

The Vengeful Bitch Asked for it: Constructions of Women as Evil in our Analysis of Rape

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Disclaimer: Our thinking and writing on this topic are situated very much in our location as white, middle-class women, born and raised in Canada. Women in this country, especially those of us with class and skin-colour privilege, enjoy many rights and freedoms unknown to women elsewhere in the world and, indeed, to many of our sisters here.

For example, the federal *Charter of Rights and Freedoms* purports to guarantee the equality of women in Canada; but women here know that is largely formal equality, with substantive equality far from a reality.

In this paper, we do not wish to deny the privilege enjoyed by many Canadian women, especially when compared to the serious lack of equality and rights experienced by women in many other parts of the world. Nonetheless, we also want to acknowledge the many ways in which formal equality can hide the absence and, ultimately, interfere with the achievement, of substantive equality.

We also wish to set out the unique status of First Nations, Inuit and Metis women in Canada. The colonialization of the country, which built and builds on the initial genocide of Aboriginal peoples, has had a profound and continuing impact on the lives of these women, who continue to experience the daily reality of violence that results from the ongoing attempted destruction of their entire culture.

Violence, sexual violence in particular, is inextricably linked with these realities.

It is true that rape is a most detestable crime, and therefore ought severely and impartially to be punished with death; but it must be remembered that it is an accusation easily to be made and hard to be proved and harder to be defended by the party accused, though never so innocent.

Sir Matthew Hale,

"Instructions to Juries" in History of the Pleas of the Crown (1736)

The Vengeful Cunt Asked for It: an embodiment of the paradox within patriarchy's construction of women as evil. Historical and current oppressive discourses of both Church and State see us as both powerful and powerless, strong and weak, truthful and delusional, criminal and crazy. Simply because the constructions are paradoxical or contradictory does not make women any less subject to punishment. Sexual violence and silencing have been significant tools used to conquer, subdue, injure, institutionalize and even destroy so-called 'evil women.'

Regardless of the contradictions, or perhaps because of them, women, it was increasingly argued by the Church, and later by legal and medical institutions, are ultimately and inherently evil. Satanic and evil, criminal and evil, crazy and evil. Central to these arguments was the demonizing and the criminalizing of women's sexuality. In her essay "The Devil's Insatiable Sex: Toward a

Genealogy of Evil" Margaret Denike points out:

The appearance on the historical stage of the criminal witch---the malign and powerful woman plagued with carnal desire---is a remarkable example of how interpretative practices, and the official discourse derived from them, effectively "invent" certain subjectivities or identities by infusing with meaning and power the body and being of the female sex. She is a remarkable example of how the concept of 'evil' has been deployed in Western, Christian patriarchies, and its role in sustaining the systemic degradation and devaluation of women.

Throughout the extensive discourses written about her, investing and invested in her, we are witness to the complex power struggles between various authorities and institutions that appear to have needed her to be 'evil' to make themselves and their persecutorial practices so holy. Religious, judicial and medical treatises of the late 16th century, in particular, provide archival testimony of vast machineries of power/knowledge that were derived from witchcraft accusations and investigations, and developed through the confessional hermeneutics of witch trials. (1)

By the 18th century, woman's sexual degeneracy and its association with evil had become a commonplace of popular culture. Consider this remark in a 1723 fiction by English writer Penelope Aubin:

...but, alas, youth once vitiated is rarely reformed, and woman who whilst virtuous is an angel, ruin'd and abandon'd by the man she loves, becomes a devil. (2)

There are much earlier roots to the construction of woman as evil although, once again, it is in the religious sphere that the most potent myth-making occurs.

Christopher Witcombe, in The Old Testament, Women and Evil, looks at the story of Eve and the serpent in Genesis as more than a myth about the fall of man. The larger context is one of conflict between the indigenous Canaanite cult of Asherah (mother goddess), her son Baal (a fertility god sometimes seen in the form of a serpent), and the prophets of Yahweh.

The point that needs to be stressed is that the "holy war" waged by the Yahwists against the cult of Baal/Asherah was not simply or only a conflict between two religious groups but was also a fight conducted by the masculine against the feminine.

This conflict would perhaps be of little consequence were it not for the fact that its values have been transmitted down through the centuries and have contributed significantly to the shaping of Western ideas and attitudes. As Anne Baring and Jules Cashford point out, it established a "paradigm of opposition" not just of men against women, but of good (men) against evil (women). (3)

The "vengeful bitch" side of the equation constructs woman as dangerous,

powerful, sexually terrorizing and rapacious. Hell hath no fury....Fatal Attraction....Misery....Medea...she is out to get men---or a man -- and she will use her body, her promiscuous sexuality, her feminine wiles, her lying, cheating self to do it.

The she "asked for it" part of the equation constructs woman as complicit in our own sexual violation due to our innate seductiveness, carnal desires and sexual depravity. We are weak-willed and weak-minded, but we are sexually available and secretly willing. We dress, move, dance, speak and are in locations which invite sexual violence.

In some instances, it is simply who we are that says we asked for it. For example, the Amnesty International report "Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada," refers to a Justice Inquiry in Manitoba about the murder of Helen Betty Osborne. She was a 19-year-old Cree woman who was abducted, brutally raped and murdered by four white men. The Inquiry noted that "her attackers seemed to be operating on the assumption that Aboriginal women were promiscuous and open to enticement through alcohol or violence. It is evident that the men who abducted Osborne believed that young Aboriginal women were objects with no human value beyond sexual gratification." (4)

But it wasn't just her attackers who thought this way. The Amnesty report also concludes that it took more than 15 years for even one of the suspects to be brought to justice because the police "had long been aware of white men sexually preying on Indigenous women and girls....but did not feel that the practice necessitated any particular vigilance." (5)

Reducing woman to her body and specifically to the most dangerous and frightening parts of her body--the parts where she gives birth and where she gives voice--locates the sites where violence against women has been most focussed, and consequently most effective and devastating.

Raping women; on dates, in marriage, as gang initiation rites, as the spoils of war, as a tactic of war, in trafficking, in pornography, on the street, in our homes, in residential schools, in prisons, in churches, in slavery and in our families, is and has been a gender-specific method for men to access and maintain the will to power, both individually and institutionally.

Silencing women, by denying even lethal violence, by denying equality, by denying access to education, childcare, abortion, birth control, health care and places of power, keeps us from being heard, by each other, by ourselves, by those who may choose to stand with us.

There are clearly many ways to silence women about sexual violence. They range from an individual woman's fear to say what has been done to her-- by her

boyfriend or her husband (or her priest, her hockey coach, her teacher, her doctor) -- to more institutional ways of making us hold our tongues. When Sarah Palin was mayor of a small Alaskan town, for instance, her administration cut funds for rape victims' post-sexual assault medical exams---a crucial part of any police investigation – so that victims had to pay \$500 to \$1,000 for this exam. (6)

Another example of institutional silencing comes from Nebraska in 2006, where a woman, the "complainant" in a sexual assault trial, was prevented by a judge from using the words rape, victim, sexual assault kit, and sexual assault nurse examiner. (7)

The names we are commonly called reduce us likewise to the sexual parts of our bodies, take issue with our voices or construct us as non-human. Hence, the language of cunt, gash, bitch, tits, jugs, fishwife, harridan, harpy, 'ho, devil's gateway, slag, cow, to name but a few.

"Someone I'm not allowed to name is a fucking lying whore skank, DRUNK FUCKING TONGUE SLUT. I'm out, bitch."

This message could have been written at any time within the last 20 years (or similar sentiments expressed within the last 20 centuries), but was, in fact, written last month on Facebook by the accused male in a Canadian sexual assault case.

The abuse and the threat are illustrative of the age-old justifications for sexual and other forms of violence against women: women lie, especially about rape, and they are sexually promiscuous. If they're promiscuous, how can you rape them? If they lie about sex, how can you believe them? These simple sentiments lie at the heart of English-speaking jurisprudence, when it comes to sexual assault prosecutions---and have done for the past 3 centuries.

Sir Matthew Hale's instructions to juries in his *History of the Pleas of the Crown* is the seminal text that articulated the 'problems' relating to women's credibility in rape trials. Written in the late 17th century and published in the early 18th century, Hale's instructions---essentially his warnings about women-- appear in 217 books from 1788 to 2007. His remarks echo and perpetuate much earlier constructions of women's sexuality and mendacity, and they continue to be paraphrased or even quoted directly in contemporary prosecutions. Some of Hale's words appear at the beginning of our paper, and, as Bruce MacFarlane points out in his *Historical Development of the Offence of Rape*, there are also a lot of "ifs" when it comes to women and rape:

Hale did not, however, stop with these general observations. He proceeded to discuss the credibility of a rape complainant in terms that suggested the need for caution and concern in all cases, rather than the appropriateness of examining the facts of each case individually. In one fell swoop, the following statement laid

the common-law foundation for the propriety of enquiring into the moral character of the witness, as well as the need for corroboration and a "recent complaint" in cases of this nature. This statement, too, has attained classical dimensions in the 250 years since it was published:

The party ravished may give evidence upon oath, and is in law a competent witness, but the credibility of her testimony, and how far forth she is to be believed, must be left to the jury, and is more or less credible according the circumstances of fact, that concur in that testimony. For instance, if the witness be of good fame, if she presently discovered the offence and made pursuit after the offender, shewd circumstances and signs of the injury, whereof many are of that nature, that only women are the most proper examiners and inspectors, if the place, wherein the fact was done, was remote from people, inhabitants or passengers, if the offender fled for it; these and the like are concurring evidences to give greater probability to her testimony, when proved by others as well as herself.

But on the other side, if she concealed the injury for any considerable time after she had opportunity to complain, if the place, where the fact was supposed to have committed, were near to inhabitants or common recourse or passage of passengers, and she made no outcry when the fact was supposed to be done, when and where it is probable she might be heard by others; these and the like circumstances carry a strong presumption, that her testimony is false or feigned.

(8)

Constructions of rape:

If we are to discuss the social construction of women and its role in rape, then we must also discuss the social construction of rape itself.

Canadian culture, like other Western cultures, continues to incorrectly construct rape as a sexual act rather than as an act of male violence against women. This makes the task of assigning responsibility for the rape to the woman/victim much easier. If it is a sexual act then, indeed, her character, her dress, her occupation, everything about her, are of pivotal importance.

If it is a sexual act, then it will only happen to women who want it to happen or who are reckless as to whether or not it happens. If it is a sexual act, then women will vengefully lie about it in order to protect their own characters, reputations, even images of themselves or to advantage themselves in some way.

If it is an act of male violence, then the responsibility must lie with the perpetrator, which is less pleasing in a misogynist culture.

Constructions of women:

The understanding and analysis of rape in mainstream Western culture is based largely on social constructions of women and, in particular, on constructions that

allow us to blame the woman for the rape that has been committed against her.

This is unlike our understanding of virtually any other crime. For instance, we do not analyze the crime of bank robbery by developing constructions of bank managers or tellers as responsible for the robbery.

Certain circumstances make it easier to construct the woman as evil and responsible for her own rape. If she knows the rapist, if she is young and/or beautiful, if she has been drinking or using drugs, if she is dressed “provocatively,” if she is in a “bad” part of town, if she is a sex worker: these are all characteristics or actions attached to the woman that locate responsibility for the rape with her. If no weapon is used or if the woman has no physical injuries, it is easier to see her as complicit or at least as non-resistant.

Women blame ourselves, too, because we have been raised to believe in the concept of good and evil women, of women as either vamps or virgins. Our mothers have told us that “good girls” don’t do certain things, don’t dress certain ways, don’t go to certain places, and if they do, they deserve whatever happens to them.

Barbara Kingsolver, a well-known American essayist and fiction writer, describes her own rape as a young woman, using the form of a letter to her mother:

I’ve been raped.

I know his name, his address – in fact I will probably have to see him again on campus. But I have nothing to report. Not to the police, not to you. The telephone rings and rings and I can’t pick it up because it may be you. My mother. Everything you ever told me from the beginning has come home to this knot of nothingness on my bed, this thing I used to call me. I was supposed to prevent what happened. Two nights ago I talked to him at a bar. He bought me a drink and told my friends he thought I was cute. *That girl with the long hair*, he said. *What’s her name?* Tonight when he came to my door I was happy, for ten full seconds. Then. My head against a wall, suffocation, hard pushing and flat on my back and screaming for air. Fighting an animal twice my size. My job was to stop him, and I failed. How can I tell you that? *You met him in a bar. You see?*

Equally important to the construction of evil, is the construction of woman as innocent: evil and innocent women coexist in opposition to one another; each requires the other.

As Jane Doe, the court-assigned name of a Canadian woman who, after being raped, successfully sued the police for failing to protect her Charter-guaranteed equality rights, wrote in her book, *The Story of Jane Doe*:

From the moment the cops entered my apartment after my rape, I was aware

that they perceived me in a way that worked in my favour. I had all of the elements necessary to make them believe that I had been raped. To make them accept me as a real rape. A good rape. A real good rape.

My home and work and dress are acceptable. I am white-skinned and perceived as heterosexual. My rapist was a stranger to me, as opposed to the majority of rapes, which are committed by fathers and husbands and doctors and dates. . . . What if any of this good-girl presentation and support were missing? Would I have been so fearless, so confident? Would I still have picked up my phone and dialed 911? (9)

Constructions of law:

Canadian law and court processes play an integral role in continuing and expanding the notion of the raped woman as evil. There is a complex circular relationship, in which she enters the legal system, should she even report her rape, already suspect because, in the social culture of rape, she must have done *something bad* or she would surely not have been raped, and then the system itself re-enforces and magnifies her “badness.”

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But on the other side, if she concealed the injury for any considerable time after she had opportunity to complain, if the place, where the fact was supposed to have committed, were near to inhabitants or common recourse or passage of passengers, and she made no outcry when the fact was supposed to be done, when and where it is probable she might be heard by others; these and the like circumstances carry a strong presumption, that her testimony is false or feigned.

Corroboration:

It is noteworthy that in Canada, a country that prides itself on the advancement of women, it was only in 1983 that the *Criminal Code* removed the requirement that rape allegations be corroborated by independent evidence, in particular, a witness. The implications of this for women are both obvious and terrible – how often are rapes committed in locations where witnesses are readily available? Particularly in cases where the rapist and victim are known to one another, how often are there physical injuries that could corroborate the woman’s allegation?

The motivation for such a requirement can only be that women are so evil – such vengeful, lying whores – that we cannot trust them to tell the truth.

Defence strategies:

Defence lawyers in Canada are engaged in an endless pursuit to find ways to question women's integrity – to, in effect, construct them as evil in the mind of the finder of fact, whether that be a judge or a jury.

Changes to Canadian law have shut down various popular methods for doing this – lawyers are no longer permitted to ask a woman about her prior sexual history, for example. Nonetheless, as the name of a popular legal seminar for defence lawyers – “How to Whack the Complainant in a Sexual Assault Proceeding” – clearly indicates, the pursuit continues.

In the 1990s, a particularly insidious strategy emerged that directly spoke to the image of raped women as evil and thus responsible for what happened to them or, equally, as vengeful and having made up the rape allegation.

Defence lawyers began to subpoena the private records (rape crisis centre files, private therapy records, records relating to mental health treatment, even records of childhood abuse) of rape complainants. This permitted them to explore a number of absolutely irrelevant but nonetheless very harmful avenues:

- 1 if the woman had a mental health issue, her ability to tell the truth was questioned
- 2 if she had admitted to a counselor that she had been drinking or using drugs at the time of the rape, her character was brought into question
- 3 if her records contained information about prior unreported rapes, the defence lawyer could raise questions about her honesty in reporting this particular rape
- 4 if she had a criminal record, especially for sex work, her credibility could be questioned

But on the other side, if she concealed the injury for any considerable time after she had opportunity to complain, if the place, where the fact was supposed to have committed, were near to inhabitants or common recourse or passage of passengers, and she made no outcry when the fact was supposed to be done, when and where it is probable she might be heard by others; these and the like circumstances carry a strong presumption, that her testimony is false or feigned.

While none of these issues is legally relevant to the rape before the court, all of them can raise doubts in the mind of the trier of fact (most of whom are male) about her essential character, her honesty, the truthfulness of what she is telling the court. In short, this strategy both builds on and extends the notion of the woman's responsibility for her own rape because of her essential/inherent evilness.

(Of course, a secondary benefit is that the threat of this very private information being made public often intimidates women from testifying at all.)

Demeanour:

Because most rape trials are cases in which the rapist and the woman are at least known to one another, they are largely about credibility. Demeanour evidence, although wildly unreliable, is, in fact, heavily relied upon in these cases. Whose story is more believable? Who looks/seems more believable?

For women, this is challenging. To use the language of Jane Doe, she must look like a “good” rape victim:

Raped women are fallen women. Pushed really, but the shame is on them. A stain like original sin, not of their making but never to be removed or forgotten. Raped women cannot display their rage or joy or sexuality. They cannot be glamorous or successful or funny. (10)

In the words of Justice McClung of the Alberta Court of Appeal, in upholding the acquittal of a man who had been charged with raping a young woman during a job interview that took place in a trailer on a deserted construction site: “It must be pointed out that the complainant did not . . . enter his trailer in a bonnet and crinolines.”

The complainant must look as much as possible like the trier of fact. This is challenging, since most triers of fact are men, so she must at least try to look like his race and class and behave in a way that is comfortable for the judge. It is a commonplace in preparing rape complainants for court to make it clear to them that they cannot lose their temper, cannot be sarcastic, cannot show their anger in any way, even if they are goaded, humiliated, and taunted by the defence lawyer. Judges do not like angry women, and they don't want to see a woman who is vengeful.

You've been violated by (often) someone you know, you've had to describe it in excruciating detail to the police, to medical personnel, at a preliminary hearing and then, at least two years later, in court. You've seen your testimony described in the local newspaper, even though your name cannot be used. Often the accused person is not required to take the stand, even though he is the one who is charged. Why WOULD you be angry and bitter?

Police warnings:

Even a systemic response to rape that seemingly protects women – police warnings – contributes to the dilemma. A police warning might typically look like this:

“The police wish to notify women that a number of rapes have been reported in this area in recent weeks. Women are encouraged to keep their windows closed and locked at all times, not to open their doors unless they know the visitor and to avoid being on the street alone late at night. Please report any suspicious individuals or activities to police immediately.”

This warning does two things. It makes women responsible for protecting themselves from rape. And, it means that if a woman fails to follow the instructions, she is responsible for what happens to her. The woman who cracks open her window on an unbearably hot summer night, the woman who opens her door because she is expecting a friend to arrive, the woman who must walk home alone from the bus stop each night after work because she has no one who can accompany her – if any of these women is raped, it is because she asked for it by not following the rules.

If there was a wild animal loose on the streets, would we not direct our resources to capturing it rather than telling people to stay in their houses?

Conclusion:

We would like to conclude with the beautiful, stirring voice of Barbara Kingsolver:

I am nineteen, a grown woman curled like a fetus on my bed. Curled in a knot so small I hope I may disappear. I do not want to be alive.

From this vantage point, a dot of nothingness in the center of the bed, I understand the vast ocean of work it is to be a woman among men, that universe of effort, futile whimpers against hard stones, and oh God, I don't want it. My bones are weak. I am trapped in a room with no flowers, no light, a ceiling of lead so low I can never again straighten up. I don't want to live in this world.

I will be able to get up from this bed only if I get up angry. Can you understand there is no other way? I have to be someone else. Not you, and not even me. Tomorrow or someday soon, I will braid my long hair for the last time, go to my friend's house with a pair of sharp scissors and tell her to cut it off. All of it. Tomorrow or someday soon I will feel that blade at my nape and the weight will fall.

Footnotes:

- (1) Denike, M. "The Devil's Insatiable Sex: Toward a Genealogy of Evil", *Hypatia: A Journal of Feminist Philosophy*. Vol. 18, no. 1 (Winter, 2003), pp. 10-43; reprinted in Robin May Shott, ed. *Feminist Philosophy and the Problem of Evil*. (Indiana University Press, 2006).
- (2) Aubin, Penelope The Life of Charlotta Du Pont, an English Lady, taken from her own memoirs (1723)
- (3) Witcombe, Christopher L.C.E., Eve and the Identity of Women, Copyright © (text only) 2000. Christopher L. C. E. Witcombe. All rights reserved
- (4) Stolen Sisters: Discrimination and Violence Against Women in Canada (Amnesty International Canada, Public Brief, October 24, 2005)
- (5) *ibid.*
- (6) <http://www.cnn.com/2008/POLITICS/09/21/palin.rape.exams/index.html>
- (7) http://www.omaha.com/index.php?u_page=2798&u_sid=10126612
- (8) MacFarlane, Bruce A. Q.C. "Historical Development of the Offence of Rape" in Wood and Peck, (eds) 100 years of the criminal code in Canada; essays commemorating the centenary of the Canadian criminal code (Canadian Bar Association, 1993)
- (9) Doe, Jane. The Story of Jane Doe, 2003. Random House Canada. p. 45
- (10) *Ibid.* p. 118