

HUNTING GIRLS

Sexual Violence from *The Hunger Games* to Campus Rape

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and Naughty Nurses, Mains and Millionaires, Superheroes and Supersluts, Sex and Execs, Horny Housewives and Randy Handy-men" (Freitas 2013:81). "These are the kind of role-play pairings regularly found in porn—but they are also the role-plays typically placed out live at college parties today" (Freitas 2013:81). Some college men take women's sexy attire as an invitation to sex (Bogle 2008; Freitas 2013). As we have seen, with *Fifty Shades of Grey*, BDSM and pornography have gone mainstream.¹⁶ But they've done so in a culture that valorizes a woman's lack of consent, even lack of consciousness, in what some have called *rape culture* (Buchwald et al. 2005). Of course, as we will see in the conclusion, women are fighting back. Activists are making the topic of campus rape an issue in mainstream national media. Educational institutions have also been forced to deal with the issue of sexual assault on campus.

2

RAPE AS SPECTATOR SPORT AND CREEPSHOT ENTERTAINMENT

IN AN OFFICIAL TRAILER FOR the film *Pitch Perfect 2* (2015), Rebel Wilson's character "Fat Amy" is shown dancing at a campus party when the boy she is dancing with asks if she wants to have sex later. She says "no," but then gives him a suggestive wink. He looks confused and asks whether that means no or yes since she said "no," but then winked. She responds "absolutely not," and then winks again, suggesting that she doesn't mean what she said. What message does this send? When girls say "no," they really mean "yes"? Certainly, Amy's "no" is open for interpretation. In 2010 at Yale, fraternity brothers marched around the freshman dorms chanting "No means yes, yes means anal." Their interpretation of "no" and "yes" is clear. In this chapter, I argue that lack of consent is valorized within popular culture to the point that sexual assault has become a spectator sport and creepshot entertainment on social media. Indeed, the valorization of nonconsensual sex has

reached the extreme where sex with unconscious girls, especially accompanied by photographs as trophies, has become a goal of some boys and men.

I trace this valorization of lack of consent back to the fourteenth-century Sleeping Beauty myth, on the one hand, and link it to pornographic fantasies of necrophilia and rape, on the other. I discuss the specific harms of “party rape” to sexual assault victims who are unconscious at the time and discover the violation of their bodies through photographs on social media. I consider how recording rather than reporting may become a new standard for prosecuting rape cases. Finally, I suggest that social media was created for and by men who denigrate women. In conclusion, I consider how social media changes the way in which we conceive of, and view, sexual assault, its harms and prosecution.

The Yale chant suggests that anal sex is the most valuable because it is the most transgressive. Recent highly publicized cases of groups of boys anally gang-raping unconscious girls suggests that these girls function as sex objects exchanged between men within a circuit of their own hypermasculinized homoerotic desires. Anal gang rape is a way to further treat nonconsenting women like objects. One fraternity member interviewed in the documentary *The Hunting Ground* said anal sex was considered the biggest trophy when frat brothers “compared” conquests at his frat house (2015). Recall the gentleman spy in *Kingsman: The Secret Service* (2015) who is rewarded for saving the world with the princess offering him anal sex.

The Yale case is not an isolated incident. Consider a chant used at St. Mary’s University in Halifax to welcome new students: “SMU boys, we like them young. Y is for your sister, O is for oh so tight, U is for underage, N is for no consent, G is for grab that ass” (Williams 2013). Or consider a fraternity suspended from Texas Tech for flying a banner that read “No Means Yes” (Schwarz 2015). In 2013, another frat was suspended at Georgia Tech for distributing an email with the subject line “Luring your rapebait,” which ended, “I want to see everyone succeed at the next

couple parties” (Schwarz 2015). And in 2014 at William and Mary, fraternity members sent around an email message, “never mind the extremities that surround it, the 99% of horrendously illogical bullshit that makes up the modern woman, consider only the 1%, the snatch” (McCarthy 2014). The list goes on. These examples suggest an aggressive campaign on the part of some fraternities to insist that “no” means “yes,” and consent is not only irrelevant but also undesired. In the St. Mary’s chant, the lack of consent is openly valued, “N is for no consent.” Actively seeking sex without consent, sometimes even admitting it is rape, turns them on. Whatever their actual desires, these college men are *saying* that they want nonconsensual sex. In fraternity culture, it seems their manhood and masculinity is dependent upon at least *saying*—or chanting—that they want forced sex, or sex with unconscious girls, if not also acting on it.¹

“NO MEANS YES” AND NONCONSENSUAL SEX

Several studies have shown that many sexual predators buy into the pornutopic fantasy that women enjoy being raped. One study concludes, “rapists, or men identified as unusually likely to rape, are characterized by the belief that rape is not averse to women—that, in fact, women desire and enjoy it” (Hamilton & Yee 1990:112). Clinical reports and interviews with convicted rapists indicate that many rapists “perceive their victims as deriving pleasure from the assault” (Hamilton & Yee 1990:112).² Studies of pornography have shown that rape porno is arousing when the woman is shown as aroused by the attack (Hamilton & Yee 1990:113). As we have seen, this fantasy is as old as the legend of Sleeping Beauty aroused while unconscious by the pressure from her rapist’s lips.

Young men’s attitudes toward consent are formed by exposure to pornography, especially the easily accessed Internet porn, in which rape victims are depicted as enjoying sexual assault. One

psychologist says, "The problem for some men who watch large amounts of porn is, as time goes by, they need more stimulation and aggressive porn in order to get aroused. . . . Internet porn has simply become so much a part of society that they don't view themselves as 'hard core' users" (Cuthbertson 2015). In the world of pornography, the desires of the aggressor turn out to be the secret desires of the victim, whether or not she originally says "no." In the words of Nancy Bauer, "Serendipitously, as it always turns out, to gratify yourself sexually by imposing your desires on another person is automatically to gratify that person as well. . . . In the pornutopia, autonomy takes the form of exploring and acting on your sexual desires when and in whatever way you like. . . . When Daddy fucks Becky, she doesn't experience it as rape. She comes" (Bauer 2015:5). Of course, within the pornutopia, the agents are men, who force their desires on women; and the fantasy is that women enjoy it, that "no" really does mean "yes, yes, yes."

This is the *generous* interpretation of the "No Means Yes" campaign on college campuses—namely, that these college boys and men really believe that girls and women want to be raped. Perhaps fraternity brothers or college athletes who are prone to sexual assault have bought into the pornutopia and at some level really believe that "no" means "yes." They have watched enough pornography to be convinced by the fantasy that whatever a woman says, and whether or not she is conscious, she enjoys it. For within the pornutopia, women enjoy violent sex, even abuse. If it turns him on, then within the logic of the pornutopia, it turns her on too. Like the prince in *Sleeping Beauty*, these sexual predators imagine that their victim's lips are moving in ecstasy. This pornutopic fantasy of mutual satisfaction becomes a justification for acting on their violent desires. It is especially troubling that pornutopic ideas of sex are becoming mainstream thanks to widespread use of easily available pornography. For many boys, pornography provides their first sexual experiences, which may shape future encounters with women and make sex less about intimacy and communication and more of a "one-way street."

The less generous interpretation is that they get off on debasing women, especially through "nonconsensual sex"—what used to be called "rape." Slogans such as "No Means Yes" and "N is for no consent" suggest that rape and forced sex are desirable. Some studies show that men who rape women are more likely to have hostile attitudes toward women. The same is true for men who have nonconsensual sex with women. Researchers have found a strong correlation between negative attitudes and disrespect toward women and the proclivity for sexual assault (Lisak & Miller 2002; Edwards et al. 2014). One study concludes, in terms of attitudes toward women, college men who say they would rape a woman if they could get away with it, and those who say they would force a woman to have intercourse but don't call it rape, were distinguished only by levels of hostility and disrespect: "The two types of offender groups were distinguishable mostly by varying levels of hostility, suggesting that men who endorse using force to obtain intercourse on survey items but deny rape on the same may not experience hostile affect in response to women, but might have dispositions more in line with benevolent sexism" (Edwards et al. 2014:188). Whether college men who force nonconsensual sex buy into the pornutopic fantasy that women enjoy sexual assault whether they are conscious or unconscious, or they enjoy abusing women, it is clear that these college boys valorize nonconsensual sex.

Recent cases of creepshots found on fraternity websites, for example at Penn State, seem to confirm the conclusion that men who prey on women sexually also enjoying debasing them. For along with photographs of women in extremely compromising sexual positions, these websites include derogatory comments about the women by fraternity members. Or consider media reports of videos taken by perpetrators in the high-profile Vanderbilt rape case, which suggest that the college athletes who sexually assaulted an unconscious woman in a dorm room made derogatory remarks and jokes while engaging in the abuse. The same is true of the Steubenville (Ohio) case where high school football

players assaulted an unconscious girl while bystanders joked and made disparaging remarks about her. In this case, and others, perpetrators and/or bystanders have reportedly also peed on the unconscious victims, which suggests further denigration of these girls' and women's bodies.

On many college campuses, what until recently had been called "acquaintance rape" or "date rape" has been further downgraded to "nonconsensual sex," in large part to sustain disciplinary measures that do not involve accusing the perpetrator of a felony crime, namely, rape. Campus administrators don't want to accuse their otherwise successful fraternity members (many of whose fathers were fraternity members themselves and contribute generously), or college athletes, of rape, so many are using the designation *nonconsensual sex* to refer to sexual assault, especially when the victims are unconscious.³ The question for some administrators and members of the community seems to be, how could a leader on campus with good grades and a bright future be a rapist? Indeed, in many cases women report a backlash against them for coming forward to report sexual assault. These women often face hostility from people defending the perpetrators. This is especially true when college athletes are involved. Some colleges, for example Notre Dame, even have policies that prohibit campus police from directly approaching college athletes without contacting their coaches or athletic directors first (*The Hunting Ground* 2015). Some have argued that the move from accusations of rape to "date rape," and now to "nonconsensual sex," have been motivated by desires to protect white middle-class men, and that black men are far more likely to face accusations of rape (as opposed to nonconsensual sex or lesser charges).⁴ In addition, downgrading rape to a lesser noncriminal offense excuses rape and seemingly condones rape culture.

This new category of sexual violation allows colleges and universities to discipline perpetrators who otherwise might not be found guilty of rape. On the other hand, it also turns rape into a form of sex and reduces a felony crime into a mere honor code

violation. While making rape an honor code violation suggests old-fashioned ideals of chivalry that prevent men from "taking advantage" of women, it seems that attitudes toward women are at the core of sexual assault. While we may not want to return to ideals of chivalry that include putting helpless passive women on a pedestal, or rescuing princesses or damsels in distress, we do need to change attitudes of hostility and "benevolent sexism" that contribute to rape or "nonconsensual sex." As an honor code violation, students can be expelled from school for committing nonconsensual sex, but they will not be convicted or punished for the felony crime of rape.

In addition to honor codes, it is becoming more common to use Title IX of the federal civil rights law to address sexual assault on campus. Victims of sexual assault can file a Title IX complaint with the Title IX coordinator on campus (this position is required by federal law for any school receiving federal funds). Any school receiving federal funds is required to comply with Title IX, which prohibits discrimination in education based on sex. In 2011 the Department of Education sent out a "Dear Colleague Letter" to all high schools, colleges, and universities making clear that sexual harassment and sexual violence count as sex discrimination in that they interfere with educational opportunities for their victims. Unlike criminal law, which requires the higher standard of evidence "beyond a reasonable doubt," civil rights law requires the "preponderance of evidence" standard, which means that if it is more likely than not that the violation occurred, then the perpetrator should be held responsible and face consequences. In the case of colleges and universities, however, usually the harshest penalty is still expulsion, which means that serial rapists can just matriculate elsewhere and continue assaulting unsuspecting women. Unlike criminal law that requires that sex offenders be identified as such and registered, Title IX has no such requirement. Even with growing attention to sexual assault on campus, and the use of Title IX, very few students have been expelled even in cases where there is a "preponderance of evidence" that they committed

sexual assault or “nonconsensual sex” (Kingkade 2014a). The federal government has never withheld funding to even a single school for noncompliance of Title IX based on sexual harassment, sexual assault, or “nonconsensual sex.”

The phrase “committing nonconsensual sex” sounds odd and points to a contradiction at the heart of this notion. *Nonconsensual sex* applies to single perpetrators (as opposed to gang rape) who do not force themselves on their victims because they have already incapacitated them with drugs and/or alcohol. While, traditionally, *rape* has been defined in terms of force and consent, *nonconsensual sex* is defined in terms of only one of those criteria, namely consent.⁵ Some conservative lawmakers have tried to distinguish between *forcible rape*, which they consider “real” rape, and what they call “mere” rape, which does not involve force, suggesting that without force, rape isn’t real (Seltzer & Kelly 2012). Some feminists, on the other hand, have argued that the traditional two-pronged definition works to disqualify *both* violent consensual sex and nonconsensual sex that does not involve force (West 1996:233). The category *nonconsensual sex* may allow disciplinary action on the part of colleges and universities for sex without consent that is not forced, but it does so by again excluding nonconsensual sex from being considered rape. Of course, survivors of sexual assault can also pursue criminal charges whatever colleges and universities do or do not do to address perpetrators.

Nonconsensual sex turns on the issue of consent, specifically whether or not the alleged victim consented. In an important sense, however, consent is a state of mind, a mental state, that can be communicated or withheld, and that can change from one minute to the next.⁶ In the philosophical literature, consent is typically seen as either a mental state, or a behavior or performance, or both a mental state and a behavior.⁷ If consent is seen as merely a mental state, and if it is not communicated, and since others cannot necessarily intuit it, it must be solicited. This is to say, confirmation of the mental state of consent would have to be obtained through verbal communication. Given that sexual activity is itself

a behavior, it may not be enough to obtain consent through the interpretation of seemingly consenting behaviors. If consent is a behavior or performance and not merely a mental state, on the other hand, the problem doesn’t disappear. If consent is a behavior, then someone could give consent unintentionally by sending the wrong signals, or what one person does when to indicate consent could be different from what another person does, or consent behavior could be misinterpreted. For example, some men think that if women wear short skirts, then they’re “asking for it.” If consent is a matter of both mental state and behavior, then it is a feeling or state of mind that must be communicated through language or gestures. The subject must be competent to give consent, and know, at least in some sense, what she (or he) is consenting to. And therein lies the rub. Not only is it unclear what counts as a consenting behavior, but also, in terms of sexual activity, consenting to one act does not necessarily imply consent to other activities. In addition, it is unclear how to assess competence, especially in cases where both parties are intoxicated, which is often the case on college campuses. Finally, it is unclear what and how much the subject needs to know in order to consent. In other words, does sex have to become some kind of written contract to meet strict standards of consent?

Furthermore, if we think of sex as inherently a consensual activity, then “nonconsensual sex” becomes an oxymoron. *Having sex* usually refers to an activity between consenting conscious partners.⁸ When one party is unconscious, common sense dictates that her consent cannot be given or assumed. Additionally, we talk about *committing crimes* like rape, but not about “committing” sex. Nonconsensual sex seemingly downgrades sexual assault and rape from a criminal offense to a breach of contract. Even former sex worker Greta Christina, whose article on what counts as sex has been widely circulated, argues that anything can count as sex so long as there is consent (1997). Consent, she claims, is the *only* necessary element that determines whether or not an activity counts as sex. As we learned from Sigmund Freud, human beings

can be aroused by almost anything. But what distinguishes sex from crime is consent.

The category *nonconsensual sex* seems to be a response to the growing number of rapes that take place while the victim is unconscious or semiconscious. While it seems obvious that an unconscious person cannot give affirmative consent, this scenario, and reactions to it, throw into stark relief attitudes toward women's roles in heterosexual sex, and what it means for a woman to consent.⁹ It has been the case that in order for a woman to legitimately accuse someone of rape, she was expected to actively give negative consent in the form of words or gestures. Unless a woman actively resists or says "no," her passivity or lack of protest has been interpreted as consent. In other words, doing nothing implies consent.¹⁰ As in the myth of Sleeping Beauty, passivity implies receptivity.

More recently, policies are shifting to require affirmative consent rather than insist on negative consent. This is especially important in cases of party rape where unconscious or incapacitated girls and women are incapable of giving either negative or affirmative consent. Affirmative consent policies require verbal or nonverbal affirmative consent, which is more than merely allowing someone to do something. According to the California law, "Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity" (Goldberg 2014). The law clearly states, "Lack of protest or resistance does not mean consent, nor does silence mean consent." In other words, negative consent or resistance is no longer required to prove rape.

While affirmative consent is a stronger standard than mere negative consent in that it requires that both parties actively consent either verbally or through gestures, affirmative consent should not be conflated with desire. Just because a woman submits to sex does not mean that she wants it, especially in a culture where women feel pressured to please men. As Lise Gotell argues, "even when framed through an 'only yes means yes' standard, consent is not a measure of whether a woman desires sex but, instead,

whether she accedes. Consent thus functions as a sign of subordination (that is, subordination to another's power) and a means of its legitimation" (2012:372). In this regard, affirmative consent reinforces the stereotypical notion of active masculine agency and reactive feminine agency wherein the woman's power to choose is circumscribed within the very limited confines of consenting to let someone do something to her. Even affirmative consent cannot guarantee that a woman wants to have sex or a particular type of sexual activity. It only demonstrates that she acquiesces, and even positive signs of submission or affirmative consent are problematic when drugs or alcohol are involved, as they are in party rape. My analysis of new consent apps for cellphones will highlight how affirmative consent continues to legitimate men's power to set the terms of sex by recording women's consent in order to protect men from possible charges of sexual assault.

Even affirmative consent continues the tradition of treating men as the active parties to sex and women as passive or reactive. As Louise du Toit explains, "In a symbolic universe where women are seen as inherently or naturally sexually passive, or as sex objects rather than sexual subjects, a meaningful distinction between rape and normal heterosexual intercourse can only turn on the notion of a woman's consent to 'having something done to her.' . . . Normal heterosexual sex is thus where a woman consents to 'have something sexual done to her' and rape is where she doesn't consent, but it is done nevertheless. The blurred distinction between rape and normal heterosexuality is caused by the stabilization and naturalization of the polar and hierarchal opposition between active male sexuality and passive female sexuality" (du Toit 2009:50–51). While affirmative consent laws, on the other hand, make clear that heterosexual sex is still defined in terms of women submitting to the actions of others rather than women actively desiring sex themselves, considering "sex" with an unconscious girl *nonconsensual sex* rather than *rape* makes clear that within our cultural and legal norms, negative consent, that is to say, resistance, is still considered a prerequisite for counting it as rape.

Within the popular imaginary, it seems that an unconscious person does nothing to resist; she does not actively say "no." Yet she cannot *not* consent to sex any more than she can consent to it. Is the thinking of these otherwise successful fraternity brothers and college athletes who "commit nonconsensual sex" that if a girl is unconscious, then what they are doing is not rape?¹¹ This seems to be the case judging by the study wherein nearly a third of college men said they would force sex but wouldn't consider that rape. Of course, if the girl is unconscious, then force is not an issue. And without force, and without negative consent, these college men apparently feel entitled to use women's bodies as they please. In a culture that encourages men to feel entitled to women's bodies, where masculinity is tied to dominating women, where sex is about pleasing men, and women's passivity is interpreted as consent, unconscious women have become the serial rapists' best and easiest prey.¹²

Perhaps what is needed is an enthusiastic endorsement of desire to ensure that both parties actively and enthusiastically want to do something and both express that desire either verbally or non-verbally. In the conclusion, I propose that we consider consent in terms of its roots in feeling as a way of emphasizing the intersubjectivity of sex with partners and also the necessity for responsibility to the other's response. Returning to response ethics, in the end I argue for a notion of consent as opening up the other's response in the context of intimate communication, even in cases where sex is just for pleasure within hookup culture. As we learn from psychoanalysis, desire is complicated and always ambiguous and ambivalent. As the legend of Sleeping Beauty shows, consent can become a male projection onto his victim, whom he imagines as a properly active sexual partner, whereby he hallucinates consent, even pleasure. Sleeping Beauty may be a fairytale, but fairytales tell us something important about our cultural imaginary. As we've seen, the fourteenth-century tale of the rape of Sleeping Beauty, construed as mutually consenting sexual pleasure, is all too relevant to contemporary scenes of party rape of unconscious

girls and women. When half of college men admit to aggressively pursuing sex on a date and nearly one-third of college men admit they would force a woman to have sex against her will, even if they wouldn't call it rape, it is obvious that consent is problematic. Sexual predators, including those involved in fraternity rape conspiracies previously discussed, obviously value lack of consent. They aim for nonconsensual sex, particularly through the use of drugs and alcohol to incapacitate their prey. For some of them, raping unconscious women is the ultimate power trip, completely controlling a woman's body. Even in cases where men do not intend nonconsensual sex, it is possible for men to misinterpret the gestures or signals of a woman's consent. Even if they aren't kissing her a thousand times, imagining that her unconscious lips are moving in response, "research shows that men routinely interpret women's behavior in more sexual terms than women mean or intend" (Whisnant 2013). Perceptions of consent, then, are gendered. These perceptions must be taken into account when considering issues of consent.

Education can be an important tool in addressing differing perceptions of consent, at least in the abstract. The hope is that education can provide a counterbalance, if not an antidote to pornutopic fantasies perpetuated by pornography and within popular culture. As feminists have pointed out for decades, however, much of our canonical art and literature is also based on the denigration of women and the objectification of women's bodies. If young men truly believe that unconscious girls enjoy sex, if they buy into the Sleeping Beauty fairytale or its contemporary versions in the pornutopia, then we have an uphill battle when it comes to reeducation. When highly educated boys and men at Yale University can chant, "My name is Jack, I'm a necrophiliac. I fuck dead girls," and do so in public, we have to wonder if feminists have made much progress in addressing sexism. If in the past young men harbored such fantasies, they usually hid them. Now, claiming to sexually assault and rape, and imagining unconscious girls as "dead girls," are not only acceptable behaviors among young men

but also perhaps prerequisites to establish certain types of macho masculinity. Still, the hope is that education can help change our notions of masculinity and femininity such that they don't require, and perhaps don't include, violent men and women who submit to that violence.

AFFIRMATIVE CONSENT APPS FOR CELLPHONES

The prevalence of sexual assault on college campuses, and the role of alcohol, has led to affirmative consent policies at some colleges and universities. Law professor Amy Adler sees the "legal contact that is signed in *Fifty Shades of Grey*—it's kind of [the model of] what a lot of affirmative consent people are looking for. . . . Maybe we should have written, contracted-for sexual exchanges on campus in order to avoid the messiness and possibility of error that could result in rape" (Green 2015). Has *Fifty Shades of Grey* become a template for consensual sex? Given that a college student at the University of Illinois at Chicago, who is accused of raping a fellow student, claims he was reenacting scenes from the movie *Fifty Shades of Grey*, the emulation of nonconsensual sex in the context of long discussions about consent should give us pause (Holley 2015). While it's true we've become obsessed with consent, it's becoming increasingly clear that lack of consent is what has become sexy, at least in the *Fifty Shades* universe. As we have seen, in *Fifty Shades*, contractual consent in writing is opposed to real hot passionate sex, which involves a powerful man spanking a virginal college student who doesn't like it. Consent is confused with submission. In fact, for all of its problems, *Fifty Shades* makes clear the distinction between consent and submission. Although she submits, Ana clearly does not consent in that she does not sign the contract.

One tech firm has created a "consent app" for cellphones that can be used by women and men to get or deny consent, and to

record it to use as proof later. The app seems primarily aimed at protecting men against charges of rape. The app records the person consenting or denying consent, and then to avoid tampering it uploads the recording to the cloud where it can only be accessed later by authorities. But this consent app does nothing to address the problem of whether or not the capacity to consent can be undermined or destroyed by drugs and alcohol. In other words, it's easy to imagine someone who is intoxicated (and still conscious) consenting verbally on this phone app even though they may be so drunk they don't know what they are doing. Some rape drugs like Ketamine may make it easy for predators to get recorded consent on cellphones if their victims remain semiconscious and susceptible to suggestion due to the drugs. In addition, the cellphone recordings would not necessarily show whether or not the woman's consent was coerced in some way. On the other hand, it is possible that the videos could "backfire" and prove that the "victim" was intoxicated and therefore could not consent.

In addition to overt coercion or threats, we should not ignore the ways in which power differentials between men and women, and sexism in our culture, coerce women into sex or sexual activities they don't want, and may therefore also coerce women into verbally consenting to sexual activities they don't want.¹³ For, as Vanessa Munro reminds us, "entrenched power disparities, material inequalities, relational dynamics and socio-sexual norms operate to construct and constrain not only women's ability to say 'no' to male sexual initiative, and to have that refusal accredited both by society and law, but also—and perhaps even more problematically—to say 'yes', at least in the kind of free and unfettered way that the liberal model of autonomy often seems to presume" (2008:925). The issue of consent, then, is complicated not only by the immediate circumstances and the sobriety of the participants but also by the larger social context in which women's choices, while in principle vast, in practice are limited.

Some claim that affirmative consent is unrealistic in that sexual intimacy happens without verbal consent, and the policies do not

detail what gestures (eye contact, nods, moans, smiles) constitute consent (Goldberg 2014). Consent must be reconceived when thinking about sexual relations, because unlike a contract for services, sex is an ongoing negotiation (Schulhofer 2000; McGregor 2005). Sex is a continual process of negotiation and renegotiation.¹⁴ And, therefore, consent must be continually given as the sexual activities take place.

Consent is not a moment, but a process. And cellphone apps completely distort this fact. A woman might consent to sex without consenting to particular sexual activities or consenting to sexual assault. A woman might consent to sex on a cellphone app, but that does not mean that she consents to being forcibly raped. Consent that was freely given in the beginning can be withdrawn at any time. In fact, if we take the ability to withdraw consent at any time as definitive of consent, then an unconscious person cannot consent, and even prior consent is irrelevant.¹⁵

As one journalist put it, “the affirmative consent law sets the bar for sex at roughly the same level we have for going to someone’s house: Don’t do it if you’re not invited, and don’t use the fact that someone invited you into his or her living room as an excuse to abscond with a stereo” (Marcotte 2014a). Although the metaphor of a woman’s body as her property is problematic, if sex is now “by invitation only,” I think the better metaphor would be, don’t think you can go into someone’s bedroom just because they invited you into their living room; and even if they invite you into their bedroom, that doesn’t mean you can do what you like there or that they can’t ask you to leave at any time.

While there are advantages to requiring affirmative consent over mere negative consent in the form of resistance, we must be skeptical of affirmative consent policies that turn sex into a contract and consent into a single discrete moment, let alone affirmative consent apps for electronic devices that record the supposed moment of consent so it can be used as evidence later. Affirmative consent continues to perpetuate stereotypical gender relations in which the man acts and the woman reacts. He has sex, while she consents

to it. Taking this argument further, Lise Gotell maintains that affirmative consent normalizes certain types of masculine and feminine subjects: “The legal discourse on affirmative consent produces good masculine subjects, defined through the imperatives of seeking consent and disciplined through the risk of criminalization. Good feminine sexual subjects are, by contrast, re-action heroes, who practice agency through avoidance and who carefully anticipate the risks of sexual violence floating everywhere” (Gotell 2012:366). She concludes that it turns women into “victims in waiting” who are expected to actively fight off attacks (Gotell 2008:880). Again, women are blamed if they don’t avoid risky situations that could lead to sexual assault, and if they don’t aggressively fight off attacks.

In addition, gendered power relations disappear in the rhetoric of affirmative consent and choice. Affirmative consent substitutes a thin notion of sexual autonomy for sexual equity or sexual empowerment (Gotell 2012:367). The choice to consent to certain activities, or not, does not necessarily make sexual partners equal partners. The choice to consent or not does not necessarily mean that women are empowered to speak or seek to fulfill their own sexual desires, whatever they may be. Even in terms of sexual autonomy, affirmative consent is limited to the choice to acquiesce or not, which is not a very robust notion of sexual autonomy. Furthermore, insofar as affirmative consent assumes men as the active subjects of sex and women as the reactive objects, it risks repeating the very power dynamics that make rape possible in the first place.¹⁶ Also, affirmative consent removes women from the context in which they consent. It does not, and cannot, consider why or how they consent, and whether their consent is “freely” given or coerced, whether by their sexual partner or by the sexual norms of our culture. In the words of Lise Gotell, “Affirmative consent individualizes by focusing attention on the moment of a sexual transaction, thus abstracting sexual interactions from their contexts” (Gotell 2012:361).

With affirmative consent policies, the woman’s testimony to her experience of consent seems to take priority. Yet, as we have seen

and will continue to see, women's testimony is often discounted in rape cases. Paradoxically, then, while in principle affirmative consent values a woman's experience of her own consent and legitimates her own testimony as to whether or not she gave consent, in practice her testimony is not taken seriously, or as seriously as a man's. Given our discussion of intoxicated consent and party rape, it is noteworthy that drunken perpetrators of rape are held *less* responsible because of intoxication while drunken victims of rape are held *more* responsible (Finch & Munro 2007:591). Intoxicated men are held less responsible while intoxicated women are blamed. Drunkenness lets men off the hook, while implicating women.

Affirmative consent apps highlight the problems with affirmative consent, most notably the notion that consent is given once, that it is a switch, either on or off, and once it is on, it stays on. These apps are obviously designed to protect men who could be accused of rape; and they are open to misuse, especially in cases where the woman consents in the beginning but changes her mind, or she consents to some activities, but not to others. Indeed, affirmative consent apps do not allow for the possibility of withdrawing consent, which is fundamental to the very concept of affirmative consent. Furthermore, insofar as these apps assume that consent is one discrete and definitive moment, they not only don't allow for withdrawing consent but also cannot adapt to changing circumstances or guarantee continued affirmative consent. Consent apps freeze consent into a moment in time that can be recorded. Even if a woman lists those activities to which she consents in a *Fifty Shades*-style contract, the most important aspect of consent is erased from these recordings, namely, the ability to withdraw consent. The ability to revoke consent is the minimal condition for the possibility of consent. Cellphone apps miss this entirely.

Still, affirmative consent in the form of "only yes means yes" seems like a step forward from assuming that silence equals consent, or worse, "no means yes." Some have argued that affirmative consent could lead to situations where women consent to sex while drunk, but regret it while sober, and later charge their sex partner

with rape.¹⁷ In the case of sexual assault on college campuses, it is important to note, if they are reported at all (and most rapes are not), they are reported to college administrators, and perpetrators never face criminal charges (Rubinfeld 2014). Also, given the low rate of reporting for rape (11.5 percent and only 2.7 percent when drugs or alcohol are involved), and given that false reporting of rape is negligible (2–6 percent), it is highly unlikely that affirmative consent policies will cause women to start "crying rape" after regretting sex the next day.¹⁸ In fact, it is more likely that women will recant *true* accusations of sexual assault because they fear retaliation than that women will make false accusations. In other words, there is pressure on women not to report, or to recant accusations truthfully made, but there is no evidence that women regularly falsely report sexual assault.¹⁹ Although detractors can describe situations where consent is unclear, what is clear is that women are unlikely to report consensual sex as rape.

While it is important to consider the ways in which affirmative consent policies may continue to blur the lines between consent and desire, *if enforced*, in practice they might force serial rapists to reconsider using drugs and alcohol to incapacitate their victims. Although affirmative consent does not guarantee that women want or desire sex, but rather only that they consent and submit to it, and in this regard it does not empower women to say "no" in coercive situations, the hope is that sexual predators will no longer be able to use the lack of negative consent or lack of resistance as an alibi. Of course, unless there are witnesses, or a cellphone recording, many of these cases will remain "he said, she said." What counts as evidence of consent is still an open question, especially when drugs and alcohol are involved. As we have seen, perceptions of consent vary, and studies show men are more likely to interpret certain behaviors as signs of consent than women do (Jozkowski & Peterson 2014).

If rape is defined as sex against someone's will, what if that will is compromised by drugs or alcohol to the point where the victim cannot express it? The more difficult question is when a woman

doesn't *know* her own will. Perhaps the more important question is *why* she doesn't know her own will. Given pressures on young women to conform to social norms, and given that ours is still very much a patriarchal society, there are many factors that could cloud someone's judgment. This is a central problem with treating the issue of consent as one of sexual autonomy in a culture where women and others are not always fully autonomous. The stakes of determining what should count as autonomy are as high as those for what should count as consent. Indeed, without accounting for the ways in which a woman's autonomy may be compromised by her social situation, it is impossible to decipher the meaning of affirmative consent. While certainly "no" does not mean "yes," the troubling truth of patriarchy is that sometimes even "yes" does not mean "yes." *Fifty Shades of Grey* is a case in point. So too is Bogle's study of hookup culture wherein girls and women are often pressured to go farther than they want in sexual relations.

When college-age people are drinking, most of them inexperienced with sex, and some of them still teenagers, consent is a messy business. Indeed, sex often brings with it complicated emotions and cultural valuations that can make consent vexed in the best of circumstances. Men and women may feel pressured into having sex or not having sex.²⁰ They may feel that their masculinity or femininity is at stake. They may want different things from the experience before and after, or even during. There can be misunderstandings and miscommunication. Recall studies that indicate that women are pressured to go farther than they want, and that perceptions of consent are gendered (Bogle 2008; Burnett et al. 2009; Jozkowski & Peterson 2014). And now that attention is given to the role of college drinking in sexual assault, and the incapacitation of judgment on the part of both perpetrators and victims when intoxicated, the standard of rape has shifted from the question of force to the question of consent. Certainly, many cases of rape on college campuses involve force, whether or not they are acquaintance or date rapes. But with so many high-profile cases involving severely intoxicated college students, and in some

cases victims who are unconscious, the question of physical force becomes moot.

The lack of force in these cases is another reason why the designations "rape" or "sexual assault," both of which traditionally refer to the use of force, no longer seem to apply in a straightforward way. If the victim is already incapacitated due to drugs or alcohol, then physical force may be unnecessary on the part of the perpetrator, particularly if the victim is unconscious. In these cases, nonconsensual sex does not require force. The victims of these crimes may arrive at the hospital or rape crisis center without any visible signs of assault. As we move from designations of *rape*, through *sexual assault*, to *nonconsensual sex*, we move from situations of sexual assault involving battery, to ones in which the victim may not have been physically damaged, and where physical force may not have been necessary to subdue the victim.²¹

Obviously, given the problem of sexual assault and rape on college campuses, especially those involving drugs and alcohol, the issue of consent takes center stage. The difference between rape and sex is consent. Consent works its *moral magic* and transforms an act from impermissible to permissible (Hurd 1996). If the accused can convince a university board or a jury that the woman consented, then he is exonerated. For example, Heisman trophy winner Jamies Winston's DNA was in a rape kit while he celebrated his success. Like many cases of sexual assault or rape, it became a "he said, she said" situation, in which it was his word against his accuser, who was harassed by Florida State University football fans after she came forward with rape allegations. Without evidence of force, evidence of rape drugs, or witnesses, it becomes difficult to prove consent or lack of it.

It is assumed that an unconscious person cannot give affirmative consent. But there is still the question of whether or not an unconscious person can give negative consent, which has been de facto required to prove that rape took place. Furthermore, some have raised the question of whether or not advance consent can be given for activities that take place while unconscious—for example, the

initiation of sex with a sleeping partner, the so-called problem of the sleeping spouse.²² While reasonable people may conclude that an unconscious person cannot give consent of any kind, and therefore sex with an unconscious person is always nonconsensual sex, consciousness is not always simply an off-or-on proposition, especially when drugs or alcohol are involved. In some of the most high-profile cases recently, the victims have been completely unconscious at the time of the sexual assaults, evidenced by photographs showing their limp bodies being dragged and tossed like rag dolls. But in other cases involving alcohol, even cases where the victim does not remember being raped and learns about it later through creepshots taken by the perpetrator or bystanders, there are questions of what counts as consent and how much consciousness or incapacitation is necessary to declare someone able to consent or unable to consent. Where do we draw the line in terms of intoxicated consent? In other words, if consciousness is a prerequisite for consent, at what point is consciousness impaired enough to prohibit the possibility of consent? This question is especially relevant when we consider the role of drinking in rape, date rape, sexual assault, and nonconsensual sex. At what point does a woman become incompetent to give consent?²³ In the case of drunken college students, is there a blood alcohol level at which they no longer are able to give consent? And should the same standards apply to men as to women? In other words, if two severely intoxicated students have sex, are they raping each other?

David Archard argues that, given the significant harm to women if they are forced to have sex against their will, or when they do not consent to sex, and given the relative lack of harm to men if they abstain from sex, it is the man's responsibility to obtain affirmative consent from the woman (1998:144-45). Furthermore, Archard argues that men know when they are having sex, and usually they are also aware of their partner's reactions, especially signs of non-consent. He concludes, "men have a duty to take reasonable care lest women do not consent. The costs of taking such care are not great and are certainly insignificant when compared to the costs

that are avoided by such care being taken" (1998:145). In Archard's view, which is reasonable if not completely satisfactory, it is a man's responsibility to avoid nonconsensual sex. And it is a man's responsibility to obtain affirmative consent. Until we change rape culture and attitudes toward women, unfortunately, this may be the best stopgap solution; namely, to hold men responsible for consent. As discussed earlier, however, this type of policy is problematic insofar as it gives men the primary responsibility. Of course, it is appropriate that the primary responsibility *not* to sexually assault women (or other men) lies with those who are in a position to do so. Men should be required to get active consent from their partners. In spite of its conceptual problems, holding men primarily responsible for getting consent is pragmatically necessary, especially in a culture that increasingly fetishizes the moment of consent, the association between consent and contracts, and too often leaves us with "he said, she said" legal proceedings that are not adequate to address sexual assault.

Where alcohol rather than force is used to incapacitate, what counts as consent and what counts as rape becomes even more problematic.²⁴ Although it is crucial to note that the use of drugs and alcohol does not cause sexual assault, they are an important component of rape on college campuses. As one study of the correlation between alcohol use and rape puts it, "even though many sexual assaults involve substance use by the victim, this does not imply that women are in any way responsible for their sexual assault. Victimization is committed by the perpetrator, and prevention programs targeting university men should strongly emphasize that an intoxicated or incapacitated person cannot legally or otherwise consent to sexual contact" (Krebs et al. 2009:643). Of course, when drugs and alcohol are involved and the judgment of both parties is impaired, this may be easier said than done, which is not to say that men should not be held responsible for having sex with incapacitated women. But the issue of consent gets messy when drunken men and women are trying to interpret signs of consent, or behaving in ways that could be interpreted as consent.

Take, for example, a case in 2013 at Occidental College, where “John Doe” was expelled from college for sexual misconduct after having sex with “Jane Doe” when she was intoxicated. They both were drunk. She had been taken back to her own dorm room by friends but subsequently returned to John Doe’s dorm room to “have sex” as she texted a friend that night. She was a virgin at the time. Later, although she didn’t deny going to his room, she claimed that she was too drunk to consent to sex. This is probably a typical situation on college campuses. Both parties are drunk. They have sex. One or both regret it the next day. Whose responsibility is it to obtain consent? Whose consent matters? Whose consent makes the difference between rape or nonconsensual sex and just poor judgment? In cases such as the one at Occidental where signs of consent were apparently given, but by a severely intoxicated woman, it may be appropriate for colleges and universities to discipline students using their honor codes rather than criminal or even civil law. Should just the male student be disciplined in such a case (of male-on-female sexual assault)? In an age of sexual freedom and autonomy, this may sound too “old-fashioned.” Yet if colleges and universities are downgrading rape to “nonconsensual sex,” and if the punishment is expulsion rather than years in prison, then perhaps the tradeoff is that affirmative consent policies can help stop rape on campus.²⁵ Furthermore, it seems appropriate to consider underage drinking and sex with incapacitated or severely intoxicated women an honor code violation. Off campus, underage drinking and nonconsensual sex are still crimes. Why is it any different on campus? The answer, of course, is that colleges and universities attract undergraduates by allowing the party atmosphere that appeals to students and makes college fun. If, for example, a college or university prohibited drinking on campus, that would definitely cut down on the numbers of applications it received. Some schools have a reputation as “party schools” and some students seek out these institutions.

Sexual assaults involving alcohol in the military have led to the “Ask Her When She’s Sober” poster campaign.²⁶ Only recently

has there been much attention given to rape in the military, even though according to the Pentagon’s own Rand Report, approximately one-third of the women soldiers in Iraq and Afghanistan have been raped or sexually assaulted by their fellow soldiers.²⁷ In 2013, Lieutenant Colonel Jeffrey Krusinski, who was in charge of sexual assault prevention programs for the Air Force, was himself charged with sexual battery, and two weeks later a sexual abuse educator at Fort Hood (Texas) was charged with sexual assault and running a prostitution ring, and, at the same time, reports of military recruiters across the country engaging in sex crimes hit the press. This chain of sex crimes was coincident with a new Pentagon study on the pervasive sexual abuse in the military, which reports that there was an average of three sexual assaults an hour in 2012, and many more that go unreported (Brook and Zoroya 2013). Suddenly, the Pentagon was in the middle of what the *Washington Post* called a “sex-crime crisis” (Whitlock 2012).

The military’s response to its sex-crime crisis has also come under scrutiny—especially with reports that one military chaplain advised an army sergeant who was raped by a fellow soldier that “the rape must have been God’s will and that she should go to church more often” (Mulrine 2012), and that an Air Force brochure on sexual assault tells victims to submit rather than resist, which runs counter to research that shows that fighting back can fend off the attacker and usually does not lead to greater injury (Ackerman 2013). The brochure also says that rapists look for those who are vulnerable, namely the young, naïve, or emotionally unstable (Ackerman 2013). All of this, combined with other military responses such as the Army’s poster advising servicemen to “Ask Her When She’s Sober,” suggests the classic blame-the-victim approach to rape in the military.

Moreover, military culture discourages reporting rapes. From the boot-camp mentality, to the fact that reporting sexual assault ruins military careers, to the fact that very few military rapists are convicted and sentenced to prison, many victims of rape in the military do not report it (Whitlock 2012; Lawrence & Peñaloza 2013).

Myla Haider, a former agent in the Army's Criminal Investigation Command and a rape victim herself, says, "I've never met one victim who was able to report the crime and still retain their military career. Not one" (Lawrence & Peñaloza 2013). Haider herself was kicked out of the Army after reporting her rape. Although college women aren't expelled from school for reporting rape, many of them are run off campus by harassment, especially when they accuse popular athletes.²⁸

RETALIATION FOR REPORTING AND PERPETRATORS CLAIMING VICTIMHOOD

Accusing top athletes and white middle-class honors students of rape is difficult. Often the community rallies around the alleged perpetrator and discounts the testimony of the alleged victim, who may suffer harassment or retaliation for accusing a star athlete. This was the case of Heisman trophy winner and alleged rapist Jamies Winston at Florida State University and his accuser Erica Kinsman. While he won awards, she was forced to leave FSU. ESPN commentators Skip Bayless and Stephen A. Smith described the allegations against Winston as "terribly unfair" and suspiciously timed (even though Kinsman had reported the alleged rape a year before) (Glock 2015).²⁹ The community came to his defense and harassed her. He was celebrated while she was castigated. At this writing, he is suing her for defamation of character, even though his DNA was found in the rape kit and another woman had also accused him of sexual misconduct. Kinsman claims that Winston and his friends put something in her drink and that is how she ended up in Winston's apartment. Winston claims the sex was consensual.

Women report being harassed for reporting rape, or for standing up against rape on campus. This harassment adds another layer of trauma to the sexual assault (Ullman & Peter-Hagene

2014). The public too often sides with the perpetrators, especially when they are star athletes or popular fraternity brothers. Rape victims are routinely asked about what they were wearing, what they did to provoke the attack, whether or not they resisted, and if their actions might have been construed as consent, and so on. The documentary *The Hunting Ground* shows dozens of young women who suffered additional trauma after reporting their rapes, when college administrators and police didn't seem to believe them. One survivor, Annie Clark, recounts an administrator told her, "rape is like a football game," and asked her if she were the quarterback what she might have done differently. This kind of blame-the-victim mentality is commonplace, especially on college campuses where young women dress up and drink at fraternity parties.³⁰ Women are further traumatized when authorities don't take them seriously, blame them, or side with their attackers. Not being taken seriously contributes to PTSD symptoms by making women question themselves, and women suffer more shame along with feelings of helplessness.³¹ In addition, they may have to watch while their attackers not only go free but are heralded as the true victims, while they are painted as the evil ones, ruining promising college men's careers.

Survivors who come forward are subjected to smear campaigns, backlash on social media sites, and in some cases even lawsuits by the accused. Men accused of rape "fight back" by discrediting their accusers. They take up the position of the victim, arguing that they have been damaged by accusations, or that their futures have been ruined. Turning the tables, they attempt to make the sexual assault survivor into a libelous attacker and make themselves into the innocent victim. For example, in the now high-profile case of Emma Sulkowicz, also known as "mattress girl," her fellow Columbia University student who allegedly anally raped her, in what started as consensual sex and progressed into violent forced anal penetration against her protests, is now suing Columbia University and Sulkowicz's senior thesis advisor, who allowed her to carry a mattress as part of her senior performance project.

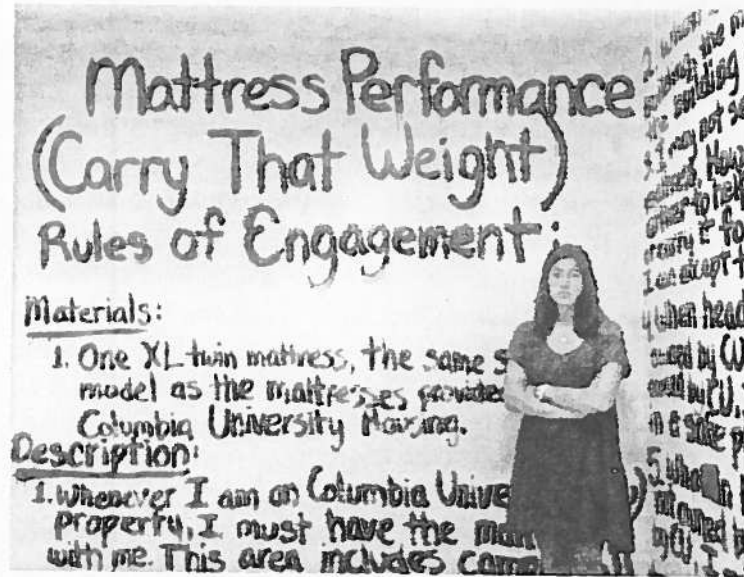


FIGURE 2.1 Emma Sulkowicz's performance art "Carry That Weight."

The alleged rapist accuses the alleged victim of harassment. He claims that her performance was “bullying” him. The mattress performance, called “Carry That Weight,” was designed to raise awareness of rape on campus. Sulkowicz vowed to carry the mattress on which she was raped until her rapist was brought to justice. Now, the accused claims that he is the real victim in the case. When Sulkowicz carried her mattress to a graduation ceremony, posters appeared around campus calling her a “pretty little liar”; and while she has received praise for her courage and for her performance art, she has also received threats.

Sulkowicz's case may be unique because the university endorsed her performance project, and more importantly it was subsequently taken up in positive ways by mainstream media. In general, however, because of differing access to media, and public acceptance of rape myths that see the survivors as sluts, women continue to

be muted about their experiences of sexual assault. In fact, studies have shown that “women have been muted in a multitude of ways, including methods in which women tell stories, through male-controlled media, in ways women’s bodies are portrayed and analyzed, and through censorship of women’s voices (Houston & Karamarae 1994). Men, on the other hand, not only feel more comfortable and confident in using the dominant communicative system, they also trust institutions more than women do, since institutions are created and named by men” (Burnett et al. 2009). Notably, several websites hosted by men’s groups advise men on what to do if they are accused of rape. Some of these sites suggest that feminists may falsely accuse men just to target them and harass them. Some of these sites portray the accused as the true victim of feminists. Many of these sites give advice on how men can protect themselves from prosecution if accused.³²

In the highly visible cases in Steubenville (Ohio) where high school football players sexually assaulted an unconscious girl, and in Nashville (Tennessee), where Vanderbilt University football players sexually assaulted a college junior, much of the initial public response was talk of promising football careers ruined. In cases involving popular athletes, there is often more concern for how the rape affects the perpetrator than how it affects the victim. This silencing contributes to, and perpetuates, rape culture on college campuses. Survivors are discouraged from coming forward, especially if the perpetrator is an athlete or a well-respected fraternity brother. And when they do come forward, as in the case of Erica Kinsman, they may suffer public harassment.

In the documentary *The Hunting Ground* (2015), many women who reported rapes, and the two women at the center of anti-rape activism, Annie Clark and Andrea Pino, describe how they continue to be harassed and even receive death threats.³³ Pino says, "There is more of a deterrent for coming forward than actually committing rape. And it is more likely that the survivor will drop out before an assailant will leave campus. Nobody is expelled, nobody goes to prison, so it continues to be a part of college

life" (Pino qtd. in Glock 2015). At the extreme, the harassment of victims can be deadly. For example, at the University of Mary Washington, Grace Rebecca Mann was harassed via social media, especially on the anonymous app Yik Yak, and eventually murdered for speaking out against fraternities that encouraged rape, and against the rugby team in particular for a song praising sexual assault and necrophilia (Dewan & Stolberg 2015). This rugby team and these fraternities, however, do not just represent isolated incidents or "a few bad apples." As we've seen, fraternities across the country are coming under fire for songs, chants, and social media sites that encourage sexual assault and rape. Some fraternities have been sanctioned for hosting parties where they serve rape drug-spiked punch to girls in order to intentionally incapacitate them in sexual assault conspiracies. The explicit goal of these parties, as suggested by chants of "No means yes" or "My name is Jack, I'm a necrophiliac, I fuck dead girls," is nonconsensual sex with unconscious girls.

"DEAD GIRLS," UNCONSCIOUS VICTIMS, AND PUBLIC SHAME

Recent cases make vivid the corpse-like nature of unconscious girls who are sexually assaulted and raped. Girls who are unconscious when raped, and then learn about their rape later through photographs, are literally forced to see their rape through the eyes of their rapists and the bystanders who saw it as a "Facebook" moment. They are forced to see their bodies as *living corpses* through the eyes of witnesses who claim they look "dead" and "lifeless."³⁴ Louise du Toit's discussion of the rape victim's experience of her own body as a "living corpse" takes on a new and powerful meaning in light of creepshots and video recordings of sexual assaults. Victims view their own lifeless bodies being dragged, dropped, violated, abused, and raped, not as participants in the scene, but as

observers of it. Further alienating them from their own experience and their own bodies, viewing their bodies as having undergone abuses that they don't remember intensifies the damage to the victims' sense of their own identity and the coherence of their experience. It works to undermine their confidence in their own ability to know themselves.³⁵

Louise du Toit claims the damage rape does to victims is to make them see their own bodies through the eyes of their rapists as passive objects, and to see their own agency through the eyes of their rapists as powerless. The victim is treated like a thing. For the rapist her body has the advantages of a "corpse"—it can be used and abused with abandon—without the disadvantages, its abjection or putrefaction.³⁶ The victim is forced to confront her own mortality and her body as a corpse. It splits her experience into seeing her body as a corpse while experiencing it as a living body; she becomes a sort of living corpse. Of course, du Toit is speaking metaphorically when she talks of the corpse-like feeling of victims who were conscious of their attacks. She is not talking about recent cases of unconscious girls whose limp bodies were dragged around, violated, and described as "dead girls" completely "lifeless," a living corpse. For girls and women who are victims of non-consensual sex, sexual assault, or rape while unconscious, referred to as "dead girls" by their rapists, and later shown pictures of their own inanimate bodies being violated, the perception of their bodies as a living corpse is even more dramatic.

Discovering that one has been raped while unconscious can cause different types and levels of harm more severe than the trauma of sexual assault while awake.³⁷ The fact that victims discover their victimization from third parties or recordings undermines a sense of coherent existence that cuts to the heart of the sense of self. It is as if this happened to someone else and yet it undeniably did not. The victim may come to question herself, to experience her life as fragmented, and to fear unconsciousness, even sleep. As Cressida Heyes argues, "women who have been sexually assaulted while unconscious report that they become hyper-vigilant, unable

to close their eyes for fear of losing control and becoming vulnerable again" (Heyes forthcoming). Rape while unconscious damages the victim's sense of herself as an agent in ways unique to this form of rape. Heyes concludes, "Sexual assault in these situations, and especially rape . . . exploits and reinforces a victim's lack of agency and exposes her body in ways that make it especially difficult for her to reconstitute herself as a subject. It damages both her ability to engage with the world in four dimensions (through a temporally persisting body schema), and her ability to retreat from it into anonymity. . . . Deviations and interruptions in the stream of sensory perception, and the anonymity unconsciousness (usually experienced as sleep) provides are just as important to subjectivity" (Heyes forthcoming). Victims who are raped while unconscious or asleep may find restful sleep impossible, fearing that if they go to sleep or pass out, they will be attacked again. Furthermore, they no longer can rely on the "anonymity of sleep," a time when every living creature requires a safe space to retreat from the world.³⁸ The anonymity of sleep is further disturbed if images of the victim's sleeping body are disseminated through social media. What should be a time of restful recovery and restoration becomes a dangerous time of special vulnerability to sexual assault followed by ridicule through social media. Heyes's analysis both does and does not apply to cases where girls and women are drugged or pass out from alcohol. Their unconscious state is not exactly the same as sleeping. And the use of rape drugs to render victims unconscious is far more pernicious than disturbing sleep.

Perpetrators can continue their victimization of targets of sexual assault using social media. Posting photographs and jeering comments extends the damage to victims beyond the rape itself. "Sexual assault is a crime of power and dominance," says psychologist Rebecca Campbell. "By distributing images of the rape through social media, this is a way of asserting dominance and power to hurt the victim over and over again" (qtd. in Fuchs et al. 2013). Rape has become a spectator sport in which rapists pose for the camera and victims are subject to creepshots distributed

or posted as trophies or entertainment, which adds a new layer of trauma and shame onto these crimes. Social media adds insult to injury for many victims, whether or not they are seeing their rape for the first time on a computer screen. Photographs and videos have been used to further torment and shame victims, adding another layer of victimization to the sexual assault itself.³⁹ The trauma of victimization not only becomes public but also infinitely repeatable. It can go viral. It doesn't go away. Its presence on social media extends the victimization and trauma into an infinite future that makes closure or healing more difficult, if not impossible.⁴⁰

Indeed, the shame over photographs of their naked bodies in compromising positions being treated as living corpses has led some victims to kill themselves rather than face public scorn. For example, in April 2013, in two distinct cases, teenage girls killed themselves after photographs of their sexual assaults were posted online (Fuchs et al. 2013). In text messages, they both suggested that they couldn't go on living with the public shame of everyone seeing their violated bodies. Many rape survivors feel shame over being sexually assaulted, even if when they don't blame themselves, and even when only their perpetrator knows about it. Social media and the public spectacle of party rape intensify this shame and add another layer of degradation, namely, the humiliation of being photographed while compromised and victimized. The dissemination of creepshot photographs of sexual assault adds another type of trauma to the trauma of sexual assault. Friends and strangers, anyone with access to the Internet, might see pictures that compound the trauma of sexual assault and take its harms to another level.⁴¹

According to a government report, "Victims of sexual assault are more likely to suffer academically and from depression, post-traumatic stress disorder, to abuse alcohol and drugs, and to contemplate suicide."⁴² Suicide.org reports that 33 percent of rape victims contemplate suicide and 13 percent of rape victims will commit suicide (Caruso n.d.). Many feminists have discussed the devastating effects of rape on victims.⁴³ For example, du Toit claims that the

victim's world is "unmade" (2009). Discussing her own rape, Susan Brison says, "I felt as if I was experiencing things posthumously," which resonates with the idea of one's own body as a living corpse (2003:8). Brison and du Toit discuss this living corpse-like experience for rape victims who are aware of their rapes, relive them, testify to them, and continue to be traumatized by the experience of them afterwards. But for a woman who sees her rape for the first time through the eyes of others, this experience of one's own body as not one's own, as one's own body as a living corpse, can only be intensified. And for women whose sexual assault is documented, recorded, and posted on social media, the reliving of the incident and the retraumatization is extended indefinitely.

Discussing the specific harm of rape, Ann Cahill argues, "rape, in its total denial of the victim's agency, will, and personhood, can be understood as a denial of intersubjectivity itself" (2001:132). Rendering their victims unconscious is an effective way to avoid dealing with the intersubjectivity usually involved in having sex, consensual or nonconsensual. Sexual predators deny intersubjectivity by using rape drugs and alcohol to ensure that their victims are not conscious or only semiconscious. This strategy not only makes it easier to rape girls and women but also allows the perpetrator to avoid the intersubjective dimension of sex. In these scenarios, girls and women function as living dolls with which boys and men pleasure themselves. Consider too that within the pornutopia, there is only one subject who matters. His desires are supposedly mirrored by hers. Furthermore, the widespread exposure to pornography, and use of pornography for their first sexual experiences, may lead boys and men to expect one-directional sex in which they are the actors and their sexual partners are like the two-dimensional women on their computer screens. If use of pornography is the norm for many sexual experiences, then sex without true intersubjective encounters is becoming the norm. Certainly, drugs and alcohol can leech the victim's subjectivity from the scene and make her more like an object or living corpse than a sex partner, or even a resisting victim. Drugs and alcohol may render the victim more like the two-dimensional object

of pornography insofar as she doesn't respond, but the unconscious woman has the "advantage" of being a fleshy other, unlike the pornographic object. In this way, on the level of the imaginary of the rapist, the victim's unconsciousness may work to absolve him of the crime insofar as he can justify it by saying, "what she doesn't know won't hurt her." Or, as one participant claimed in the Steubenville (Ohio) rape case, "we don't know whether or not she wanted it." Like the rapist prince in the legend of Sleeping Beauty, or the masculine subject of the pornutopia, these perpetrators may even imagine that their victims enjoyed it.

The growing use of rape drugs and alcohol to render girls unconscious, and thereby easily "rapeable," combined with sentiments expressed in the Yale fraternity chant, "My name is Jack, I'm a necrophiliac, I fuck dead girls," suggest a valorization and eroticization of sex with unconscious girls. Consider, for example, in 2014, a fraternity at the University of Wisconsin planned a party to incapacitate "hot" girls using punch spiked with the drug Rohypnol; the girls were given an all-you-can-drink pass, and their hands were marked with a red-X, presumably so that fraternity brothers could easily make out their targets.⁴⁴ Several girls ended up in the hospital. Rape drugs can be lethal at high doses. It is unclear whether or not the "rape conspiracy" was successful at the University of Wisconsin. If the girls were drugged unconscious and had no memory of sexual assault, how would we know, unless the perpetrators confessed or the hospitals used rape kits? Using drugs like Rohypnol help ensure that the victim can't testify against her rapist, especially if she remains unconscious during the entire attack. What is clear is that in cases involving date rape drugs, the goal on the part of perpetrators is to incapacitate their victims and make them easy prey for sexual assault. The goal is to have sex with a passive, unconscious, unresponsive, "lifeless" girl. Lack of consent is assumed. Nonconsensual sex with an unconscious woman puts the man in complete control of the woman's body. Certainly, "sex" with inanimate girls is not about intimacy, and perhaps not even pleasure, but control. These fraternity boys are

trophy-hunting for prime party rape prey. As the Yale chant suggests, these fraternity boys and men want sex with “dead girls.”

Perhaps this valorization and eroticization of sex with so-called “dead girls,” a form of pseudo-necrophilia, is also a product of pornography, especially zombie porn or snuff porn. If intelligent college students want to have sex with unconscious girls, this form of pseudo-necrophilia as the ultimate macho sexual power trip has become eroticized in our culture. Of course, social media is filled with pornographic images of naked women, whether it is professionally made porn, pornographic selfies, or creepshots. Pornography has penetrated mainstream culture, not just with the prevalence and availability of pornography on the Internet, but also in our everyday lives (Green 2015).⁴⁵ The “mainstream penetration” of pornography is evident in “the way people are presenting themselves for cameras,” which “is much more sexualized than it once was” (Green 2015). A century ago, people looked stone-faced into cameras. A couple of decades ago, people smiled for the camera. Now, people—particularly girls and young women—pucker their lips and make a “sexy” face, familiar from porn. The Internet is full of pornographic selfies.

It is noteworthy that in most of the recent high-profile rape cases there have been groups of boys or young men involved, some of whom take photos and videos using cellphones. This also suggests that rape has become a spectator sport worthy of candid photographs to be disseminated during and after the event. These boys and young men are “having fun,” and they see the photographs of naked “dead” girls in compromising positions as “funny.”⁴⁶ Pseudo-necrophilia has gone mainstream. Discussing the horror film *Deadgirl* (2008), in which a living-corpse zombie girl is repeatedly raped and abused by high school boys, film critic Steve Jones says, “we are left with the horror that *Deadgirl* is an erotic object because she epitomizes powerlessness” (Jones 2013:532). Has absolute powerlessness on the part of girls and women become the height of a new erotic fantasy? Has this form of pseudo-necrophilia become a new norm for sex on college

campuses? Recent cases of sexual assault on unconscious girls suggest that something about the victim’s complete powerlessness and lack of agency has become erotic, fun, or even funny. In addition to the eroticization of unconscious women, then, it is crucial to consider the power dynamics in sexually violating someone powerless to resist. Raping an unconscious woman is the ultimate power trip, proving absolute dominance over another human being, and a woman in particular. Pictures of sexual assault have become new forms of trophies mounted on the Internet.

Some scholars have argued that sports culture, military culture, and other aspects of dominant culture, including movies and video games, promote the idea that masculinity is gained and proved by dominating girls and women, especially through sex and rape.⁴⁷ Although rape and the connection to masculinity is not new, it is particularly troubling that rape is becoming openly valorized, as evidenced by groups of college men chanting rape slogans, and the value put on lack of consent, also endorsed in these slogans. Rape is becoming a group activity with spectators. In some cases, it is even a planned event, as for example in the fraternities accused of “rape conspiracy” for serving punch spiked with rape drugs in order to incapacitate their “rapebait” (Frampton 2015; Schwaartz 2015). While there always has been rape, including gang rape, what seems new is the public valorization of “nonconsensual sex” and its display on social media. If, in the past, rapists acted in the shadows and kept their acts a secret, now they chant in public about rape, they record their sexual assaults, and they post pictures of them for entertainment online. Rape has become a form of public entertainment.

RECORDING NOT REPORTING: “PICTURES DON’T LIE” (EVEN IF WOMEN DO)

Ironically, in some recent high-profile cases, because the victims were unconscious—and in some cases didn’t even know they had

been raped—rape was easier to prove, try, and convict. This suggests that the “testimony” of unconscious girls is more believable than that of conscious ones. Many feminists have discussed the ways in which victim blaming and victim shaming contribute to the low number of women who report rape (2.5–11 percent), along with extremely low conviction rates for rape (as low as 5 percent), which also may contribute to low reporting (Anderson 2003:78; Caringella 2008; Wolitzky-Taylor et al. 2011; Kim 2012). In addition, many of these same scholars have discussed the ways in which the victim’s testimony is discounted.⁴⁸ Furthermore, as we have seen, studies show that when authorities don’t believe victims, this significantly contributes to levels and duration of trauma that result from sexual assault (Ullman & Peter-Hagene 2014).

The documentary *The Hunting Ground* shows dozens of college women discussing how they were blamed for their own rapes and how the perpetrators were never punished in any way. Many of the young women talked as if the fact that the perpetrators were not punished, and in some cases even celebrated as star athletes, was as traumatic as the rape itself. They were made to feel as if they were responsible for their own victimization, which was compounded by the perpetrators being seemingly unaffected. When perpetrators go free, sometimes even defended or celebrated, it makes victims feel out of touch with reality and undermines their feelings of legitimacy. In one heart-wrenching scene in *The Hunting Ground*, a father recounts how his daughter killed herself after it became clear that her perpetrator was going to get away with it. A rape conviction, or at least some disciplinary action taken against the perpetrator, legitimates the victim’s testimony and sense of her own experience. Many young women in the documentary expressed hurt and frustration by the fact that the rape had damaged their lives forever, while their perpetrators seemingly faced no consequences for their actions. Many remarked on the “unfairness” of this situation where they are violated, blamed, and then left to face a trauma that may take years from which to recover, if ever, while their rapists go about

their lives, business as usual, in many cases continuing to sexually assault other women.

While the testimony of young women is challenged, discounted, and often at best put into the context of a “he said, she said” situation, the recent phenomenon of creepshot photographs of rapes, and the recording of unconscious rape victims taken with cellphone cameras, has brought about some high-profile convictions. As one detective said in the Vanderbilt rape case, “pictures don’t lie” (20/20 2015). In spite of statistics that false reporting is extremely low, too often the suspicion is that rape victims can, and do, lie.⁴⁹ Certainly the case of “Jackie,” who reported a terrible gang rape at the University of Virginia, as covered by *Rolling Stone*, which subsequently turned out to be false, didn’t help the cause of rape victims.⁵⁰ In some recent high-profile cases, however, the victim didn’t even know she had been raped. In these cases, the rape was recorded and not reported. In these cases, it seems that the mute “testimony” of a visually “lifeless,” “dead girl” is more powerful than the sorrowful testimony of victims aware of their attacks.

For example, on June 23, 2013, an unconscious Vanderbilt honor’s student was gang-raped by four Vanderbilt football players, two of whom were later convicted on all counts, and two of whom have yet to stand trial, as of this writing.⁵¹ One of the convicted rapists, Brandon Vandenburg, had been going out with the victim at the time. After a night of drinking at a local restaurant bar, he enlisted friends to help haul his girlfriend into his dorm room after she passed out in her car. He took pictures of her being sodomized with a water bottle and by his teammate Corey Batey, and sent them to friends. The victim has no memory of the rapes. The next day, Vandenburg reportedly told her that she’d vomited in his room and he’d taken care of her all night. Embarrassed, she thanked him.

Two days later, investigating vandalism in the dorm, campus police saw surveillance videos of the football players dragging the unconscious woman down the hallway of the dorm, taking her into

Vandenburg's room, then going in and out of the dorm room, and at one point covering the surveillance camera with a towel. That surveillance video, which aired on the television show *20/20*, showed the men dragging the half-naked unconscious woman, dropping her several times, giggling, smiling, and happily taking pictures of her, even close-ups of her butt. Supposedly, Vandenburg's roommate was asleep on the top bunk during part of the assault and later left the room. Several other men in the dorm saw the football players manhandling the unconscious woman, several men saw the videos of the rape, even while it was going on, and not one of them reported it to authorities. Two of Vandenburg's friends in California received photos and videos throughout the night, one of them commenting in a message back to Vandenburg that they should "gang bang" the "bitch," make sure she "doesn't wake up," and then "get rid of her."

By the end of the investigation, police had confiscated cellphone photographs and videos of Corey Batey raping the unconscious girl and Brandon Banks sodomizing her with a bottle. All the while, Vandenburg was taking photos, laughing, and egging them on. Reportedly, he tried to rape her too, but couldn't "get it up" because he had done too much cocaine. In their own words, the players were "clowning" for the camera. They were taking pictures as if they were on vacation, to show their sexual prowess, and because they thought it was funny. As authorities started questioning them, the players met to plan their strategy. They deleted the videos and photographs. Vandenburg instructed his friends in California to destroy their cellphones, which they did. But one of their phones had automatically uploaded the video to his computer and eventually the police found it. At first, the victim denied that she'd been raped. She couldn't believe it. The police had to show her the photographs and videos in order to prove it to her. When interviewed, the detectives said this was the first time that they had to convince the victim that she'd been raped. Rather than being reported, the rape was recorded.

As strange as it seems, recording instead of reporting is becoming more common. Girls are finding out they've been raped when

pictures taken by the rapists or bystanders are posted on social media or sent around as text messages. For example, on August 11, 2012, in Steubenville (Ohio), an unconscious high school student was sexually assaulted while bystanders watched. Photographs and videos that circulated on social media showed the perpetrators talking about rape while assaulting her. Later, texts and tweets also joked about rape, making light of the fact that the girl was "so raped," and slept through "a wang in the butthole" (Ley 2012). Two boys on the football team were found guilty in juvenile court. And several adults were charged with trying to cover up the crime or hinder the investigation. Reportedly, the football coach threatened a journalist covering the case, and the school superintendent tampered with evidence. The victim didn't know that she'd been raped until she saw the pictures. The boy who posted photographs was found guilty of distributing child pornography since the girl was underage.⁵² One of the perpetrators defended himself, saying, "It isn't really rape because you don't know if she wanted to or not" (Ley 2013). This sentiment makes clear that in these young people's minds, or at least in this person's mind, consent and desire are not only mental states but also the same mental state.⁵³ Furthermore, the fantasy is that if a girl is unconscious, and neither affirmative nor negative consent can be given, "sex" with her is not really rape. Echoing the age-old myth of Sleeping Beauty, along with her pornutopic sisters who enjoy being raped, these boys imagined their unconscious victim actually might be consenting, perhaps even "wanting" it.

Many rape cases that come to light via social media or cellphone photographs feature groups of people, mostly men, watching as unconscious girls are dragged, dropped, sexually abused, and photographed. Some of these bystanders take pictures with their phones rather than report the crimes. In these cases, cellphones become part of the sexual assault. Rapists and bystanders take pictures for fun or entertainment, and generally to enhance the experience. They have even more fun distributing the pictures to friends or on social media sites. Take, for example, a young woman who

first discovered she had been gang-raped on Panama City beach in Florida when a video appeared on the nightly news. Hundreds of people watched. Seemingly part of the scenery or entertainment on that crowded beach, someone had recorded it using a cellphone (Stapleton & Levs 2015). Reportedly, she was drugged with a drink offered to her on the beach and then two Troy University (Alabama) students sexually assaulted her. A spokesperson for the local sheriff's office said, "there's a number of videos we've recovered with things similar to this, and I can only imagine how many things we haven't recovered . . . through social media we have been able to find video of girls, incoherent and passed out, and almost like they are drugged, being assaulted on the beaches of Panama City in front of a bunch of people standing around" watching (Stapleton & Levs 2015). A popular Spring Break destination for college students, Florida beaches are also a hotspot for college rapists who prey on intoxicated girls. Perhaps as troubling as the sexual assault itself is the fact that rather than helping the victims, bystanders just watch or take videos and post them online.

Pictures of unconscious girls in compromising positions are sent around like funny cat videos. While these images retraumatize the victim, and celebrate sexual violation, they can also be used as hard evidence of sexual assault or rape, which, as we've seen, is notoriously difficult to prove, and even more difficult to prosecute and convict.⁵⁴ Pictures and videos taken as part of the "fun" of sexual assault can be used to convince a jury that assault took place (BBC Staff 2015). They also are making it apparent to our culture at large that sexual violence is considered "fun" and "funny" by lots of young people who enjoy a good party, especially if it involves unconscious girls.⁵⁵ But, as we've seen, for victims, their humiliation can go viral and seemingly last forever on social media (Grinberg 2013). As noted earlier, two rape victims killed themselves in response to social media pictures of, and comments about, their rapes while unconscious (Grinberg 2013). College student Elisa Lopez was sexually assaulted on the subway and subsequently traumatized by a creepshot video circulating on the

Internet. She said that she could recover from the attack, but the video wouldn't go away. The video haunted her and made it impossible for her to continue with her life as she had before (Filipovic 2014). This is the case with many of the victims whose sexual assault is circulated or posted on social media. As we've seen, many of them find the public humiliation even more traumatic and upsetting than the sexual assault itself.

In addition to becoming part of the harassment of victims, photographs taken by the perpetrators also can be used against them in court. New apps for cellphones, however, such as Snapchat, where pictures or messages sent around disappear after twenty-four hours, or Yik Yak, where messages disappear, seem designed to circumvent this possibility. But even these apps are bringing to light rapes and victimization that may have remained hidden otherwise. For example, Yik Yak chatting at Stanford revealed that an eighteen-year-old girl, who was unconscious at the time, was raped by a Stanford varsity swimmer, described as "a clean-cut star athlete" and "the all-American boy next door" (Glenza & Carroll 2015). Rumors about the sexual assault circulating on Yik Yak eventually led to an investigation into a crime that might otherwise never have been reported. Social media, then, can serve a complicated double function when it comes to sexual assault and rape. On the one hand, it can be used to further humiliate and harass victims of sexual assault. On the other hand, it can be used to alert authorities to sex crimes and it can provide evidence to try and convict perpetrators.

SOCIAL MEDIA AND THE DENIGRATION OF WOMEN

Arguably, social media such as Facebook, Snapchat, and Tinder were invented as part of a culture that objectifies and denigrates girls and women. It is well known that Facebook founder and

Harvard graduate, Mark Zuckerberg, now one of the richest men in the country, invented the social media site Facebook to post pictures of girls for his college buddies to rate and berate. And it was recently uncovered that Stanford graduate Evan Spiegel, inventor of Snapchat, which is estimated to be worth at least \$3 billion, sent messages during his days in a fraternity referring to women as “bitches,” “sororisluts,” to be “peed on,” and discussed getting girls drunk to have sex with them (Hu 2014). The wildly popular hookup site Tinder, with 1.6 billion “swipes” and 26 million matches a day, has changed the way people date (Morgan 2015). Now using proximity sensors, the mobile app allows users to view pictures and swipe right if they like what they see and swipe left if not. If there is a match between two users who swipe right, then they can message each other or “keep playing.” Tinder, seeded on college campuses by former University of California students and cofounders Sean Rad and Justin Mateen, has generated new urban slang, “tinderslut,” to refer to women who use Tinder to hook up with men. Rad and Mateen faced criticism when they gave the term two emoji thumbs-up on social media. Tinder has also spawned another term for attractive women users, “Tinderella.” One of the definitions of *Tinderella* listed by online Urban Dictionary reads: “A really hot girl on a dating app called Tinder. Sam: Hey Tom, had any luck on Tinder yet? Tom: Dude I got a match with a *Tinderella*, and I fucked her! Sam: Nice work dude.” A YouTube video entitled “*Tinderella: A Modern Fairytale*” has the caption, “Present day Cinderella doesn’t wait for a fairy godmother to fix her up, she uses Tinder. Watch our take on the classic fairytale, updated for 2014. It may not end happily ever after, but it’s good enough for tonight.”⁵⁶

Both Tinder cofounders are also involved in a sexual harassment suit wherein Mateen is accused of severely and repeatedly harassing the former vice president of marketing for Tinder, Whitney Wolfe, who claims that he sent her harassing sexist messages calling her a “slut,” a “gold-digger,” and a “whore,” along with insulting her in public while Rad watched on and did nothing

(Bercovici 2014). Wolfe also claims that Rad and Mateen refused to name her as a cofounder because she is “a girl.” Given the continued use of social media to target, harass, and humiliate young women, it is telling that all of these technologies were born out of sexist attitudes toward women. Facebook and Snapchat were explicitly designed to denigrate women. Many social media sites, like other forms of traditional media, bank on images of attractive girls and women.

It is not just that many popular social media sites were invented by men who enjoyed denigrating women, but also that these social media sites were invented to denigrate women. Facebook was invented to rank women’s faces and bodies. Snapchat was invented to talk about women in ways that would disappear so men could avoid later accountability. The same is true of Yik Yak. And, some feminists have argued in mainstream media that Tinder serves the interests of men who want to hook up more than it does of women (Bogle 2008; Frietas 2013). Arguably, Tinder was invented to actualize pornographic fantasies of hooking up with women for sex only without intimacy, if not without intersubjectivity. Given that most social media has an essential visual dimension, photographs that promote what I call elsewhere a “pornographic way of looking” are inherent to the medium (Oliver 2007). Photographs of girls and women looking sexy and cute are the mainstay of some sites, especially creepshot sites.

In creepshots, the lack of consent is essential, as is outlined on websites that specialize in creepshots such as Tumblr’s *creepshooter*, *creepshots.com*, and metareddit’s *creepshots*. Metareddit’s website specifies, “*Creepshots* are CANDID. If a person is posting for and/or aware that a picture is being taken, then it is no longer candid and ceases to be a *creepshot*. A creepshot captures the natural, raw sexiness of the subject. . . . Use stealth, cunning and deviousness to capture the beauty of your unsuspecting, chosen target” (“*Creepshots*” n.d.). Clearly, girls and women are seen as unsuspecting “targets,” prey to be “shot” and “captured” on film. They are cut into pieces, valued for the body parts,

anonymously taken from them by the camera and posted online. On all of these creepshot websites, there are subcategories such as “ass,” “poop sex,” “crouch,” “boobs,” “jailbait,” and “teen.”⁵⁷

Some creepshot videos end up on pornographic sites. For example, college student Elisa Lopez was in disbelief when a coworker showed her a video circulating online in which a man was penetrating her with his fingers as she lay passed out on the subway train after partying with friends. Rather than helping her, a bystander took a video and posted it online. Lopez tried without success to get the video taken down. Traumatized by the video, even more than the sexual assault, Lopez became depressed, her schoolwork suffered, and she almost ended up in the mental ward of a hospital. Although getting better, years afterwards, Lopez is still traumatized by the creepshot video (Filipovic 2014). Because of the vigilance of Lopez and her friends, eventually a suspect was arrested for the sexual assault, but not for the creepshot, which damaged Lopez as much, if not more, than the assault (Q13 Fox News Staff 2015).

Creepshots are valued because of the lack of consent on the part of the subject. Her agency is described as “vain attempts at putting on a show for the camera,” and thus to be evacuated from the images. Creepshooters are likened to hunters choosing a target. The camera is their weapon. Subjects of creepshots do not give their consent. Indeed, insofar as they are unaware that they are being photographed, they cannot give consent—unless women moving through the world in their everyday activities wearing their everyday clothes (see *yoga pants* as a subcategory of creepshots) constitutes consent. This suggests that women’s bodies are public property; or that when women are in public, they are fair game, especially if they are wearing creepshot-worthy clothes. Creepshots display not only the “sexy” girl or her body part but also the hunting prowess of the creeper photographer. The same applies to raping unconscious girls. Their lack of consent is the conquest, documented now through creepshot photographs posted online as trophies. Within this world of creepshots and

rape drugs, nonconsensual sex is valued because the lack of consent is considered *hot*.

As became apparent in both the Steubenville and Vanderbilt cases, along with the sexual assaults, taking creepshot photographs of unconscious naked girls or women and distributing them is a crime. In both cases, perpetrators were found guilty not only of rape but also of taking and distributing illegal photographs. In the Steubenville case, perpetrators were charged with distributing child pornography (the victim was only sixteen). In the Vanderbilt case, Brandon Vandenburg’s lawyer claimed “all” he was guilty of was taking the photos, and explained the cover-up saying, “at least he had the good sense to be upset afterwards” (20/20 2015). What also became apparent in these cases is that the photographs and videos were an important part of the rape itself. The boys and men smiled and clowning for the camera, joked and jeered for posterity, and took pleasure not only in sexually abusing their victims but also in capturing it on film, and then sharing it with friends. Reportedly, in the Vanderbilt case, Corey Batey told Brandon Vandenburg to “get this on camera,” as he raped their unconscious victim.

As we have seen, fraternities around the country have been sanctioned for posting photographs of unconscious naked or semi-clothed women, some in embarrassing sexual positions (Associated Press 2015; Frampton 2015; O’Connell 2015; Robbins 2015). The women involved did not know or consent. Some of these photographs may be evidence of sexual assault or nonconsensual sex, as well as illegal in their own right. Yet as one fraternity member at Penn State University said, “It is a brotherhood and nobody expects anyone to go and post stuff publicly or so forth and so on. It’s a real disappointment that this kid went and did this. It was an entirely satirical group and it was funny to some extent. But this is not a criminal thing. It’s not anyone else’s business, pretty much. It’s an interfraternity thing and that’s that” (O’Connell 2015). Obviously, these fraternity boys think that pictures of naked women and their body parts, circulated to hundreds on Facebook,

is fun and funny, but not criminal. In their eyes, the real crime is that one of their brothers betrayed them by reporting it.

Serial rapists and sexual predators who seek out vulnerable girls, drug them, or prey on intoxicated girls, and then view their rapes as conquests, are increasingly photographing their unconscious victims as a new form of trophy.⁵⁸ As the documentary *The Hunting Ground* shows, some of these boys take pleasure in the hunt, see girls as their "prey," and take pictures as trophies. In the film, one fraternity member described sessions where fraternity brothers would report on their sexual exploits to see who had had the most transgressive—or aggressive—sex, wherein anal penetration was most valued. (It is noteworthy that sodomy was a felony in the United States until 1962, and it was still illegal in fourteen states until 2003.) Another fraternity collected photographs of girls' breasts taken by their members (often without consent), and posted them as trophies. While boys bragging about their sexual exploits is not new, posting creepshot pictures of their victims on social media is new, and so is the notion of "nonconsensual sex." The two go hand in hand. In sum, both are symptoms of a valorization of lack of women's consent.

While rape and debasement of women are not new, the use of social media to do so is. The use of ubiquitous cellphone cameras to take creepshots of unsuspecting women, including unconscious rape victims, makes clear that contemporary mainstream youth culture values lack of consent. In other words, it is not just that some men will take pictures or have sex without a woman's consent, but also that photographs are valued more where there is no consent. Moreover, with creepshots, by definition the lack of consent must be obvious. The photograph needs to display the unsuspecting woman or her body parts, along with the fact that she doesn't know that she's being photographed. Of course, this makes an unconscious woman the perfect subject for creepshots. In addition, seeing women in compromising positions, naked, or sexually violated, is considered "funny." Again, while candid camera or humor in humiliating photos has been around since

photography itself, so has the penetration of pornographic images into mainstream culture. If men or boys used to secretly share pictures of naked women, now they do so publicly. Whereas, in the past, pornographic pictures were produced for mass consumption but sold privately, even wrapped in brown paper and only to adults, now the Internet is filled with selfie porn, sexting photos, and creepshots of women who are not professionals. Reality television has put an increased value on "realness," even if it is staged realness. Rapists hamming it up for the camera, and taking creepshots of unsuspecting unconscious girls, are part and parcel of the patriarchal pornutopia in the age of social media.