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Violence against women

A rape survivor's voice made the world listen

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The US justice system let a rape survivor down, but she found support from millions when she took a stand.

All of the myths and lies about rape, the victim-blaming used to excuse sexual assault and the justice system's inability to provide justice were on display in a California courtroom when a judge sentenced 20-year-old Stanford University student Brock Turner, convicted of rape, to just six months in a county jail.

Turner was on top of the 23-year-old woman, who was unconscious, thrusting against her, behind a dumpster outside a fraternity party when two Stanford graduate students riding by on bicycles tackled him and held him until police arrived.

In March, Turner was convicted of three felony counts for the 2015 rape, which carried a maximum sentence of 14 years in state prison and a minimum of two, with prosecutors recommending six. But Santa Clara County Superior Court Judge Aaron Persky decided to be far more lenient, telling the court, "A prison sentence would have a severe impact on him."

As staggering as the judge's sentencing was, so too was the outpouring of support for the survivor, who is being referred to as Emily Doe, as the powerful statement she read in a packed court in front of her rapist was circulated and read by millions around the world.

This case draws a brighter public spotlight on sexual violence on college campuses, which protests over the last year have helped to expose, along with the lack of action by university administrations that fail rape survivors—protests like that of Columbia University student Emma Sulkowicz, who vowed to carry the mattress she was raped on until the university took her assault seriously.

Now, in response to Judge Persky's sentence, prospective jurors are refusing en masse to serve in his Santa Clara County Superior courtroom, and a Change.org petition supporting the call for his removal has received over 1 million signatures. USA Swimming announced that it was banning Turner from competing in any of their sanctioned events.

But this was only after Emily Doe spoke out against her attacker and her voice was finally heard.

Up until then, her rape was emblematic of the way campus sexual violence is treated and discussed in our society. According to the now-familiar script, Turner was the archetype of how male students are typically regarded: an athlete from a "good family," a "bright young man" with a "promising future" who just made a "mistake."

In other words, not one of those "real" rapists—as Turner's childhood friend Leslie Rasmussen wrote in a letter to Judge Persky, defending her friend's actions:

This is completely different from a woman getting kidnapped and raped as she is walking to her car in a parking lot. That is a rapist. These are not rapists. These are idiot boys and girls having too much to drink and not being aware of their surroundings and having clouded judgment.

This is "clouded judgment"? Two Stanford graduate students tackled Turner after they discovered him on top of the

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unconscious woman behind a dumpster outside a fraternity party. She remembered nothing between being at a frat party on campus and waking up in the hospital, battered and bruised.

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During the trial, the media emphasized Turner's promising swimming career, with photos of him in the water during competitions appearing often more frequently than the mug shot after his arrest. As Emily Doe said in the statement:

And then, at the bottom of the article [I was reading], after I learned about the graphic details of my own sexual assault, the article listed his swimming times. She was found breathing, unresponsive with her underwear six inches away from her bare stomach curled in fetal position. By the way, he's really good at swimming. Throw in my mile time if that's what we're doing. I'm good at cooking, put that in there, I think the end is where you list your extracurriculars to cancel out all the sickening things that've happened.

Rasmussen's comment, reinforced by the six-month sentenceâ€”which could be reduced to three months with good behaviorâ€”echoes the same highly racist and class-biased myth of "stranger rape" dominant before the women's liberation movement of the 1970s: that rape is something which happens "out there," in dark alleyways, committed by deranged men you don't know.

The stereotype proposes that rapists are Black, Brown and/or poor, despite all the research showing that sexual violence is overwhelmingly committed by intimate partners, friends and acquaintancesâ€”like someone you meet at a party.

The same distorted myths about rape used to justify the lynching of Black men in the Southâ€”and now by Donald Trump who says he wants a border wall because Mexico is sending "rapists" to the U.S.â€”is accepted as the excuse for exonerating elite student perpetrators.

Brian Banks, a Black former NFL player who was falsely accused of rape at age 16 and spent almost all of a six-year sentence behind bars before he was exonerated and his conviction overturned, pointed to the racism and class bias of the criminal justice system as the reason Turner was given such a light sentence. Now a board member of the California Innocence Project, the organization that helped him regain his freedom, Banks told the New York Daily News:

What about the kid who has nothing, he struggles to eat, struggles to get a fair education? What about the kid who has no choice who he is born to and has drug-addicted parents of a non-parent household? Where is the consideration for them when they commit a crime?...When I screamed and pleaded and begged, it fell on deaf ears.

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Coupled with the talk about Turner being a "promising" young man whose future is at stakeâ€”as opposed, it is implied, to young and poor men of color who aren't swimmers at Stanford and whose futures promise nothingâ€”is the pervasive idea that today's "hookup culture," accompanied by a supposed increase in alcohol consumption and women's sexual activity, leads to murkiness around what constitutes consent.

In this case, the judge singled out alcohol as a factor, as did Turner and his defenders. In a letter Turner read to the judge, he spoke at length about party culture and drinking. "I never want to have a drop of alcohol again," Turner wrote. "I never want to attend a social gathering that involves alcohol or any situation where people make decisions

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based on the substances they have consumed."

Turner said he was in the process of setting up a program for high school and college students to "speak out against the college campus drinking culture and the sexual promiscuity that goes along with that."

In response, it's worth quoting the survivor's statement at length:

Alcohol is not an excuse. Is it a factor? Yes. But alcohol was not the one who stripped me, fingered me, had my head dragging against the ground, with me almost fully naked. Having too much to drink was an amateur mistake that I admit to, but it is not criminal. Everyone in this room has had a night where they have regretted drinking too much, or knows someone close to them who has had a night where they have regretted drinking too much. Regretting drinking is not the same as regretting sexual assault...

Everyone around you was not sexually assaulting me. You were wrong for doing what nobody else was doing, which was pushing your erect dick in your pants against my naked, defenseless body concealed in a dark area, where partygoers could no longer see or protect me, and my own sister could not find me. Sipping fireball is not your crime. Peeling off and discarding my underwear like a candy wrapper to insert your finger into my body, is where you went wrong. Why am I still explaining this?...

Campus drinking culture. That's what we're speaking out against? You think that's what I've spent the past year fighting for? Not awareness about campus sexual assault, or rape, or learning to recognize consent. Campus drinking culture. Down with Jack Daniels. Down with Skyy Vodka...Show men how to respect women, not how to drink less.

The assumption that alcohol leads to rape—and to confusion around what constitutes rape—normalizes sexual violence as a consequence of merely being a young woman in today's society, especially a sexually active woman who goes out to "social gatherings" where alcohol is consumed.

Missing from the entire discussion of Turner's alcohol-fuelled "mistake" is the life of the woman he assaulted—who was then re-victimized by the criminal injustice system. Turner's "bright future" was put ahead of Emily Doe's humanity.

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Whether or not survivors report their assaults—and most don't, given that they are often met with ignorance, neglect, hostility and even outright retaliation—sexual violence has real consequences.

One in three people who are sexually assaulted will suffer from post-traumatic stress disorder or a major depressive episode in their lifetime, and many more develop eating disorders, sleeping disorders, dissociation and a range of other difficulties.

The overwhelming support that Emily Doe has received since she released her incredible statement and the backlash against Turner and the judge's sentence has added to the activism of survivors on campuses over the last several years. The mainstream discussion and people's opinions about the question of sexual violence are beginning to change.

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We can't rely on a criminal justice system that is stacked against women and survivors. It routinely uses our struggle to advance its own racist criminalization agenda that disproportionately affects some of the most vulnerable to sexual assault and domestic abuse, such as low-income women, undocumented women, LGBT folks, prison inmates, homeless youth and sex workers.

Like the women's liberation movement of the 1970s that challenged the dominant assumption that rape and domestic abuse were a woman's private problems, a new generation of grassroots activists is bringing sexual violence back into the center of the public sphere. In the words of Emily Doe:

To girls everywhere, I am with you. On nights when you feel alone, I am with you. When people doubt you or dismiss you, I am with you. I fought everyday for you. So never stop fighting, I believe you.

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