

**Rape à la Augustine:
how a 5th Century religious argument frames contemporary rape discourse¹**

Lilith C. Acadia
Rhetoric Department
University of California, Berkeley

Contemporary discourse on rape culture unknowingly takes (and takes for granted) its definition of rape deriving from Saint Augustine of Hippo's reflections in *Concerning the City of God against the Pagans* (published in 426) on Lucretia and the wartime rape of Christian women: that rape is sex against the victim's will, or without their consent. As a legal standard, this definition is almost impossible to prove, for who can retroactively judge the contents (or purity, in Augustine's conception) of a victim's soul? Unlike any other crime, a consent-based standard for determining rape puts the victim on trial. In practice, this definition leads to under-reporting, few victims pressing charges if they report the crime, and extremely low conviction rates if it goes to trial (Omitowaju 1). The lack of justice and difficulty of evaluating guilt creates a culture of skepticism around rape claims, which further impedes conviction and vilifies victims.

This paper offers representative examples from current discourse around sexual violence of the consent-focused definitions of rape in which the victim cannot be blameless as a basis for my first proposition: that contemporary definitions of rape derive from Augustine's discussion of rape in *City of God* Book One. From that text, I focus on his presentation of consent as the soul's will and the impossibility of true innocence.² To contextualize Augustine, I discuss secondary literature on ancient rape discourse to which he is responding, including two archetypal examples of debate over a rape victim's innocence or guilt: the Roman noblewoman Lucretia, who plays a significant role in Augustine's argument in Book I (Augustine 28-30); and the Greek Queen Helen of Troy, whose rapist Augustine defends in Book III (Augustine 91-2). Responding to Melanie Webb's argument that Augustine's view of rape is an innovative departure from Greek and Roman rape discourse concerning ancient legal and literary treatment of rape, I offer a second proposition: reading marriage as a Greek proxy for consent, and Christianity rather than biological family as the *oikos* for Augustine,³ he may not depart so significantly from Greek and Roman views.

Considering weaknesses of a consent-based definition of rape from Berkeley today and the Augustian theology in which it is rooted brings me to my final proposition:

¹ Many thanks to Professor Susanna Elm for your criticisms and guidance, and Boots Wang for your skepticism and ideas.

² According to Christianity's concept of original sin, from birth neither women nor men are innocent.

³ Writing in Latin, Augustine would have used the term *domus*, yet I utilize the Greek term here to present a parallel between the Greek concept of *oikos* in determining damage to honor in cases of rape and Augustine's consideration of the Christian family.

contemporary rape discourse needs to redefine rape. I propose starting by shifting the focus from Augustine's consent in the victim's soul to guilt in the perpetrator's soul. Theoretically and pragmatically, the burden of proof should be on the perpetrator, who should be the one to stand trial, not the victim.

In September 2014, California passed "Yes Means Yes" law Senate Bill No. 967 establishing *affirmative* consent as the standard for consenting to sex, making state funding for postsecondary educational institutions dependent on adoption of these standards for defining sexual assault. The same month, President Obama and Vice-President Biden introduced the much-lauded "It's On Us" campaign centered on individuals pledging to fight sexual assault through four steps,⁴ beginning with the premise "that non-consensual sex is sexual assault" (Somanader, It's On Us). The pledge's premise is defining rape as sex without consent, with the one explicit call to action being to respond to non-consent: the pledge-taker should "INTERVENE in situations where consent has not or cannot be given" [original capitalization]. The following year, UC Berkeley launched its own wing of "It's On Us,"⁵ primarily through banners around campus featuring staff and students making pledges inspired by the national campaign, supporting anti-rape culture. A banner featuring Health Services Clinical Social Worker Tobirus M. Newby read, "It's on me to help create a culture in which we honor sexual boundaries, value authentic consent, and promote open communication." The implication is that sexual boundaries are defined by consent, but the "authentic" modifying consent is more insightful than the campaign's simplistic definition. Is consent authentic if coerced? Or socially obligatory? What are the implications for the "Yes Means Yes" approach to consent? In the context of Augustinian and Greek rape, we might also ask whether women can authentically consent, given that what happens is God's will (Augustine), or that women have insatiable lust and lack reason (Greek values).

In advance of this semester's "Home Opener" football game, Vice Chancellor for Student Affairs Harry Le Grande sent an email to the UC Berkeley community on staying safe during the sporting event. The first two tips were: "Watch out for friends to prevent them from overindulging and be mindful of your own limits" and "[r]emember that someone who is incapacitated as a result of alcohol and other drugs cannot consent to sexual activity." Though the first tip also serves as a warning against dangers of over-consumption, when paired with the second tip, it reinforces the narrative that women who drink put themselves at

⁴ The pledge is: "To RECOGNIZE that non-consensual sex is sexual assault. To IDENTIFY situations in which sexual assault may occur. To INTERVENE in situations where consent has not or cannot be given. To CREATE an environment in which sexual assault is unacceptable and survivors are supported."

⁵ Let's set aside Berkeley's shameful displacement of responsibility onto individuals while the institution is under fire for protecting sexual harassers and has been investigated by the federal government regarding Title IX violations around mishandling of student rape cases (Pauly, Felch).

risk.⁶ The second tip clearly assumes and advances a consent-based definition of rape and alludes to the “Yes Means Yes” affirmative consent requirement.

Contemporary Western society’s dominant definition of rape as sex without consent, or against the victim’s will, which even feminist projects such as *It’s On Us* take for granted despite its negative implications for justice and safety, is rooted in a fifth Century Christian theologian’s commentary on wartime rape. St Augustine’s *City of God* has defined subsequent Christian morality and strongly influenced non-religious Western morality. The book is a defense of Christianity against blame for the 410 sack of Rome,⁷ a city founded over a millennium before by the brothers Romulus and Remus, who were the product of a rape (Sissa 151), and first populated through the mass abduction and rape (or for fear of anachronistic translation, *raptio*) of the neighboring Sabine women.⁸ Augustine seeks to vindicate Christians of bringing about the city’s downfall. Significantly for my project, in Book I he addresses the Christian women—including nuns—raped in the conflict, urging them not to choose the Roman path to preserving honor: suicide. As Webb observes, rape is a more powerful weapon if the victims then kill themselves, and if one is trying to protect a small, vulnerable group of people (as Christians were in Augustine’s time), breaking away from the culture of “valorized suicides” serves to preserve your people and deprive your enemy (Webb 38). Further, dissenting from the Roman honor practice of committing suicide following rape would set those Christian women apart from Roman morality, including pre-Augustinian Roman Christian morality (Webb 58).

Augustine finds rape victims who take their own lives deserving of our forgiveness, yet in error because only God (or law) can decide when to end a life.⁹ Invoking a classic Roman example, Augustine challenges the Roman reading of Lucretia’s post-rape suicide as honorable by suggesting that her suicide was unnecessary.¹⁰ Because Lucretia did not consent (even in thought) to King Tarquin’s son when he raped her, and she remained chaste in her soul, Augustine does not consider the rape to be an offense deserving of shame (*pudor*), let

⁶ The three Clery warning Crime advisory messages that the UC Police Department sent out following three reported rapes at the Greek Theater on September 10th, each had a set of safety tips, and the one tip consistent across the three messages was “Rape and sexual assault are never the fault of the survivor. It is the behavior of the perpetrator that is wrong.”

⁷ Indeed, Augustine claims in *City of God* Book I that the Romans should be grateful to Christianity, since so many non-Christians were sheltered and survived in Christian churches: “In this way many escaped who now complain of this Christian era, and hold Christ responsible for the disasters which their city endured. But they do not make Christ responsible for the benefits they received out of respect for Christ, to which they owed their lives” (Augustine 6) and “In the sack of Rome, the cruelties conformed to the conventions of war; the acts of clemency were due to the power of Christ’s name” (Augustine 12).

⁸ Reflecting on the tension of Rome’s violent founding, James Arieti suggests that the Latin name for the city encapsulates the beauty hidden in brutality, “the mingling of Love and Strife, of Mars and Venus,” for read backwards, it is *Amor*, love (Arieti 219).

⁹ “With the exception of these killings prescribed generally by a just law, or specially commanded by God himself — the source of justice — anyone who kills a human being, whether himself or anyone else, is involved in a charge of murder” (Augustine 32).

alone death.¹¹ The injustice he sees is that the adulterer¹² bore a lesser punishment than the chaste victim.¹³

Jennifer Thompson characterizes Augustine's view of women "as guilty spaces to be explored and interrogated," whose genitals are "inherently shameful; they are precisely the nullification of will" (Thompson 3). I read Augustine as suggesting the reverse, that the will nullifies the body. Distinguishing between bodily and spiritual will and purity¹⁴ absolves the rape victim of guilt and shame. For if one's soul remains pure, if God witnesses the soul's chastity (*pudicitia*),¹⁵ then what happens to one's body is irrelevant,¹⁶ and no cause for suicide¹⁷ even if the body physically experiences "some physical pleasure" (Augustine 26). Purity situated in the soul allows one to remain pure, even if one's body is raped. Contextualized in today's rape discourse, though Augustine likens Lucretia's rape to Regulus' torture, his privileging of the soul's purity over the body's pain may seem to deny the horror of the rape. Webb interprets this juxtaposition as highlighting the inescapability of Lucretia's and Regulus' situations, and equating pain (for Regulus) with lust (for Lucretia) (Webb 47). What I want to emphasize is the will of the soul as the defining defense of raped women: here Augustine introduces violation of consent as a crucial consideration.

Victim-blaming is also rooted in Augustine's writing on rape. He suggests that God would not have allowed the women to be raped, had they not already been guilty, and the rapes of some Christian women may have saved them from the sin of pride, that by losing their virginity they gained humility (Augustine 39-40).¹⁸ Thompson sees victim-blaming as

¹⁰ This point further allows Augustine to assert Christian moral superiority, since Christian women forgo avenging guilt in order not to add their own crime (suicide) to another's crime (rape) (Augustine 25).

¹¹ Even had she consented in thought, Augustine does not think she should have committed suicide: "For suppose (a thing which only she herself could know) that, although the young man attacked her violently, she was so enticed by her own desire that she consented to the act and that when she came to punish herself she was so grieved that she thought death the only expiation. Yet not even in this case ought she to have killed herself, if she could have offered a profitable penitence to false gods" (Augustine 29-30). Note also how Augustine observes that only Lucretia (and presumably God) could know whether she consented in her mind.

¹² For Augustine, there was one adulterer, the rapist, not two as Roman society would count, including the woman. As he writes twice in one paragraph and once more on the following page, "There were two persons involved, and only one committed adultery" (Augustine 29).

¹³ "But how was it that she who did not commit adultery received the heavier punishment?" (Augustine 29).

¹⁴ "Now purity is a virtue of the mind" (Augustine 27).

¹⁵ "They have the glory of chastity within them, the testimony of their conscience. They have this in the sight of God, and they ask for nothing more" (Augustine 30).

¹⁶ "In the first place, it must be firmly established that virtue, the condition of right living, hold command over the parts of the body from her throne in the mind, and that the consecrated body is the instrument of the consecrated will; and if that will continues unshaken and steadfast, whatever anyone else does with the body or to the body, provided that it cannot be avoided without committing sin, involves no blame to the sufferer" (Augustine 26). Also, "Therefore while the mind's resolve endures, which gives the body its claim to chastity, the violence of another's lust cannot take away the chastity which is preserved by unwavering self-control" (Augustine 28).

¹⁷ "Why then should a man, who has done no wrong, do wrong to himself? Why should he kill the innocent in putting himself to death...?" (Augustine 27).

¹⁸ The entire chapter, "By what judgment of God the enemy's lust was allowed to sin against the bodies of the chaste" is quotable, but I will include only a few lines here: "you should honestly

the inevitable consequence of Christian chastity as an (impossible) ideal for women to pursue in their most vulnerable, violated moments. The focus on the soul's will and purity requires the relentless interrogation of the soul's true desire, to which Augustine believes only God has access. What hope is there for humans, then, to know whether an act was consensual? Without divine omniscience, trials become caught in unresolvable "he said, she said" dilemmas and speculations about women's secret enjoyment of the violating act.

Before Christianity's original sin, Greek and Roman cultures believed in *women's* inherent guilt, doubting that women could make judgments about their sexuality, and presuming women's insatiable desire and lack of reason. This perspective lingers in the narratives of "no means yes," that a verbal refusal indicates an actual request, and the "she was asking for it" narrative claiming that women desire rape and bring it upon themselves. Correspondingly, portraying the rapist as a victim of (usually) his own crime and potentially of justice, is rooted in Greek values. Earlier this year, judges handed down extremely lenient sentences to convicted rapists Brock Turner and David Becker, citing concern for ruining the young men's lives (Hauser). The public outrage is understandable, but surprise would be misplaced. Since ancient Greece, rape has compromised not only the victim, but also the status of the perpetrator and anyone of status around the victim. Rosanna Omitowaju explains that women's sexuality is only important for Athenians insofar as it influences status (Omitowaju 17), while Daniel Ogden reads Athenian rape law as focused on protecting the *oikos*—family based on male bloodlines—and preventing bastards, a priority that led to the social and familial exclusion of raped women (Ogden 25-6, 29).¹⁹

This emphasis on family honor clarifies why rape of a married woman was a more severe crime than rape of a virgin, though rape implicates honor even if bloodlines are not directly and imminently in danger (Ogden 26). By Athenian standards, Lucretia's rapist Sextus Tarquinius is also a victim because rape is unknighly, unbecoming someone of his status. Since Lucretia was noble, the rape dishonors her status; since she was married, the rape threatens her husband and his *oikos*, the family and bloodline. For the Greeks, these later categories, her husband's honor and *oikos*, would be of primary concern. Comparing Chiomara to Lucretia illustrates how honor before the husband is paramount: the two rape victims have dramatically different approaches to proving their nobility. Whereas Lucretia commits suicide, Chiomara beheads her rapist and presents the head to her husband, after which "the impurity is erased because of revenge" (Arieti 217). The commonality is

examine your hearts and see if perhaps you have not plumed yourselves overmuch on the possession of your virginity...I make no accusations...However, if they give an affirmative reply, do not be amazed at having lost that for which you were concerned...If you have not consented in the sin, divine aid has been added to divine grace, to prevent your losing that grace" (Augustine 39).

¹⁹ Greek and Roman concern for married women's bodily purity is at odds with medieval European privileging of the virgin's purity (that continues to today), poetically expressed by St Bridget: "Virginity merits the crown, widowhood draws near to God, matrimony does not exclude from heaven" (quoted in Dinshaw 148).

prioritization of the husband's honor, as illustrated by Lucretia deeming herself unworthy to be Collatinus' wife, and Chiomara offering evidence of her vengeance to her husband.

The defining concern for status and bloodline could explain why bestial rape so abhorrent to modern sensibilities appears in Greek mythology as unobjectionable (indeed, a standard approach for the Gods), because it will not produce illegitimate offspring, unless from Gods, and the status of an illegitimate child of a God is still high. Omitowaju interprets concern for status in Athenian rape discourse as founded on normative civic concerns and issues of citizenship (Omitowaju 2). In a society seeking to closely contain citizenship through parental requirements, ensuring lineage is an important civic objective. That is why, for Ogden, the Greeks debated Helen of Troy's *path* (was it Helen herself or a simulacrum, *eidolon*, who went to Egypt?) rather than her *guilt*, because a Greek reading would privilege potential contamination of bloodline, so view her as guilty of having committed adultery whether or not her abduction was consensual (Ogden 32, 36).

Thomas Harrison proposes another reading of Helen's guilt: not that sex outside of marriage is adultery whether consensual or not, but that Alexander (Paris) arouses passion in Helen, which is a more severe crime than rape. If the passion is physical, then Augustine would enquire about the soul. If the passion was emotional, contaminating the purity of the soul, then he would find her guilty. The question for Augustine would be whether Helen fled out of physical lust for Paris, emotional desire effecting her will, or a sense of guilt and concern for her honor. Returning to a Greek reading, given that women are uncontrollable, "consent or free will is immaterial" in Helen's case (Harrison 191). Harrison reads themes of consent in Euripides' description of Helen's claim that Alexander took her "by force" and in (Helen's husband) Menelaus' accusation that she went "willingly;" yet Harrison interprets the Greek approach as believing women know no better (Harrison 191-2). This tension of a woman's insatiable lust and inability to exercise her own will emerges even in Sappho's poem invoking Helen to answer that "whatever one loves" is most beautiful. Sappho at once acknowledges Helen's lustful agency in abandoning her husband to follow her lover to Troy: "Helen, / forsook her husband, / noblest of men, to sail away to Troy" while also implying that she exercised no reason in this choice, and was passively (at least grammatically) seduced into iniquity, whether by Paris or another force: "neither of child nor of beloved parents / did she take thought at all, being led astray by...[text missing]" (Sappho Fragment 16, quoted Miller 54).

Lingered behind these arguments from Ogden and Harrison, and certainly in Sappho's fragment, is the ancient belief in women's insatiable libido. Sissa attributes to Augustine the Roman "presupposition" of "the latent sensuality of all women and in their underlying consent to manly impetuosity,"²⁰ which Augustine assumes when he treats "an

²⁰ Note the temporal and power gender differentials: women's lust described as "latent" implies that it is preexisting, constant, and dormant until awoken by men's lust, which is "impetuous," implying quick, temporary force.

undesired sexual act as something dangerously desirable” (Sissa 186). That desire occurs in the soul and pleasure is enjoyed by the body is foundational to Christian morality, yet the “[d]esire is already pleasure” (Sissa 188),²¹ forming an entanglement that complicates Augustine’s distinction between bodily lust, which can be forced, and the soul’s lust, over which one can exercise will even against violence (Augustine 27-8).

Augustine was not the first to apply this distinction: it forms the paradox of Gorgias’ *Encomium of Helen*, which seeks to establish Helen’s innocence by arguing that “persuasive discourse deceived her soul” (Gorgias Part 8). If persuasive discourse is a *valid* influence on the soul, then Helen is guilty of allowing the impurity of desire for Paris into her soul, and the reader is authentically convinced by Gorgias’ argument. If, however, persuasive discourse is an *invalid* influence, then Helen’s soul was wrongly corrupted, she is innocent of desiring Paris in her soul, and Gorgias’ argument is a ruse that does not truly persuade the reader’s soul. So if Gorgias succeeds in convincing the reader of the power of discourse, he fails in his argument that Helen is innocent.

While Gorgias entertained the possibility of Helen’s innocence, Greek commentators such as Euripides and Herodotus were more concerned with Helen’s path, because her *body* not her soul was of concern, since bodily purity was what guaranteed the purity of the bloodline and *oikos*. Webb argues that this shift from the Roman and Greek view of women as guilty in the crime, to Augustine’s portrayal of the rape victim as deserving consolation (*consolatio*),²² and his likening of rape to torture, is “revolutionary” (Webb 41). Would it still be revolutionary if we reframed Augustine’s approach as protecting the Christian family, understanding his *oikos* not as the bloodlines of Greek morality, but as the community of Christians, whether as represented by the nuns he addressed or the population of procreating families? The Greeks sought to protect the purity of family and citizenry by ensuring that children resulted only from the societally recognized unions of marriage. Perhaps Augustine, in line with his objective in *The City of God* of defending Christianity’s honor as a victim rather than guilty party in the sack of Rome, is defending the Christian family by presenting a reading of the raped nuns as pure in their souls. He may also have the pragmatic objective of encouraging Christian laywomen not to commit suicide so that they can live and produce future generations of Christians.

What remains radical about Augustine’s conception of rape, then, is the shift in focus from the rapist’s desires to the victim’s desires. I think it is time to reverse that shift, and once again put the rapist’s soul on trial. Thompson characterizes the Augustinian turn in rape

²¹ Even in the English translation, Sissa’s description of Greek pleasure is enticingly sensual: “Greek pleasure is sweetness. It is sweetness to the palate: wine and delicious foods. It is the melodious voice of the Muses and the charming song of the poet. Greek pleasure is oblivion” (Sissa 50). Note the contrast with the arousal of contemporary understandings of pleasure. Far from the excitement and tension of contemporary sexual imagery, Sissa points to examples such as Hera’s soporific seduction of Zeus and the reclining on couches of a symposium to argue that “[p]leasure was hypnotic, and pleasure was lethargy” (Sissa 51-2).

discourse as “replac[ing] rape as theft with a more subtle but equally devastating model: a raped woman becomes a mystery, even to herself” as she interrogates the purity of her soul, regardless of the physical evidence from her body. More dramatically, Augustine finds a spiritual advantage to being the victim of rape which “actually aids the victim spiritually by removing the temptation of pride and turning her inward, towards God” (Thompson 13). Though Roman commentators may see the rapes of Lucretia or Chionara as opportunities for the women to prove their nobility, the women are making the best of a horrific situation, not benefiting more than they would have, had the rapes not occurred. Contemporary discourse sometimes takes an Augustinian approach of portraying rape as a blessing, contending that pregnancy resulting from rape is a gift from God.²³ Contemporary anti-choice discourse also applies Augustine’s rhetoric delegitimizing bodily experience and exhorting one not to add a crime (suicide) to a crime (rape),²⁴ to deprive women of bodily autonomy in choosing to abort a pregnancy.²⁵

Contemporary rape discourse has inherited from Augustine, a preoccupation with the victim’s soul and attendant victim-blaming, a view of rape as a spiritual gift for women who are already guilty, and the injunction against adding a crime to a crime. Contemporary discourse misapplies Augustine’s focus on consent. Augustine did not seek to define rape: he recognized what happened to Lucretia and the women in the sack of Rome as rape, and the perpetrators as having committed crimes. His focus concerned the consequences for the women’s souls, honor, and lives—considerations of which contemporary rape discourse has lost sight. Add to this legacy and misapplication the legal implications described above of a consent-based definition of rape; issues of applying definitions taken from the context of war to individual experiences of rape;²⁶ and the modern consideration of legal consent, which women did not possess in Greek or Roman civil life, nor in Augustine’s time. I hope it is clear why it is time for our society to abandon an Augustinian approach to rape. Even as the West has repeatedly redefined femininity and “woman,” relinquished ancient norms on the honor of suicide, evolved their views on torture and desire, and moved away from a Christian framing of the body as a personal–divine–public intermediary, a definition of rape rooted in Augustinian epistemological scaffolds remains barely changed. The treatment of the victim in today’s campus rape cases often involves the same inquiries into the victim’s purity, desires, and blame, as Augustine addressed to the women rape in the sack of Rome, yet out of

²² “Here we are not so much concerned to answer the attacks of those outside as to administer consolation to those within our fellowship” (Augustine 26).

²³ Examples notably include (female and male) US politicians Rick Santorum (Harding), Todd Akin (Edwards), Tila Hubrecht (Hillin), and Richard Mourdock (Millhiser).

²⁴ Augustine writes that, unlike Lucretia, “Christian women...did not take vengeance on themselves for another’s crime. They would not add crime to crime by committing murder on themselves in shame because the enemy had committed rape on them in lust” (Augustine 30).

²⁵ “Rape is terrible. Rape is awful. Is it made any better by killing an innocent child [*sic*]? Does it solve the problem for the woman that’s been raped? We need to protect innocent life. Period.” - Sen. Sam Brownback (Jessica) Correction: Brownback meant “fetus,” not “child.”

concern for the perpetrators rather than the victims. The “he said, she said” discourses, preoccupation with will (also, “against one’s will”) and the inextricable question of consent, as well as the framing of rape as sex rather than violence, are all characteristics we can trace to Augustine, and then relinquish. As Thompson argues, will is a distraction: “the will is a red herring” (Thompson 17); and a definition of rape inherited from Augustine is a distraction: “a definition of rape derived from Christianity encourages us to pathologize the victim rather than analyze and condemn the perpetrator” (Thompson 16).²⁷

When the true motivations of the victim’s soul define a crime, the burden of proof is on the victim. Unlike the victims of non-sexual violence, those whose property rather than dignity has been stolen, the victim of rape must stand trial as much as the accused, a severe disincentive to report rape, let alone press charges, which leads to under-reporting and under-conviction, perpetuating a culture of rape with impunity. In the case of crimes such as homicide, the motivations and justifications of the perpetrator define the crime. In such cases, the law considers forethought, insanity, whether the death was intentional, and justifications such as self-defense. Rather than calling a woman’s consent into question by hopelessly interrogating her soul, force the man to look into his soul to see whether the act was motivated by violence, envy, entitlement, war: change the burden of proof.²⁸

Returning to the story of Lucretia, rather than examining the purity of her soul (Augustine’s approach) or her family honor (the Greek approach), if we interrogate the rapist’s motives, then the crime of the rape is clear. James Arieti attributes Sextus Tarquinius’ desire to rape Lucretia to “not only her beauty but her observed chastity:” he is motivated to rape because of “the challenge of destroying virtue” (Arieti 213). Were we to try the crime not on Lucretia’s consent, nor on her husband Collatinus’ honor, but rather on Tarquinius’ intent, then the act is clearly a violation, a crime. Even had Lucretia wished to undermine her husband’s status, secretly wished to dispel her chastity, the impetus comes from Tarquinius’ intent; that is what incited him.²⁹ In other accounts as well, including the rape of the Sabine women, the word Livy and Ovid use, *rapere*, foregrounds the motivations in ways that modern discourse does not.

Augustine’s aforementioned parallel between Lucretia’s rape and Regulus’ torture is illustrative for reimagining a definition of rape, since torture is concerned with intent, usually to inflict anguish upon another for ulterior goals. The act itself is not necessarily torture. For

²⁶ Not only was Augustine writing about rape in war, but also the Greeks were focused on war, and the Romans viewed rape as representative of political change (see Arieti’s discussion of rape in Livy).

²⁷ I do not intend to blame Augustine, but rather expose the source of today’s definition to highlight its contemporary irrelevance.

²⁸ It would also be wise to further refine the definition to differentiate crimes as diverse as rape as a weapon of war, violent stranger rape, and date rape.

²⁹ I lack evidence to confidently speculate about Paris’ motives for seducing Helen. Might we read Euripides’ play as suggesting that Aphrodite gave Paris the desire for Helen so that Aphrodite could extract Paris’ good judgment of her over Athena and Hera in exchange for Helen as an inducement? Or looking at Homer’s text, might we read Paris’ abduction of Helen as a plot device to launch the

example, playing someone music or waking them from sleep is not cruel until done to an extreme, depriving the victim of silence or sleep. It becomes torture when there are cruel motives, such as extracting information. In the context of sex, an individual may enjoy sexual acts that others would interpret as degrading, such as coprophilia or BDSM, and whether the acts are done for the partner's pleasure or in order to humiliate or hurt them is the difference between play and torture, or sex and rape.

In reimaging a definition of rape, we can begin by looking at extant legal standards. International law already recognizes the importance of intent to compromise a victim's honor and dignity when evaluating rape.³⁰ Such a consideration might also be relevant when defining rape outside of war. There's a precedent in Greek hubris for including intent in definitions of rape. Omitowoju defines hubris in a sense similar to rape not as excessive arrogance leading to downfall, but (adopting Nick Fisher's definition) as "deliberate activity" with the "motive for such infliction of dishonour [being] the pleasure of expressing a sense of superiority" (Omitowoju 3), then looks at instances in which crimes we might describe as rape are called "*graphs hubreos*" (hubris). For Aristotle, an act could be *hubris* event without violence or threat thereof, if it is coercive or there was intent to degrade or dishonor the victim (Omitowoju 4, citing *Politics* 1315a). The emphasis on degradation and dishonor is consistent with the Greek concern for status,³¹ but updating the status by instead using "dignity" offers a potential for a contemporary definition of rape not premised on consent. A reimagined definition of rape could take the Greek concern for status and shift from social status to individual status, move from concern for preserving family dignity or even Christianity's dignity (for Augustine) to individual dignity of the rape victim (also physical autonomy) and rapist.

California's recent "Yes Means Yes" innovation is an improvement on the "no means no" view of consent, because it shifts the responsibility away from the victim to say "no," and on to the potential sexual aggressor to secure consent. The next step will be to shift adjudication of the crime away from the victim's consent or non-consent to the sexual aggressor's actions and motivations. I see hints of this evolution in a surprising source: a banner from Berkeley's It's On Us campaign quoted Inter-Fraternity Council Chapter President Ryan Keane³², "It's on me to be a leader in the Greek Community, helping to instill

Trojan war? Perhaps Paris intentionally, bellicosely spoiling for a fight, seduces Helen as a justification for provoking a war?

³⁰ Article 27 of the Geneva Convention recognizes rape as an attack on honor: "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault." Note the ideological legacy of Greek views of rape as an attack on status. Further, Protocol II of the Geneva Convention recognizes rape as an compromising dignity: "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault."

³¹ The focus on status is why Greeks did not consider it possible to rape a prostitute, whose status could not be lowered. It also explains the different standards for what makes a man guilty and a woman a victim, since men and women have unequal status (Omitowoju 16).

³² Keane is a member of Berkeley's branch of Kappa Alpha, the fraternity to which Brock Turner belonged at Stanford.

a culture where fraternity men act in the best interest of others, where a safe, comfortable environment for all is the priority.” Without mentioning consent, Keane focuses on the motivations of potential sexual aggressors. Could a new definition of rape be as simple as a sexual act that is not “in the best interest of others,” or an act that sexually violates another in order to demean their dignity?

Works Cited

- Arieti, James. “Rape in Livy’s view of Roman history,” *Rape in Antiquity*, edited by Susan Deacy and Karen Pierce, Gerald Duckworth & Co., Ltd., 1997. pp. 209-230.
- Augustine. *Concerning the City of God against the Pagans*. Translated by Henry Bettenson, Penguin Books, 1972.
- Dinshaw, Carolyn. *Getting Medieval: Sexualities and Communities, Pre- and Postmodern*. Duke University Press, 1999.
- Edwards, David. “Missouri Republican official: ‘God chose to bless’ women with pregnancies from rape.” *Raw Story*. August 21, 2012. www.rawstory.com/2012/08/missouri-republican-official-god-chose-to-bless-women-with-pregnancies-from-rape/
- Felch, Jason. “31 women accuse UC Berkeley of botching sexual assault investigations.” *Los Angeles Times*. February 26, 2014. <http://articles.latimes.com/2014/feb/26/local/la-me-berkeley-assaults-20140227>
- Geneva Convention: International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, August 12, 1949.
- Gorgias. *Encomium of Helen*. Translated by Brian Donovan, 1999. www.classicalpersuasion.org.
- Harrison, Thomas. “Herodotus and the ancient Greek idea of rape,” *Rape in Antiquity*, edited by Susan Deacy and Karen Pierce, Gerald Duckworth & Co., Ltd., 1997. pp. 185-208.
- Harding, Kate. “Rick Santorum thinks pregnancy through rape is God's gift? Seriously?” *The Guardian*. January 24, 2012. www.theguardian.com/commentisfree/belief/2012/jan/25/rick-santorum-rape-pregnancy
- Hauser, Christine. “Judge’s Sentencing in Massachusetts Sexual Assault Case Reignites Debate on Privilege” August 24, 2016. *The New York Times*. www.nytimes.com/2016/08/25/us/david-becker-massachusetts-sexual-assault.html
- Hillin, Taryn. “Missouri lawmaker argues rape that leads to pregnancy is a blessing from God” *Fusion*. May 5, 2016. <http://fusion.net/story/299165/gop-lawmaker-rape-silver-lining-tila-hubrecht-abortion-missouri/>

It's On Us. <http://itsonus.org/>

Jessica. "Brownback says rape survivors shouldn't have access to abortion." *Feministing*. June 13, 2007. http://feministing.com/2007/06/13/brownback_says_rape_survivors/

Miller, Andrew, ed. *Greek Lyric: An Anthology in Translation*. Hackett Publishing Company, Inc., 1996.

Millhiser, Ian, and Travis Waldron "GOP U.S. Senate Candidate Calls Rape Pregnancies A 'Gift From God'" *Think Progress*. October 23, 2012. <https://thinkprogress.org/gop-u-s-senate-candidate-calls-rape-pregnancies-a-gift-from-god-b4ef64eb9fbd#.53k4a6v9d>

Ogden, Daniel. "Rape, adultery and protection of bloodlines in classical Athens," *Rape in Antiquity*, edited by Susan Deacy and Karen Pierce, Gerald Duckworth & Co., Ltd., 1997. pp. 25-42.

Omitowoju, Rosanna. "Regulating rape: soap operas and self-interest in the Athenian courts" *Rape in Antiquity*, edited by Susan Deacy and Karen Pierce, Gerald Duckworth & Co., Ltd., 1997. pp. 1-24.

Pauly, Madison. "America's Top Public University Has a Major Sexual-Harassment Problem." *Mother Jones*. April 20, 2016. www.motherjones.com/politics/2016/04/cal-berkeley-sexual-harassment-timeline

Senate Bill No. 967, *California. Student safety: sexual assault*. September 28, 2014.

Sissa, Giulia. Staunton, George, tr. *Sex and Sensuality in the Ancient World*. Yale University Press, 2008.

Somanader, Tanya. "President Obama Launches the 'It's On Us' Campaign to End Sexual Assault on Campus." *The White House*. September 19, 2014. www.whitehouse.gov/blog/2014/09/19/president-obama-launches-its-us-campaign-end-sexual-assault-campus

Thompson, Jennifer J. "Accept This Twofold Consolation, You Faint-hearted Creatures":³³ St. Augustine and Contemporary Definitions of Rape," *Studies in Media and Information Literacy Education* 4, no. 3, 2004.

Webb, Melanie. "On Lucretia who slew herself": Rape and Consolation in Augustine's *De ciuitate dei* in *Augustinian Studies* 44/1, 2013. pp. 37-58.

³³ Thompson's takes her title from Augustine's chapter on the benefit of rape saving a woman from pride or other sins (Augustine 39).