

Published in: *Gender & Society*, Vol 30, Issue 1, February 2016

THE RAPE PRONE CULTURE OF ACADEMIC CONTEXTS

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Author's Note: I am much indebted to Judith Lorber, Anastasia Prokos, Krista Brumley and Jo Reger for their help with improving this essay.

Despite widespread knowledge that fraternity members are frequently involved in the sexual assaults of women, fraternities are rarely studied as social contexts—groups and organizations—that encourage the sexual coercion of women. . . . We conclude that fraternities will continue to violate women socially and sexually unless they change in fundamental ways (Martin and Hummer 1989, 457).

Both incapacitated and forcible sexual assaults and rape have reached epidemic levels among college women. Interventions to address sexual violence on campus are urgently needed. (Carey, et al. 2015, 678)

Men's violence ... is not an individual pathology but a logical consequence of men's collective privilege (Connell 2005, 245, referencing Godenzi)

About two decades ago, feminist sociologists stopped focusing on rape and sexual assault even though rapes and their destructive toll on girls and women did not end. Rape did not diminish appreciably and neither did the legal justice system dramatically improve its treatment of victims. Perhaps this is why 80% of women college students and 67% of non-college women fail to report being raped to the police (Langton and Siznocich 2014, citing National Crime Survey data). We now know that the great majority of rapes in the United States—about 80 percent—are perpetrated by someone known to the victim, not by a stranger who jumps out of the bushes. This pattern suggests that rape often is not a random event but, in many cases, a planned one. While some men are more apt than others to commit rape, some *social contexts* also are more amenable to rapes. Two such contexts that inhabit U. S. academic institutions—men’s social fraternities and athletic programs—are the focus of this essay. These contexts can be understood only within the wider parent institution—the contemporary college or university (Stotzer and MacCartney 2015). Thus, the qualities and dynamics of multiple contexts must be addressed.

Although sociologists abandoned the study of rape,¹ psychologists, medical/health researchers, sports scholars, legal scholars, criminologists, and journalists continued to focus on it. A great deal of their efforts sought to identify qualities of a potential or likely rapist, e.g., attitudes or beliefs about women, sex, and sexuality. A typical goal was to identify men who admit to being sexually aggressive in relating to women and thus are, presumably, more apt to rape (see Lisak and Miller 2002). Over the past few decades and even now, this type of study has predominated. Perhaps Institutional Review Boards are more responsive to such studies because these involve only pencil and paper “tests” (questionnaires or surveys) rather than field work that is more intrusive (e.g., observation). In any case, the research on rape occurring within colleges

and universities has failed to show that most rapes are the result of the attitudes or beliefs held by athletes and fraternity men (Crosset et al. 1996; Koss and Cleveland 1996; McCray 2015).

The thesis of this essay is that the dynamics of particular social contexts make them more probable sites for sexual assaults, irrespective of individual men's attitudes or beliefs. Among such contexts are military units; street, drug, and motorcycle gangs; elite schools; college² fraternities; and men's athletic programs (see Harkins and Dixon 2010 for a review of sexual assaults by groups of men or boys). As with other aspects of sexual assault, rape on U.S. campuses received extensive attention earlier (Sanday 1990; Martin and Hummer 1989) and now, after two decades, the issue is salient again. Carey et al. (2015) claim that today's college women are five times more likely than other women to be sexually assaulted.

CAMPUS CONTEXTS

Two levels of contexts are at play in the crime of sexual assault/rape on campus: an *external environment* comprised of the academic institution as a particular kind of social, cultural, political, and economic context (see below); and an *internal environment* comprised of affluent (fraternity) and/or venerated (athletes) men (Messner 2002). These men are students whose organizational cultures and practices reward competition, aggression and the sexual exploitation of women (Martin and Hummer 1989; Murnen and Kohlman 2007; Stompler 1994). In concert with Connell (2005), I view violence by men as a collective privilege, not an individual aberration (cf. Messerschmidt 2000), and sexual coercion as part of that privilege (Hlakva 2014). Fraternities and intercollegiate athletic programs actively encourage the kinds of masculinity that make their involvement in sexual assaults of women more probable (Harkins and Dixon 2010; Martin and Hummer 1989; Sanday 1990, 1996).

The Political Economy of the Campus Context(s)

Renzetti (1996) states that academic institutions regularly turn a blind eye to men's sexual assault of women, a practice, I suggest, that reflects contextual conditions. With many issues on their plate, academic administrators have conflicting priorities. While they no doubt want women students to be safe from sexual assault, their dedication to this issue is constrained. Colleges and universities strive to please many external constituents—alumni; accrediting bodies; corporations; granting agencies; community, state, and national officials/governments; athletic supporters; the media; and the public. Not surprisingly, the expectations of some of these groups contradict the expectations of others. For example, sports enthusiasts may be more interested in winning competitions than in SAT scores, federal grant dollars, or faculty honors. They are not shy about promoting their agendas and may withdraw contributions if a star athlete is side-lined. Fraternity alumni who believe boys have “a right to be boys” by drinking to excess and having sex with as many girls as possible may pressure a president to hold back on punishing accused fraternity members. Public opinion often sides with alleged rapists over victims (Chancer 1987) thus giving administrators an out if they want one. Letter writers to the newspaper often urge administrators to “go easy” on accused “bad boys.”

Other constituents also protect the institution in ways that work against the interests of rape victims. Police officers, district attorneys, and even judges may resist lodging criminal charges against star athletes or affluent fraternity boys. Officials who are graduates may protect “their” institution by dragging their feet when investigating or by framing an alleged rape in ways that fail to justify criminal charges. Powerful fraternity alumni may pressure administrators to excuse a member accused of having perpetrated a sexual assault. Even more distressing, powerful constituents may discourage university officials from taking action against athletes and fraternity members even *after* official judicial proceedings have found them guilty of sexual

assault. The documentary film, *The Hunting Ground* (2015), reports examples of this practice in several US institutions.

Fraternities & Intercollegiate Athletic Teams: Rape-Prone Contexts³

Fraternity contexts. Men's social fraternities are regularly implicated in rapes on campus. Martin and Hummer (1989) noted that unless fundamental changes were made in social fraternities their treatment of women would not improve. These changes have not occurred. Contextual conditions that facilitated the sexual assaults of women by fraternity members in earlier years also exist today (see Flanagan 2014; DiMaria 2014; Kennerly 2014). The "at odds" relationship between university and fraternity, along with the homogeneity of members, a stress on loyalty and secrecy, and extensive alcohol use contribute to a *rape-prone culture* in fraternity contexts (Sanday 1996; Harkens and Dixon 2010; Decker and Baroni 2011).

In a meta-analysis of research, Murnen and Kohlman (2007) found that multiple features of fraternity (and athletic) contexts lead to higher odds of involvement in sexual assaults. Historian Helen Horowitz (1987) helps us understand why. A founding principle of men's fraternities was to oppose authority—both faculty and administration. According to Sanday (1996), groups that live in harmony with their environment are more likely to treat women respectfully and to value women's contributions; they are more apt to be "rape-free" than "rape-prone." Unfortunately, fraternities are seldom in harmony with their environments; members often treat women disrespectfully and rarely do they value women's contributions (Decker and Baroni 2011; Martin and Hummer 1989; Sanday 1990; Stompler 1994). Boswell and Spade (1994) found that men in rape prone fraternities use loud music (too loud for talking), low lighting (one cannot see across a room), and the plying of alcohol to women to enhance their odds of sexual compliance. Furthermore, they discourage members from having girlfriends

(Boswell and Spade 1994). Instead of treating women with respect and valuing their contributions, they view them as fodder in competitions to prove their masculinity (Sanday 1990). Of course, all fraternities do not behave this way, but research and journalistic/media reports indicate that many do (see Bidgood and Rich 2015 on similar dynamics among boys at an elite high school).

Homogeneity in terms of gender, age, race/ethnicity and social class also contribute to rape-proneness. Fraternity members are males of a similar age (18-23) and typically the same race-ethnicity, such as white or black or Jewish (Martin and Hummer 1989). Homogeneity means that people with different qualities become fodder for scapegoating and ridicule—women, homosexuals, other racial-ethnic groups. One example is the University of Oklahoma Sigma Alpha Epsilon fraternity chapter that taught its members a song using the N-word for African Americans (Svrluga 2015). In addition, economic affluence fosters assumptions of privilege and a belief that those with privilege stand above (or outside) formal authority (see Kahn 2011, on privilege among boys at an elite school). This situation was in evidence 27 years ago when a Pi Kappa Alpha chapter refused to provide its membership list to the state prosecutor after a gang rape (Martin and Hummer 1989). One fraternity member said his father had “hired” the university president and could fire him too, so there was no worry about a legal case.⁴

Fraternities insist upon in-group loyalty and secrecy, practices that protect the organization from public exposure and lawsuits (Martin and Hummer 1989; Sanday 1990; Kennerly 2014). The loyalty standard requires members to remain silent even when they know actions are illegal or when they personally disapprove. They must not tell. Additionally, members use alcohol as a weapon to gain women’s sexual compliance (Martin and Hummer 1989; Crosset 1999). Sanday (1990) concludes that excessive alcohol use by fraternities is a major contributor to their “rape

proneness,” a point with which journalist Caitlin Flanagan (2014) agrees. Her case study of a gang rape on an east coast campus revealed that members use alcohol to “work out a yes” from women who resist having sex (Sanday 1990). Clare Renzetti (1996) reports a similar practice elsewhere.

Decker and Baroni (2011) document a recent event at Yale University where the Delta Kappa Epsilon (DKE) fraternity created a You Tube show of fraternity members “marching through campus chanting obscenities” about women.⁵ Their pledges (newly selected members) chanted the phrase, “No means yes, yes means anal” (1081). This is the same fraternity and chapter to which both Bush presidents belonged. Is performing anal sex on women—otherwise known as sodomy—the new bragging point on “the morning after” among fraternity men (see Kimmel 2015b)? The Phi Delta Theta fraternity at Texas Tech University was recently disciplined for a similar offense--posting fraternity party photos online that linked “no means yes” to anal sex (NBCDFW, Channel 5, August 12, 2015). Texas Tech authorities pledged to “monitor fraternities more closely” in the coming year and also sanctioned members in various ways. Budweiser posted this slogan on one of its beers in mid-2015 until a public outcry made them drop it: “The Perfect Beer for Removing ‘No’ from Your Vocabulary for the Night.”

Alcohol use by fraternity members is facilitated by two factors: (1) many fraternity houses are private residences, and (2) student residents lack adult supervision. Formerly, “house mothers” lived onsite to oversee meals and budgets, and assure decorum and keep the boys in line. When fraternities became too obstreperous, they quit. Today’s typical *house manager* is a fraternity alumnus, marginally older than the students. Police cannot enter fraternity houses without permission or a warrant to, for example, check for under-age drinking or sexual assaults. Insurance companies view fraternities as too high-risk to insure thus the national chapter or a

consortium of 32 national fraternities called the Fraternity Risk Management Trust insures them (DiMaria 2014).

Journalist Caitlin Flanagan (2014), after a year-long study of fraternities, views alcohol use by fraternity men as *the* major cause of their legal culpability. She writes that taking alcohol out of the fraternity house would lower the legal claims against it by 85 percent and the dollar amount of claims by 95 percent. She also quotes Douglas Fierberg, a plaintiff's attorney in litigation cases, who says fraternities are dangerous places:

[Fraternities] are very risky organizations for young people to be involved in. [They] are part of an industry that has tremendous risk and a tremendous history of rape, serious injury and death, and the vast majority share common risk-management policies that are fundamentally flawed. Most of them are awash in alcohol. And most if not all are bereft of any meaningful adult supervision.

Athletic contexts. Although resembling fraternities in some ways, organized athletic contexts are also distinct. They exist across the nation—in rural areas, small towns, large cities—and countless U.S. boys and men participate in them—in middle or high school (or earlier), college, and professional arenas. Boys and men who do not participate are often eager fans. The rewards for athletic stardom are great (Messner 1992). For example, at the professional level, they may entail exorbitant signing bonuses and salaries, access to national leaders or film and television stars, and, central to this essay, access to women and sex. Even in less elevated realms, boys and young men are touted, praised, and treated as special due to their performance in sports (Messner 1992).

College level athletes are often treated as heroes, as special people with special qualities. Their peers—and faculty and administrators—may allow them to do things they decry in others.

College athletics are, like fraternities, gender-segregated contexts with a culture that denigrates women and femininity (Curry 1991; McCray 2015). Loyalty and secrecy are emphasized by coaches and “handlers” (tutors, supervisors, trainers), in the interest of preventing secrets—plays, scandals, etc.—from being shared. Athletes are told to keep negative comments to themselves lest they harm the program by casting it in a bad light or risk losing their athletic scholarship status or position on the team.

Scholarship athletes are often housed separately from other students and assigned other athletes as roommates. On many campuses, they are fed communally, away from other students. Practice, weight training, study sessions, and classes fill their time and prevent them from participating in other campus activities or interacting with non-athletes. Television and newspaper reporters pay extensive attention to them and regularly ask them to pose for photos and offer comments. Athletes are extensively “observed” when they go into the community to eat, drink or engage in other activities. Due to special treatment, they may come to believe that the rules of ordinary social intercourse do not apply to them. Women (and girls) may flock to them and make themselves available for sex. In such a context, any woman’s refusal to have sex may be interpreted as an affront to the man’s “right” to her sexual compliance.⁶ Being around mostly other athletes and having limited opportunity to interact with “regular students,” particularly women, may foster misunderstanding of everyday social norms.

Can Campuses be Fixed?

I doubt it, but I continue to hope (Kimmel 2015a; 2015b is fairly optimistic). The political economy of today’s colleges and universities mitigates the odds that they will eliminate the rape culture in fraternity and athletic contexts. Can anything be done? Perhaps, but monumental effort will be required. Perhaps the Title IX complaints that women students have

lodged against 129 U.S. universities or colleges will have tangible effects. The complaints, some of which are also lawsuits, accuse institutions of allowing women students to be sexually assaulted while doing nothing to respond or prevent it. *End Rape on Campus (EROC)* is a grassroots organization founded by two young women at the University of North Carolina at Chapel Hill who were raped in their first days on campus and who received no support from the institution. They eventually found each other and started EROC with the goals of providing “direct support for survivors and their communities; prevention through education; and policy reform at the campus, local, state, and federal levels” (*endrapeoncampus.org* website, August 17, 2015). The attention their efforts have drawn—particularly in the documentary, *The Hunting Ground*—has arguably started a new grassroots mobilization against campuses that tolerate rapes of women students.

One strategy is to ban fraternities from campus, but less drastic measures are more feasible. For example, fraternity members could be prohibited from residing in a private house owned by the fraternity. If a fraternity already owns one (as many do), members could be allowed only to hold meetings and events in it, and not to reside there. Colleges could require (and if necessary provide) adult residential supervision at every fraternity residence and social event. Restricting the ability of sports boosters to influence athletes and athletic programs is a high priority. Administrators can say no to powerful constituents who favor sports over academics and the principles of institutional integrity. Colleges also could develop meaningful ways of sanctioning fraternity men and athletes who assault women. Taking away scholarships and expelling from school men who behave inappropriately would send a powerful message. An internal judicial process that takes principled action on rape allegations without waiting for formal legal proceedings to conclude is an essential practice as well.

Going Forward

As noted earlier, sociologists have not paid much attention to rape in recent times. Why this occurred I do not know, but I nevertheless offer some conjectures and suggestions for going forward. Perhaps feminist sociologists felt their efforts were no longer needed. Sociological research exposed multiple aspects of rape—events, beliefs, legal and medical system flaws, victim treatment, and so on. If they/we thought that was enough, they/we were wrong. Law and politics scholar Ruth Corrigan (2013) has a theory for the abandonment. She says feminists assumed that flaws in societal responses to rape—which they/we had helped expose—would be taken care of by legal system reforms. But the legal system, Corrigan says, co-opts rather than corrects. Many critical changes were never made, and she argues that they will not be corrected by future legal action or initiatives.

Another possibility is that feminists found the focus on rape too upsetting and moved on to less distressing topics—like intersectionality, sexuality, work-family linkages, gender equity (see Campbell 2002 on the emotional turmoil associated with research on rape). A third is a suggestion by Anastasia Prokos that perhaps the National Science Foundation's (NSF) ADVANCE Program pulled feminist sociologists away from rape, toward other interests. Yet another possibility (that I find compelling) is the impact of Institutional Review Boards (IRBs). A sociologist's proposal to study her or his institution's fraternity system or athletic programs regarding rape would likely receive intense scrutiny from the Board, particularly with legal counsel's cautions about liability. Ethnographic work like Peggy Sanday's (1990) case study of a fraternity gang rape would likely not be allowed today. The restraining effects of IRBs may explain why research on fraternities, athletics and rape is dominated today by pencil and paper questionnaires rather than observation, in-depth interviews, and/or field work.

Perhaps sociologists abandoned rape because it became a less legitimate topic. Gender is less valued than it was. It was formerly the largest of the American Sociological Association's 52 sections but is no longer. (American Sociological Association 2014). While popularity is not a compelling reason for studying an issue, faculty and graduate students who must worry about publications, promotion, and other aspects of academic success may think carefully about their topics of study. We can only hope that rape on campus is compelling enough to persuade those with secure positions and expertise to take it up again.

Going forward, I urge attention to the theoretical development of a number of concepts related to rape, including consent, force—danger, fear, harm, violation vs. violence (Garfield 2005)—violence against women, violence among men, and individual vs. group violence (Harkins and Dixon 2010). Since MacKinnon's (1993) suggestion that consent refers to whether an alleged rapist *thought the victim consented* not whether she *actually consented*, few sociologists have engaged the issue. Stanko (2008) has long lamented the failure of sociologists to focus theoretically on the concept of violence. It seems as if sociologists left the task to others with the result that prevailing definitions are flawed in ways that reduce their utility. Legal scholars Decker and Baroni (2011) urge "social scientists" to pay more attention to the subject of consent in relation to sexual assault. Their own comprehensive review of consent relative to legislation and law enforcement is insightful, yet they acknowledge the need for social scientists to weigh in.

Finally, I urge the use of an organizational lens to study the *multiple levels of the contexts* of rape and sexual assault (see Martin 2005). Seeing colleges and universities as formal organizations with many constituents and interests can foster insights into why they do what they do and what they might do differently. Academic leaders are caught in a web of social, political,

and economic ties that prompt them to prioritize interests other than the welfare of women students. Nevertheless, we need their knowledge and experiences to understand institutional dynamics and identify potential reforms. They must be part of the research (see Kimmel 2015b). As guides for empirical study of sexual assault on campus, I recommend Michael Burawoy's (1998) extended case method and Dorothy Smith's (2005) institutional ethnography method. Both are useful for "following the trail" from the context(s) of a particular rape to the administrative and global influences that made it possible. These methods can help us explore fraternities and athletic programs as contexts that are yet embedded in another context that provides them with legitimacy and resources. Only by taking a multi-level view can we understand the contextual landscape and identify ways to improve it. Failing to prevent rape and be responsive to college women who are raped is unconscionable.

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¹ Searches using academic data bases (e.g., Web of Knowledge) and popular ones (Google Scholar, ResearchGate) with the search terms “fraternities and rape,” “fraternities and sexual assault,” “athletes and rape,” and “athletes and sexual assault” produced few sociological studies since the 1990s.

² I use the terms colleges or campuses to refer to both university and undergraduate institutions.

³ Rape-prone is a concept anthropologist Peggy Sanday (1981) coined in comparing a sample of “primitive” societies to identify which cultures/societies were more apt to have higher rape rates. She found that “rape is part of a cultural configuration which includes interpersonal violence, male dominance, and sexual separation” (p. 5).

⁴ This case was so exceptional that the prosecutor charged the perpetrators with felonies and prosecuted them. According to the state’s attorney, it was the first gang rape case in the U. S. to be prosecuted. One theory as to why prosecution went forward was the egregious way the rapists treated the victim. They wrote on her unconscious body and dumped her in the hallway of another fraternity house. The wealthy family of the lead perpetrator hired an experienced out of town defense attorney and, in a settlement just before the trial was to begin, the lead was sentenced to 364 days in county jail and 20 years’ probation. Another perpetrator was placed on 5 years’ probation and two more were placed on probation for a shorter time.

⁵ In 2014, a Florida State University football star quarterback and former Heisman trophy winner did the same thing on his campus. He stood on a table in the student union shouting a so-called meme with two sexist slurs (“F—k her right in the p---y.” The “her” in his chant was another institution that his team was about to oppose.

⁶ Messerschmidt’s (2000) study of nine boys, six of whom were violent sexually or otherwise and three of whom were not, argues that *violence is a masculine resource* for boys and men. Society gives them a right to use violence when other strategies fail, whereas girls lack such legitimacy. Boys grow up being taught that they “have a right” to girls’ sexual compliance and can touch girls’ bodies with impunity (Hlavka 2014).

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