

SOCI 2305 | Deviance | Spring 2026
The Social Construction of Rape

Notice the pattern. You should notice the familiar refrain. Rape is straightforwardly wrong and yet it is treated as anything but.

But rape is more than a deviant act. It's a crime – that should make the matter more straightforward. When rape occurs, victims can report the crime and the police will investigate and arrest the rapist. Those convicted of rape are punished. Reports of rape, police investigations, prosecution, conviction, & punishment put to rest doubts about victims and injury. Or so we assume.

The reality is contradictory or inconsistent. All of the above assumes that when we encounter an occurrence and claim of rape, we see it so. In the practical world, however, there are huge discrepancies between the reality of a rape experienced by victims, the perceptions of those accused, the response by police, prosecutors, and judges in the criminal justice system, and more generally others' perceptions of victims, rapists, and context. Thus, it depends.

The reality depends on the context. So, what is defined as rape depends on:

- **the social status of the victim**
 - how a victim's gender matters - rape claims assumed unfounded, women lie & are untrustworthy)
 - how a victim's class matters - more deference toward middle class victims versus working class victims
 - how a victim's race matters - more deference toward white victims versus nonwhite victims
 - how a victim's sexuality matters - more deference toward straight victims versus gay, lesbian, transgender victims
 - how a victim's occupation matters - bias against sex workers or victim's in low-status jobs
- **the sexual history of the victim**
 - being sexually active (rape shield laws can protect a victim in court but won't neutralize stigma)
 - an existing or prior sexual relationship with the rapist can affect actions of police, prosecutors, judges
- **the context in which a rape occurs**
 - the nature of the interaction prior to the attack - consensual or romantic encounters weaken perceptions of rape
 - the nature of the relationship between the rapist and the victim - strangers vs acquaintances
 - any actions that could be construed as provoking the attack
 - any actions that could be construed as resisting the attack
 - overt violence - presence/use of weapons and force (beating)
 - length of time in reporting the attack or seeking medical treatment
- **the social status of the rapist**
 - rapist's class matters - higher the class, more deference to alleged rapist's account
 - rapist's race or ethnic status matters - differences in perception)
 - reputation in the community, reputation among police (class bias)
 - prior history of criminality and particular sexual crime
- **characteristics of the audience – those doing the perceiving & defining**
 - attitudes about sex - sex outside of marriage, women who are sexually active
 - inclusive definitions/meanings likely held by women with higher levels of education, women with jobs outside the home, women with tolerant attitudes about premarital sex, and women with liberal beliefs about women
 - more exclusive definitions likely held by sexual and sex-and-gender-role traditionalists and conservatives
 - nice girls don't get rape - women who are virtuous don't get raped
 - men need to protect women from the advances of other men
 - a woman is responsible for provoking men's sexually aggressive behavior
- **institutional repertoires that can discount or neutralize victims' claims**
 - the military - discomfort at the presence of women; beliefs about women lie & provoke; concern about accused's career
 - the church - doubt raised about allegations; beliefs about children as untrustworthy; concerns about accused's' career
 - colleges - beliefs about drinking/party culture; concern about unfounded claims by victims to avoid accountability
 - business - discomfort at presence of women; beliefs about how women lie & provoke; concern about an accused's career; disputes about non-consensual nature of acts; claims that victims use sex to advance career
 - marriage - unfounded claims as useful in divorce proceedings
- **the legal meaning/definitions of rape** - what the law says - which is where we conventionally begin & end the question

This is how rape and sexual violence more generally are social constructed.