn't you
> tell anybody? That just doesn't make any sense...Your anger and

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[45] Joanna Espinosa's is another recent case in which administrators' first instinct was to disbelieve her when she reported that her now ex boyfriend had raped her during their relationship. In her case university administrators at the University of Texas-Pan American suggested that she was "acting out as a spiteful ex-girlfriend" (Grinberg 2014).

[46] Epifano's experience echoes that of a sophomore at Emerson College who reported a sexual assault to campus administrators only to be told not to make a big deal of it. The student subsequently filed a federal complaint against the school (Kingkade 2013i) http://www.huffingtonpost.com/2013/10/08/emerson-sexual-assault_n_4059083.html

sadness right now seem unfounded and irrational, someone your age
should not be this sad – it's not normal. We'll be admitting you in a
few minutes, they'll take good care of you. They'll get you some drugs
and they'll make you feel happy again…If you don't willingly enter
we'll have a judge issue a court order legally forcing you to stay there.
Trust us, this is for your own good (Epifano 2012).

In this example we can see that both the campus sexual assault counselor and

the doctor attempted to silence Epifano and prevent her from reporting the rape to

campus (or indeed city) police. The counselor also delegitimized Epifano's

experience by questioning whether she was sure that it was rape, and by suggesting

that it could have just been a "bad hook-up." In this way she blurred the distinction

between consensual sex and rape. When individuals with institutional roles,

perhaps through lack of awareness of the gender discriminatory nature of campus

rape, blur the distinction between rape and consensual sex, women may refrain

from reporting a rape because this may reinforce doubts they may have had about

whether what happened to them was in fact "criminal." (Sudderth, Leisring and

Bronson 2009-2010: 57).

It is alarming that some medical personnel contribute to silencing rape

victims when rape victims not only rate their current health status lower than non-

victims do, but they also have more health problems when compared to victims of

other types of crimes (Campbell, Sefl and Ahrens 2003: 90). The doctor

delegitimized Epifano's experience by questioning whether the rape happened at all,

and by arguing that a school like Amherst would not allow anyone to rape one of its

students. In saying this, he affirmed the positive public image of the university

despite the fact that he was confronted with a student's report of a personal

experience of rape on the campus. He also cast doubt on her story by asking why

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she did not tell anyone, as though the only truths are those that we immediately

make public. The reality is that not all victims of sexual assault report their

experiences immediately. In one study of 155 survivors of sexual assault, Sarah

Ullman found that only 34% reported the assault immediately. A full 29,2% delayed

telling anyone about the assault, and 4, 9% of victims waited a full year before

telling anyone of the assault (Sudderth, Leisring and Bronson 2010: 59).[47] The

doctor brought into question her rationality by declaring that her anger and sadness

were "unfounded and irrational." Likewise he cast doubt on her right to feel angry

and sad by declaring her sadness "not normal." It is not at all clear why he would

have expected a rape victim to be anything *but* sad and angry at what happened to

her. The doctor demonstrated a clear lack of awareness of gender discrimination

and a lack of sensitivity in interacting with a rape victim, both of which may be

addressed through appropriate training.

     Individuals with institutional roles within the medical establishment exercise

power when they define the boundaries of what is normal (Foucault 1965).[48] When

they exercise this power to label rape victims abnormal they may discourage victims

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[47] Male victims of sexual assault are even more unlikely than are female victims to report the incident. A U.K. study of 115 male survivors of sexual assault found that 79% sought no help after the assault, and only 15% reported the assault to police. The mean time that passed before these men sought care was 7,3 years for those who were assaulted when they were 16 years of age or older (Sable, Danis, Mauzy and Gallagher 2006: 158).

[48] Foucault argues that what we take to be naturally occurring categories, for example, the category of those with mental illness, are really not naturally occurring categories at all. Instead, individuals with power made conscious decisions about who would be included in that category and who would be excluded (Foucault 1965). Our conception of what is normal is likewise not naturally occurring – individuals exercise power in ways that include and exclude others from the category of what is normal.

from attempting to obtain justice. It is important to remember that medical personnel construct their definition of what is normal with a particular, oftentimes ideal subject in mind, and this ideal subject does not reflect most people's realities. As Young argues, in the reality of all our lives we move into and out of stages of dependence – e.g. from total dependence in infancy, temporary disability due to illness or accident in youth or middle age, to partial or total dependence in old age (Young 1990).

People tend to view individuals who are committed to psychiatric care as having deviated from the norm of mental health, and they tend to view this deviance as a source of shame. When medical personnel commit rape victims to psychiatric care these victims lose their public reputation, they are cast as being among those who hitherto were, but no longer are, 'normal' and their standing in the world is diminished. Medical personnel drugged Epifano, and locked her into a psychiatric ward, and monitored her in much the same way that prison wardens incarcerate and monitor prisoners. In this way, medical personnel may treat campus rape victims as though the victims rather than the rapists are the criminal elements on campus. They may shame rape victims into silence by treating them as being abnormal or unhealthy, thus diminishing their confidence in their judgment about what happened to them, and also weakening their resolve about whether and if so how they should proceed to address the injustice they have suffered. While it is not routine for medical personnel to commit all rape victims to a psychiatric ward, it is not uncommon for medical personnel to raise doubts about whether the victim is giving an accurate account of her experience.

Pathologizing rape victims is not confined to college campuses. In an interview with Ellen Cole, Phyllis Chesler details how female psychiatrists at the National Institute of Mental Health and naval officers are ordered to go for psychiatric treatment when they allege that a colleague has harassed them or has discriminated against them on the basis of sex. Likewise, mothers who allege that fathers are sexually abusing their children can lose custody of their children and medical personnel may labeled them with psychiatric diagnoses like Borderline Personality and Munchausen's Syndrome by Proxy (Cole 1995: 4). Munchausen's Syndrome by Proxy is defined as a type of child abuse in which "a parent induces real or apparent symptoms of a disease in a child."[49] Borderline Personality refers to a "consistent pattern of functioning and behavior characterized by instability and reflecting a disturbed psychological self-organization."[50]

When university administration officials pathologize rape victims they may be doing so as one way of maintaining or raising their college rankings. This is because university administrators may experience a conflict of interest between maintaining or raising their college ranking and being impartial in addressing cases of campus rape. Stakeholders within colleges have a vested interest in projecting their campuses as safe, because campus safety is an important consideration for students and their parents when they ponder on which colleges they should apply

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[49] A.D.A.M. Medical Encyclopedia
http://www.ncbi.nlm.nih.gov/pubmedhealth/PMH0002522/
[50] Pubmed Health
http://www.ncbi.nlm.nih.gov/pubmedhealth/PMH0015312/#ch2.s1

to.[51] If a college campus acquires a reputation of being unsafe, parents and friends will likely discourage prospective students from applying, students may not want to go there, and the college will see a decline in applications. Fewer students would mean diminished revenue from student fees, and this would have detrimental financial consequences for the university. In light of these considerations, stakeholders may be motivated to suppress information about campus rape. In this way, when university administrations prioritize the institution's financial health, they may end up suppressing information about rape on their campuses and thereby compromise students' awareness of the problem and relatedly, their on-campus safety.

University administrations' concerns about revenue may also be the reason why they may be inclined to grant privileges to members of sports teams – sports teams generate high revenues for the university. College sport is so privileged that one university administrator told a rape survivor that "rape is like football" and asked her to look back at the "game", and reflect on what she would have done differently if she were the quarterback (Clark 2013). The way in which universities privilege sports teams and players is also evident in the contrast between the way in which the University of Notre Dame responded to the suicide of a student who killed herself ten days after she alleged that a football player had sexually assaulted her and the way in which Notre Dame's administration responded to news that one of their football players had suffered a hoax in which his fake internet girlfriend had

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[51] U.S. News is one news agency that uses, among other indicators, assessments by administrators at peer institutions, financial resources and student retention rate when ranking colleges (Morse and Flanagan 2012).

died. While investigators only interviewed the football player accused of rape five days after the alleged campus rape victim committed suicide (which was a full fifteen days after the alleged attack) Notre Dame's athletic director showed public support for the football player who had suffered a hoax soon after the news broke and even hired investigators to look into the hoax (Kingkade 2013l).

Shen argues that institutional reactions to rape on college campuses are "crafted, conscious responses" that "aim to maintain institutional integrity, avoid legal culpability, and prevent changes that would disrupt present operations", thereby making institutional responses a form of damage control rather than a coping mechanism (Shen 2011: 69; Murphy 2012) or a transformative tool. Both Shen and Murphy argue that in their attempt at orchestrating damage control and diminishing the negative impact of public attention on their behavior, universities may even create confusion quite consciously about resources for rape victims or the procedure victims should follow for redress (Shen 2011: 69; Murphy 2012). In this way universities may quite consciously attempt to diminish publicity about the prevalence of rape on their campuses.

Publicity about campus rape at their institution may also draw attention to various stakeholders' failure as individuals under whose watch the rape happened, and this may incentivize those with institutional roles to silence campus rape victims. To this end, individuals with institutional roles are prone to dissociate asocial behavior from the perpetrators and to attribute it, in many cases, to the rape victim (Sanday in Wilkerson 1999). When individuals with institutional roles silence campus rape victims and deny her justice with a view to projecting a safe image of

their campus or protecting their own professional image, justice for the victim becomes a casualty of these conflicts of interest university administrators face between adequately addressing incidents of campus rape, promoting a safe image of their campus to prospective students and maintaining their own professional image.

Campus administrators can deter women from reporting a rape by failing to adequately punish the perpetrator. For example, a student at Yale University alleges that even though the university found her assailant responsible for "sexual harassment" and "sexual misconduct in the form of intimidation" and suspended him for a semester, the fact that his suspension came into effect in the last week of the spring final exams and he was given 72 hours to leave campus meant that he was in effect suspended for one day only. The university informed the campus rape victim via email that her assailant would be back on campus to take summer classes. One result of administrators refusing to take serious action against male offenders within their student body is that they deter victims from filing reports with the university. In the words of the Yale University student, "Yale is actually terrible with their penalties and I feel like a lot of verdicts lack any teeth….And I believe it's actually discouraging other people from filing reports." (Kingkade 2013d)[52] A second result is that by failing to adequately punish perpetrators, university administrators promote male privilege, with the result that female students do not experience the same sense of belonging on campus as their male counterparts do, and they cannot enjoy the same social opportunities as their male peers (Sanday in Wilkerson 1999). If female students do not experience the same sense of belonging

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[52] http://www.huffingtonpost.com/2013/08/23/yale-sexual-assault-punishment_n_3786885.html

as their male counterparts they will likely not avail themselves of the rights they in principle have, for example, a right to demand a safe campus. A third consequence of campus administrators failing to adequately punish perpetrators is that male students may get a sense that they can commit rape with relative impunity.[53] This is not to say that I believe that conviction alone is sufficient to prevent rape – as other feminists have argued, preventing rape requires a restructuring of gender relations (Nedelsky 2011; Hirschmann 2003; MacKinnon 1997).

Campus administrators can also deter a woman from reporting a rape by re-victimizing the survivor. In one recent case, University of North Carolina (UNC) administration threatened a student with "intimidating" her alleged rapist by going public with her assault and with the way in which the school handled her complaint (Kingkade 2013c)[54] Bohmer argues that some campus administrations have, in the past, charged rape victims with underage drinking or filing a false complaint against the victim if she subsequently drops charges (Bohmer 1993: 134-135). The Dear Colleague Letter of April 4, 2011 makes it clear that schools should take into consideration that drug and alcohol use may deter victims from reporting sexual violence and encourages schools to address alcohol or drugs use separately from the victim's allegations of sexual violence.[55] Stipulating that schools should address the complainant's report of sexual violence separately from her drug or alcohol use may

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[53] In one study, 7% of male students admitted to committing rape or attempted rape. Of these, 63% admitted multiple offenses, which averaged 6 rapes each (The White House Council on Women and Girls 2014: 14).
[54] http://www.huffingtonpost.com/2013/02/25/unc-sexual-assault-survivor_n_2760097.html
[55] http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf

be insufficient to allay a student's fears that by reporting sexual violence, she may still run the risk of being charged with underage drinking or drug use.

There is a noteworthy difference in the way that Amherst College handled Angie Epifano's case in February 2012, and the way in which Vanderbilt University handled the case in which four of their football players allegedly raped a female student in a dormitory on June 23, 2013. While Amherst College, on Epifano's account, handled her report of rape in an overwhelmingly negative way, Vanderbilt University officials acted swiftly when they suspected that Vanderbilt University football players had possibly raped a student in a dorm room. They noticed that the football players' behavior was suspicious in a surveillance video taken in the university's Gillette House dormitory and notified campus police two days later on June 25. Campus police contacted Nashville's sex crimes unit on June 26 and the university dismissed the four players soon after on June 29 (Burch Jr. 2013). We may explain the difference in the way the two universities handled allegations of sexual violence on their campuses by pointing to the fact that first, the Dear Colleague Letter dated April 4 2011 outlined explicit guidelines that universities should follow when faced with allegations of sexual violence. By June of 2013 one would expect that campus administrations all over the country would have brought their handling of rape cases in line with the April 4, 2011 letter. Second, a number of media outlets had publicized the scandalous responses of university officials in several highly ranked universities to allegations of rape on their campuses. This media coverage may have served to caution other university administrations, including the one at Vanderbilt University, to provide a more adequate response to

campus rape on their campuses. Third, college students across the country held

protests against sexual violence on their campuses and vigils in support of campus

rape victims (Storrow 2012; Culp-Ressler 2013, Haas 2013). The difference in the

way the two universities handled allegations of sexual violence on their campuses

points to the necessity for the federal government to lay down explicit guidelines for

schools to follow in the event of allegations of sexual violence on their campuses, the

importance of the media raising awareness around sexual violence, as well as the

significant role that student activism plays in raising awareness and voicing dissent.

When individuals with institutional roles lack training in or are less attentive

to the gender discriminatory nature of campus rape, are overly concerned with

maintaining a good public image for the university or for themselves as

professionals and/or subscribe to rape myths this may shape their behavior

towards campus rape victims in ways that directly or indirectly thwart those

victims' efforts to obtain justice.

Conclusion

To sum up the argument of this chapter, I illustrated the problem presented

by campus rape victims underreporting their experience. I then argued that key

social institutions like the family, medical institutions, law enforcement and

universities are inadequate to the task of addressing campus rape. I argued that

even before any legal or disciplinary proceedings are underway, individuals with

social roles such as friends and family of victims or individuals with institutional

roles like campus police, medical personnel or stakeholders in their various

capacities within the university who interact with the victim may thwart her efforts to obtain justice, whether they do so directly or indirectly. For example, individuals with institutional roles like medical personnel sometimes display gender discriminatory behavior towards campus rape victims and campus officials are under pressure to squash rape statistics on their campus for fear of losing their college ranking or jeopardizing their professional reputations. When individuals in both social and institutional roles encounter a rape victim they may experience a heightened sense of their own inadequacy or shame in being unable to protect her, or their own vulnerability to rape, and this fear prompts them to distance themselves from the rape victim, and to subscribe to victim blaming myths.

The contradiction in our reality is that while we express outrage at individuals blaming rape victims for being attacked, we also, on a daily basis, because of various self-interested concerns, distance ourselves from rape victims, thereby creating an isolating experience for them. If we recognize that most of us will experience trauma or losses that others may find frightening at some point in our lives, and that may lead others to distance themselves from us, we may be better able to fully embrace our common human vulnerability together with survivors of all kinds of trauma, including rape. Embracing our common human vulnerability is the first step towards revisiting the ways in which we, as individuals with social roles or individuals with institutional roles, construct shame that, when associated with rape, is just as problematic outside of the legal context as it is within it. Most importantly "we need to put responsibility where it lies: on men who violate

women, and on all of us who let them get away with it while we point accusing

fingers at their victims." (Abdulali 2013)

Chapter 5

Some U.S. College Campuses Share Features of a Shame Culture

Introduction

As we saw in the preceding chapter, shame is one of the three leading

barriers to victims reporting rape (Sable, Danis, Mauzy and Gallagher 2006: 157)

and one of the mechanisms that various social actors use to silence campus rape

victims. The fact that U.S. college campuses share features of a shame culture results

in the rape victim not wanting to proceed with reporting the rape, and her not doing

so shows up the inadequacy of the social institutions that are tasked with

supporting the rape victim in her search for justice. Yet the role that shame plays in

this silencing is under-theorized and relatedly, underestimated.

With regard to shame, individuals in social roles and those in individual roles

may perpetrate a triple injustice against campus rape victims. First they may

attempt to silence campus rape victims through shaming them. To the extent that

individuals within the U.S. culture in general, and within college campuses in

particular, underestimate the role that shame plays in attempting to silence campus

rape victims, it will be difficult for campus rape victims to speak against the injustice

they have suffered. Second they may deny that shame even has the ability to silence

these victims by arguing that shame really does *not* have this power in a society in

which shame has been "outted" and is now hypothetically much more amenable to

therapy. Third, they may focus almost exclusively on foreign cultures like those of

Afghanistan or Pakistan as being shame cultures, and this deflects attention away

from the role that shame plays in silencing victims of campus rape right here in a western liberal democracy like the U.S. (Song 2007). This diversionary tactic further hampers the effort to address campus rape.[56]

I argue that we must acknowledge the dangers of what appears to be a shame culture in operation on U.S. college campuses. It is important that individuals with social roles and individuals with institutional roles acknowledge the part that shame plays in silencing victims of campus rape before individuals in both groups can effectively intervene in their own and others' use of shaming as one gender discriminatory practice that reinforces a wider and more systemic set of gender discriminatory practices that may thwart a victim's efforts at obtaining justice. As a first step in theorizing about the role that shame plays in silencing campus rape victims, I argue that the prevalence with which individuals use shame to attempt to silence campus rape victims suggests that the socially intense micro culture of the U.S. college campus environment shares features of a shame culture. To the extent that individuals in the wider context outside college campuses may construct and experience shame with regard to sexual assault, and to the extent that they subscribe to rape myths, the wider social context too shares features of a shame culture. In what follows I will limit my claims to U.S. college campuses and not the wider U.S. culture. For feminists who have troubled the simplistic distinction between majority and minority cultures, my argument that the U.S. college campus

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[56] Sarah Song argues that majority cultures use gender discriminatory practices that occur within minority cultures as a diversionary tactic to keep attention away from the gender discriminatory practices within the majority culture (Song 2007).

shares features of a shame culture provides one more instance in which this distinction is unjustified.

To make this argument I first argue that one of the mechanisms that various social actors use to silence campus rape victims is by shaming them. Second I argue that this puts the way in which the law uses shame to punish rapists at odds with the way in which various social actors use shame to silence the rape victim. Third I challenge the simplistic dichotomy between shame and guilt cultures. Fourth I outline a typology of guilt and shame cultures, and fifth, I use the typology of shame and guilt cultures that the anthropologist Edward T. Hall developed (1981), and that philosopher Gabriele Taylor appears to some extent to have adopted (1985), to argue that the U.S. college campus context shares key features of a shame culture.

Literature Review

Shame is an unpleasant emotion, affect, cognition or state that attends a feeling of inappropriateness, shortcoming, guilt, embarrassment, disgrace or unworthiness. In everyday life, shame functions to bring about or discourage certain forms of conduct - over several centuries, shame has come to regulate many areas of life, from blowing one's nose, to table manners and bodily functions. Interestingly, as individuals increased the scope of the issue areas that came under the purview of shame, their awareness of shame as a direct mechanism of social control decreased (Irvine 2009: 71).

In general, we tend to experience shame when we believe that we have done or thought something bad, or when others see us when we believe it is an intrusion

of our privacy and hence it is inappropriate for them to see us on that occasion

(Taylor 1985: 54). In experiencing shame, "the person concerned believes of herself

that she has deviated from some norm and that in doing so she has altered her

standing in the world." (Taylor 1985: 1) When an individual does something that

fails to meet the values that form a part of the code that society engenders, that

individual loses honor in her society. To lose honor is to lose public reputation

(Taylor 1985: 54). To lose honor is often accompanied by shame, as much as to be

shamed is to lose honor. For example, when an individual is observed looking

through the keyhole of a door she feels shame, but in being observed looking

through the keyhole she also loses honor by being revealed as someone who has

committed a dishonorable action.

Men and women construct and experience shame in ways that reflects

gender discrimination in society. Men who belong to a majority culture may

experience shame in response to an obvious and clearly identifiable shaming event,

but not as much in a pervasive, less easily identifiable way. Sandra Bartky argues

that even when individual women may not experience shame consciously as a

response to an obvious and clearly identifiable shaming event, they tend to

experience shame in a pervasive way. Women experience shame in a pervasive way

when what others deem what they say to be less important than what men say;

when others call on them to speak less than those others call upon men to speak;

when others ignore them even though they may express a willingness to speak;

when others ask them more factual questions while they may ask men questions

that require analytical and critical thinking; when their instructors adopt a

dismissive or patronizing attitude towards them and do not make eye contact with them as they speak, or when their instructors look at the clock when they speak while these same instructors assume postures of attentiveness and make eye contact with the women's male peers when the latter speak (Bartky 1990: 91). In light of these gender discriminatory practices, while it is true that both men and women feel shame, in Sandra Bartky's words,

> [W]omen are more prone to experience the emotion in question and that the feeling itself has a different meaning in relation to their total psychic situation and general social location than has a similar emotion when experienced by men. Some of the commoner forms of shame in men, for example, may be intelligible only in light of the presupposition of male power, while in women shame may well be a mar and token of powerlessness. (Bartky 1990: 84)

This is why those who oppose the gender discriminatory way various social actors construct shame, and who oppose the gender discriminatory consequences of the social construction of shame will likely also be concerned about the way in which shame silences campus rape victims, who are predominantly women.

Let me be clear that shame is not the only mechanism that individuals use to silence rape victims, but it is a statistically significant reason for why women may not report sexual violence. Studies show that a significant percentage of women cite shame and embarrassment as a reason for why they did not report the assault. In Thompson, Sitterle, Clay and Kingree's 2007 study, 53 out of 134 students who had suffered sexual assault cited shame and embarrassment as a reason for not reporting their victimization to the police – that is 39,6% of the sample size (Thompson, Sitterle, Clay and Kingree 2007: 280). A study conducted among 215 students by Sable *et al* revealed that among thirteen barriers to female rape victims

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reporting the crime, "shame, guilt, and embarrassment" tied with "fear of retaliation" as the leading barrier to students not reporting the violence. In a Likert scale in which a score of 5 was "extremely important" and a score of 1 was deemed "not important" female students in Sable et al's study assigned a score of 4 out of 5 for "shame, guilt and embarrassment" as a barrier to their reporting sexual violence (Sable, Danis, Mauzy and Gallagher 2006: 159).[57] Shame plays an important role in silencing victims of sexual violence, and the role this emotion plays in silencing victims warrants attention.

Other reasons that campus rape victims may not report an attack may include their wanting to avoid the stigma that is associated with being raped or they may fear that others will blame them for being attacked (Sudderth, Leisring and Bronson 2010: 57). They may not want the police to get involved or they may not want others to know that they have been attacked (Thompson, Sitterle, Clay and Kingree 2007: 279). Victims may also avoid reporting the attack because they want to avoid revisiting the humiliation they experienced during the rape.

I argue that the role that shame plays in silencing victims of campus rape is one reason why social institutions are unable to deliver justice to campus rape victims - it is because even when victims in principle have access to these institutions, various social actors within key social institutions may silence campus rape victims through shaming them, and campus rape victims, out of shame, may silence themselves. The way in which individuals within various social institutions construct shame around sexual violence places an unfair emotional burden on

[57] For male students the score was even higher - 4,8 out of 5 (Sable, Danis, Mauzy and Gallagher 2006: 159).

campus rape victims with the result that students who may have suffered rape or

sexual assault may feel too ashamed to admit to others, and sometimes even to

themselves, that someone has raped or sexually assaulted them (Sable, Danis, Mauzy

and Gallagher 2006: 157).[58]

The case of Angie Epifano, a student allegedly raped at Amherst College in

May 2011 illustrates the role that shame plays in silencing her as a rape victim.

> My Enlightenment occurred when I least expected it. Four days into
> the Ward, I was sitting in on an introductory Substance Abuse and
> Mental Health Rehabilitation meeting since there was absolutely
> nothing better to do……….As my fellow patients went around the
> circle it all suddenly clicked. I realized why I never spoke about the
> rape, why I had refused to tell my school friends, why I had totally
> broken down, why I had steadily degenerated over the past few
> months. I was ashamed, and because of this shame I could not begin
> healing. (Epifano 2012)

Epifano goes on to write,

> "Silence has the rusty taste of shame," a fellow survivor wrote…..I had
> been far too silent, far too ashamed…That night I told them
> everything…….For the first time I told my story and I was not
> ashamed. (Epifano 2012)

Common to individuals within both institutions of justice and those within

other social institutions is a gender discriminatory logic that operates to deploy

shame and blame in ways that may silence rape victims. For example, when

individuals who interact with the rape victim suggest that she may have consented

to what happened she may be shamed into silence rather than face the possibility of

being cast as promiscuous, confused, or worse, downright dishonest. Rape is the

most extreme invasion of our privacy, and when individuals who interact with a

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[58] Hirschmann makes the case for how society constructs stigma, shame and
responsibility in gender-biased ways that likewise prevents women from acting
against intimate partner violence (Hirschmann 2003: 113).

rape victim lead her to believe that as a result of having suffered sexual violence, she has deviated from some norm, and that others see her standing in the world as having diminished as a consequence, she may experience shame and be silenced as a result.

Shame at Cross Purposes

Nussbaum argues that there is a disconnect between the way in which the law uses shame to deter offenders and the way in which normative trends that emphasize value for human dignity and individuality are steering us away from stigmatizing and shaming people. This creates a tension between the idea that the law should shame malefactors and the idea that the "law should protect citizens from insult to their dignity" (Nussbaum 2004: 2). The issue for Nussbaum is for society to find ways "to protect the dignity of its members against shame and stigma through law." (Nussbaum 2004: 282) I agree with Nussbaum's insight that the normative goal of emphasizing human dignity is at cross-purposes with the legal objective of shaming criminals.

But I also see another way in which shame works at cross-purposes - the ways in which institutions of justice use shame in principle to shame criminals is at odds with how individuals within other social institutions, notably family members and university officials, may use shame to thwart a rape victim's efforts at obtaining justice. Campus rape is an issue area that allows us to see how shame - as individuals within institutions of justice deploy it to shame criminals - works at cross-purposes or at odds with the way in which individuals within other social

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institutions use shame to silence campus rape victims. These include but are not limited to universities and hospitals.

The entire rape experience is stigmatized, and the ways in which individuals within various social institutions give meaning to shame *outside* of institutions of justice, e.g. through stigmatizing instances of sexual violence *before* reports of that violence reaches the courts, obstructs the use of shame as a deterrent within institutions of justice. This is because people tend to see stigma as "something *in the person*" (Link and Phelan 2001: 366) that is stigmatized, instead of as something that others designate to the person concerned. Because of this, the word stigma directs our attention more to the person who bears the stigma instead of to those who do the discriminating (Link and Phelan 2001: 366). As a result, when individuals within various social institutions stigmatize sexual violence, victims may draw back from reporting the violence. If the victim does not report the violence, institutions of justice are unable to shame the perpetrator or hold him responsible for the attack. In this way, shame works at cross-purposes when it attaches not just to the perpetrator of a rape, but when it also attaches to the rape victim in a way that may thwart her efforts at obtaining justice.

There are two ironies to note in the tension created by the way in which individuals within institutions of justice deploy shame as a deterrent to crime and the way in which individuals within various other social institutions deploy shame to silence victims of sexual violence. First, it is ironic that the law oftentimes successfully uses shame as a deterrent precisely *because* other social institutions give force and meaning to shame as a deterrent outside of the legal context. Second,

it is ironic that individuals within universities and hospitals sometimes shame the victim when one would expect that they would seek to shame the rapist, much like institutions of justice shame and blame perpetrators as one way of deterring them and others from committing similar crimes.

Within the current legal framework, in which the law uses shame as a deterrent, I argue that individuals must be attentive to the ways in which they, as individuals with institutional roles and individuals with social roles attach shame to rape victims outside of and antecedent to the law. This is especially important because the ways in which individuals within these social institutions construct shame with regard to rape victims works at cross-purposes to the way in which institutions of justice construct shame with regard to rapists. This contradiction works against the possibility of campus rape victims obtaining justice, even when they, in principle, have access to institutions of justice. It also raises the question of whether shame serves as an appropriate deterrent to individuals perpetrating sexual violence when it also functions as a deterrent to victims reporting the crime such that when they do not report, the question of the justice system subsequently prosecuting rapists does not even arise. [59]

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[59] If legal institutions are to move away from shaming perpetrators of crime, it is not clear to me what an effective enforcement mechanism could be, but then, that is not the focus of this chapter.

The False Dichotomy of Shame and Guilt Cultures

I write in the spirit of Bernard William who argues that the very distinction between shame and guilt cultures is baseless, and that our modern views on emotions like shame and responsibility have not changed all that much from Homeric conceptions, putting to rest ideas of a "progress" in moral enlightenment from the time of Homer to Kantian ethics (Williams 2008).

Janice Irvine, a sociologist who works in the area of culture and sexuality studies, argues that beginning in the 1960s a number of social factors in the U.S. helped to transform the culture surrounding emotions, and sexual shame in particular, "from one of restraint to one of expressiveness" (Irvine 2009: 70). Despite the increasing scope of the issues to which society attached shame, the Human Potential Movement Activists, lesbian and gay activists, feminists, and Mary Calderone battled against sexual shame and worked to transform not only sexual politics but also "the culture of emotions," most importantly the way in which women experienced shame. Irvine argues that shame has, as a result of these movements, been "outted" and having been "outted" it is hypothetically much more amenable to therapy (Irvine 2009: 74). If there were any suspicions about American society being a culture characterized by shame, its newfound culture of greater expressiveness and the fact that shame is now trendy and amenable to therapy creates the impression that U.S. society cannot be characterized as a shame culture. Panichas goes so far as to say that there is, on the contrary, a culture of shamelessness in the U.S., and that "shame is a word that has no active place in our

vocabulary, and when it is occasionally invoked it has no real meaning for us." (Panichas 2003: 3)

I would argue that Americans' relationship to shame is conflicted. In general, Americans tend not to think of their society as being a shame culture (Irvine 2009; Panichas 2003). Yet, as Wayne L. Alloway Jr. argues, while shame is largely hidden in American society "many Top 40 song lyrics imply the shame and humiliation of rejection" (Alloway 2011: xi). This perception of the U.S. as being less of a shame culture is reinforced by the contrast that the media provides when it highlights gender-based crimes like acid attacks and 'honor' killings as the unfortunate product of shame cultures like those of Pakistan and Afghanistan. The suggestion in this media representation is that since these crimes are not prevalent in the U.S., the U.S. cannot be a shame culture. To the extent that media representations of foreign societies as shame cultures are intentional, they serve as a diversionary tactic that takes Americans' attention away from the ways in which their own society is characterized by shame (Song 2007).

To be clear I am not arguing that the U.S. college context has a clearly identifiable shame culture but that the prevalence with which various social actors use shame to silence rape victims suggests that it is also not clearly a guilt culture either, and in troubling the distinction between shame and guilt cultures, I argue that the U.S. college culture shares key *features* of a shame culture.

Understanding the role that shame plays in various social actors' attempts to silence campus rape victims, and in victims silencing themselves will hopefully prompt us to reflect on the ways in which these actors construct shame around both

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rape and consensual sex. The fact that various social actors attach shame to rape victims is related to the way in which various social actors attach shame even to consensual sexual activity. This applies to U.S. culture in general, and to the U.S. college campus culture in particular. It is important that we deem crimes of a sexual nature shameful, but it is also important that we move away from deeming sexual activity among consenting adults as shameful.

Most individuals also construct shame around consensual sex in gender discriminatory ways. When women walk across campus in the same clothes they wore the day before because they spent the night - and had sex - in someone else's dorm room, this is called "the walk of shame". When men do the same fellow students may refer to their walk as "the walk of fame".[60] If various social actors do not attach shame to women having consensual sex, women will not experience shame with regard to consenting to sex. Under these conditions, should they have to report a rape, they will be less fearful of others accusing them of "playing the rape card" as a way of avoiding the shame of having consented to sex. That concern will likely not even arise.[61] Unburdening women of the shame of consenting to sex, and unburdening the rape victim of the shame of being a victim of a crime are interrelated. If various social actors remove both these forms of shaming they will ensure that rape victims not only have access to institutions of justice in principle but that these also ensure them a better chance at access to justice in practice.

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[60] Cf. the "slut walk" that originated in Canada in 2011 as a protest against rape and in particular, as a protest against the ways in which various individuals may blame a woman for being raped because of the way she is dressed. It has now become a transnational movement with cities all over the world organizing their own slut walks. http://www.slutwalktoronto.com/

[61] I am grateful to Brooke Ackerly for calling my attention to this problem.

A Typology of Guilt and Shame Cultures

I will critically draw on Edward T Hall's work on shame and guilt cultures to flesh out the conceptual boundaries of what he identifies as high context or shame cultures versus low context or guilt cultures. Hall, an anthropologist, is considered a founder in intercultural communication studies. His data on intercultural communication come from direct observation, fieldwork (Hall 1959: 10) and the reports he heard while training diplomats and technical workers at the Foreign Service Institute and while visiting his former trainees on international assignments (Rogers, Hart and Miike 2002: 10). The typology has several parts, among them the way in which individuals communicate, the way in which they use language (e.g. more or less precisely), the amount of information they deem fit to share with others, the strict or less strict ways in which individuals adhere to time (Hall 1981) and the interpersonal distances they abide by in various situations (Hall 1959).

I acknowledge that conceptualizing societies as high context or low context is idealistic, and that most societies fall along a continuum that has an ideal, purely shame based culture on the one hand and an ideal purely guilt based culture on the other. All societies have elements of both shame and guilt cultures and are characterized by both high context and low context communication. It is important to notice, as Zeba Crook argues, "calling a people collectivist does not imply that they have no sense of self, nor does it imply a total absence of individual aspirations." (Crook 2009: 599) Instead, "collectivist people tend to be governed *less* by individual desires than by communal expectations." (Crook 2009: 599)

> These are tendencies: the ancient Mediterranean was no more
> 100 percent collectivist than modern North American society is 100

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percent individualistic. There are elements of each found in the other, but the occurrence of collective concerns among North Americans (e.g. peer pressure) does not diminish the dominance of an individualistic ideology (Crook 2009: 599).

Let me be clear that in drawing on Hall's typology all I aim to show is that U.S. college campuses do share key features of a shame culture.[62]

Individual versus Collectivist Cultures

According to Hall's typology, in individualist cultures like the U.S. those who have infringed on societal rules will feel guilt, whether other people know about this infringement or not. This makes guilt individual in nature, as people's conscience serves as an inner sanctioning mechanism. Likewise, according to this simplistic dichotomy, those in collectivist cultures like Pakistan feel a sense of collective obligation, and infringing on societal rules, if it becomes known, will leave them with a sense of shame. In the case of individuals' experience of shame in collectivist cultures, it is more a case of the infringement becoming known that is a source of shame than the actual infringement itself, which makes shame social in nature (Hofstede 2005: 89; Taylor 1985: 56-57). Stephen Pattison makes a distinction between individualistic cultures and nonindividualistic cultures by arguing, "in many nonindividualistic cultures today, shame is not regarded so much as an individual psychological condition but as a social one" (Pattison 2011: 13).

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[62] Zeba Crook makes a similar claim when she argues that Mediterranean societies have collectivist and shame cultures (Crook 2009).

High Context versus Low Context Communication

A different dimension of Hall's typology in the distinction he makes between individualist and collectivist cultures is that between high context and low context communication. According to Hall, in collectivist cultures there tends to be 'high context communication' in which "little has to be said or written down because most of the information is either in the physical environment or supposed to be known by the persons involved, while very little is in the coded, explicit part of the message." (Hofstede 2005: 89) Individualist cultures tend to be 'low-context' in so far as "the mass of information is vested in the explicit code." (Hofstede 2005: 89) What is self-evident in collectivist cultures must be made explicit in individualist cultures (Hofstede 2005: 89). I will now use these two features of Hall's typology to argue that U.S. college campuses share features of a shame culture.

U.S. college campuses share two features of a shame culture. The first is that rape victims may feel shame over the rape, and this shame is social in nature. The social nature of the shame victims experience influences the ways in which campus rape victims respond to the attack they have suffered. The second is that U.S. college campuses are characterized by high context communication, which is evident most notably in rape myths. Rape myths are a form of high context communication in that they are not written down or codified, but are nonetheless known to individuals within the community.

Shame and Collective Obligation on the U.S. College Campus

While rape victims may experience guilt over the rape, especially when the information about the rape is not known to too many others, they clearly also feel shame. Recall from the last chapter that in Thompson, Sitterle, Clay and Kingree's 2007 study, 53 out of 134 students who had suffered sexual assault cited shame and embarrassment as a reason for not reporting their victimization to the police – that is 39,6% of the sample size (Thompson, Sitterle, Clay and Kingree 2007: 280).

When victims blame themselves for the attack, they may feel shame before their own internal spectator, or what Adam Smith refers to as the "tribunal within our own breast" (Smith 1759 in Raphael and Macfie 1976: 129) as well as shame before others. This makes it difficult to separate out shame and guilt in particular instances; all experiences of guilt may include experiences of shame just as all experiences of shame may include experiences of guilt. The difference is just one of which of the two emotions is salient in a particular instance. Thus, the distinction is meant to be analytically useful more than it is meant to separate out shame and guilt as two discreetly occurring emotions. Shame and guilt are best thought of as lying along a continuum between two ideal conceptions that we never experience in isolation from each other.

The close connection between shame and guilt is evident in the way in which social institutions within the U.S. have constructed myths around rape, especially the myth of women as sexual gatekeepers, as "asking for it" if they walk down the street at night or frequent bars, that rape victims are promiscuous and "deserve" to be raped, and so on (Du Mont and Parnis 1999). These myths portray the victim as

blameworthy. To incur blame for a sexual transgression may make the campus rape victim feel guilty, and when others know of it, it is also a source of shame. The victim may experience not just a sense of guilt when individuals with social roles or those with institutional roles blame her for the attack, but a sense of shame as well, because they may be seeing her as having flouted societal rules by not being a successful gatekeeper and not "taking precautions against being raped." In these ways, individuals who subscribe to rape myths may make campus rape victims feel shame for infringing on unwritten societal rules regarding appropriate dress for women, acceptable times when they may venture out, the venues they may frequent and the activities they may undertake. Studies indicate that individuals' attempts at shaming campus rape victims are quite effective.[63]

High Context Communication in the US

As far as the construction of shame is concerned, college campuses share a feature with collectivist cultures in that there is "high context communication" where "most of the information is………. supposed to be known by the persons involved, while very little is in the coded, explicit part of the message." (Hofstede 2005: 89)[64]

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[63] Recall too that another study that Sable *et al* conducted among 215 students revealed that among thirteen barriers to female rape victims reporting the crime, "shame, guilt, and embarrassment tied with "fear of retaliation"" were the leading barriers to students not reporting the violence (Sable, Danis, Mauzy and Gallagher 2006: 159).

[64] The same would be true of other high context contexts like the military for example.

Rape myths are one mechanism through which "most of the information is........... supposed to be known by the persons involved, while very little is in the coded, explicit part of the message." (Hofstede 2005: 89) Rape myths refer to "attitudes and generally held beliefs about rape that are widely and persistently held, and that serve to deny and justify male sexual aggression against women" (Lonsway and Fitzgerald 1994: 134 in Talbot, Neill and Rankin 2010: 171).

Individuals who interact with the rape victim may believe myths that include the idea that when women walk down the street at night or frequent bars they are "asking for it"; that only virgins can be raped (Du Mont and Parnis 1999) and that women will be safe from rape if they do not dress or behave in a certain way (Talbot, Neill and Rankin 2010: 172). For instance, who has not heard the myth that women dress seductively to entice men to sexual activity and that they say 'no' when in fact they mean 'yes'?[65] The list goes on, that women are bitter and vengeful individuals who are "out to get men" (Du Mont and Parnis 1999)- defense attorneys in rape cases have used stereotypes about "seductive and vindictive women" (Sable, Marjorie R., Fran Danis, Denise L. Mauzy and Sarah K. Gallagher 2006: 160); that most women who get raped have bad reputations or are promiscuous; that women who "tease" men deserve to be raped; that a woman who goes to a man's house after the first date implies that she is willing to have sex with him; that women cry rape to cover up an illegitimate pregnancy; that women derive pleasure from their

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[65] To the credit of sixteen Yale students, when members of a Yale fraternity tried to make their "no means yes and yes means anal" message a part of their explicit fraternity initiation code, they filed a complaint with the Department of Education's Office for Civil Rights, accusing Yale University of violating Title IX by not doing enough to eliminate the hostile sexual environment on the campus (Foderaro 2011).

victimization; that a man is entitled to expect sex if he buys dinner for a woman (Du Mont and Parnis: 1999). In one study of 122 West Virginian adolescents aged 14 to 19, 52% "strongly agreed that some women fantasize about being raped" while 53% believed that women provoke men into sexually assaulting them (Du Mont and Parnis 1999: 102). One student demonstrated her belief in rape myths as follows,

> When we go out to parties, and I see girls and the way they dress and the way they act . . . and just the way they are, under the influence and um, then they like accuse them of like, oh yeah, my boyfriend did this to me or whatever, I honestly always think it's their fault. (MacDonald, 2008: 12)

These myths are certainly not a "coded, explicit part of the message" (Hofstede 2005: 89) but persons who subscribe to them reiterate them as self-evident truths. In this way both campus rape victims and those they interact with are familiar with these myths even though these are not written down in an explicit code.

When individuals with social roles and those with institutional roles subscribe to rape myths they thwart a rape victim's efforts at obtaining justice by blaming her, absolve her rapist of responsibility for the rape and even justify the fact that he assaulted her. Rape victims who buy into some of the myths surrounding rape may even silence themselves rather than risk being labeled "loose."

Much of the "information" about rape also exists in the physical environment on and around college campuses in the form of emergency blue light phones. To the extent that their placement is aimed at preventing sexual assault on college campuses in addition to preventing other crimes, emergency phones and police patrols in quieter areas around campus are physical markers of the myth that taking

precautionary measures against the stereotypical rape by a stranger and contacting the police in the event of an assault can prevent rape. Another security measure that campuses may offer is to walk students to their cars after dark. This type of response to the problem of campus rape is helpful in so far as it may make students feel safer when they do have to walk to their cars alone at night. But this response also has as one of its basic assumptions the idea that it is strangers who assault women, and it becomes a means through which university officials may ignore the issue of acquaintance rape, and the need for a change in gender relations, rather than an increase in policing, to reduce rape.

Conclusion

Individuals who interact with campus rape victims may attempt to silence them by shaming them. The way in which these individuals deploy shame is at odds with the way that the law uses shame to deter crimes; it occurs antecedent to and outside of the law, and serves to deter victims from approaching liberal legal institutions. While the U.S. college campus is characterized by an individualistic culture, it shares key features with shame cultures. Rape myths that blame the campus rape victim may make her experience the fact that someone attacked her as *her* infringement on societal rules. The shame she may feel for that "infringement", should it become public, may shame her into silence. The U.S. college campus is characterized by high context communication in that while rape myths do not form part of a written code they are prevalent and inform various individuals' interactions with campus rape victims. The college campus environment also bears

markers of these rape myths in the form of the blue emergency lights and other safety measures that universities may institute. The ways in which shame and rape myths work outside of the law, within social institutions like the university, indicate that despite its individualistic underpinnings, the U.S. context in general, and the U.S. college context in particular, shares features of a shame culture. Acknowledging and addressing the features the U.S. college campus shares with shame cultures will help to change the way in which individuals with social roles and individuals with institutional roles relate to rape victims, and in so doing they will enhance the victims' access to justice. The fact that the U.S. college campus shares these two key features of a shame culture urge an acknowledgment of the dangers of what appears to be a shame culture in operation on U.S. college campuses and relatedly, a rethinking on the part of university administration of the gender discriminatory practices that reinforces that culture.

Chapter 6

Conclusion

In this dissertation I have revealed a gap between the assumptions of liberal institutions - that victims of gender-based violence will approach them when they suffer an assault, and the actions of women who suffer gender-based violence – who do not always approach these institutions, although they may act in other ways. When women do approach liberal institutions following abuse they often encounter the gender discriminatory behavior of the individuals who inhabit these institutions, and these may thwart their search for justice. This is why, within liberal societies, victims of gender-based violence have access to institutions of justice in principle, but these do not always guarantee them access to justice.

I argue that the gap exists in part because even before any legal or disciplinary proceedings are underway, various individuals who interact with the victim directly or indirectly may thwart her efforts to obtain justice. Society creates institutions of justice with rules and goals that purport to promote the autonomy of victims of gender-based violence in principle, but the people who inhabit these institutions may display gender discriminatory behaviors that do not serve to further those goals. As a result, victims of gender-based violence may make choices within a social context in which various social actors are able to act in ways that attempt to compromise their agency.

The gap also exists because individuals with social roles and those with institutional roles may conceive of women's agency in ways that often do not take

account of the ways in which individuals within a range of social institutions socialize women in gender discriminatory ways. Some social and political actors may in fact depend on the ways in which they have socialized women into accepting gender discriminatory norms and practices (Enloe 2003).

A variety of social and political actors socialize men and women into seeing themselves and their good as instrumental to some other end and not as a good in itself. In the case of women, this socialization is evident in the ways in which victims of gender-based violence who are embedded in meaningful relationships respond to the assault. Women may take the good of significant others into account when they respond to the violence, and they may do so in ways that make their own good and even safety instrumental to the good of these others. They take the good of significant others into account when they choose to remain in abusive relationships, and they take the good of significant others into account when they choose to leave those relationships. When women see themselves as instrumental to the good of others even when they suffer intimate partner violence, they demonstrate how effectively various social and political actors have socialized them into always seeing themselves and their good as instrumental to the good of some further end. When women see themselves as instrumental in this way, they extend the ways in which a variety of other state and non-state actors construct women as instrumental to a variety of social, political and economic ends.

In cases of campus rape individuals with institutional roles may display a range of gender discriminatory behaviors towards the victim and these may directly or indirectly thwart her efforts at obtaining justice. Their gender discriminatory

behaviors arise from conflicts of interest that these individuals experience between serving the cause of justice in the case of campus rape and maintaining an image of a rape-free campus. Both individuals with social roles and those with institutional roles may socialize women into experiencing shame when they suffer sexual assault, and shame serves as a key mechanism that often operates to silence women when they suffer rape. The prevalence with which shame silences campus rape victims, combined with the prevalence of gender discriminatory rape myths suggest that the U.S. college context shares features of a shame culture.

Institutional reform is necessary but not sufficient to effect a change in the social norms that underpin gender-based violence, and to end the gender discriminatory behavior that various social actors display in their interaction with victims of gender-based violence. The content of the choices that victims make in response to the violence they suffer is equally important. I argue that a weak substantive conception of autonomy provides the necessary normative content to disrupt the social norms that support gender discriminatory practices and to shape victims' choices in ways that allow them access to justice. This is because liberal institutions are responsive to women's choices, so the choices victims of gender-based violence make have the potential to instigate institutional reform. Victims of gender-based violence exercise their agency in choosing to report the violence, in choosing to share their experiences with only a few trusted others, or in choosing to remain silent altogether. When they make autonomy-enhancing choices this helps to create a social context in which it becomes easier for others to make autonomy-enhancing choices. If they make choices that inhibit their autonomy they contribute

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to a social environment in which it becomes more difficult for others to make autonomy-enhancing choices.

I trust that my work invites us all to reflect on the ways in which we may be implicated in the everyday norms and social practices that contribute to gender based violence, and to the silencing of its victims. I ask my readers to think about the ways in which various social actors socialize them into accepting and perpetuating gender discriminatory behaviors, and the ways in which they may be socializing others into these gender discriminatory norms and practices. I hope that readers will acknowledge the power that shame has in silencing campus rape victims on U.S. college campuses, in much the same way that shame silences women in cultures that most of us would more readily identify as shame cultures. Acknowledging our vulnerability to violence and to shame is a first step towards addressing gender-based violence.

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