

UP AGAINST A WALL: RAPE REFORM AND THE FAILURE OF SUCCESS
by Rose Corrigan. New York, New York: New York University
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INTRODUCTION

In 2009, Detroit prosecutor Kym Worthy discovered that 11,000 rape kits were lying, abandoned and untested, in a police warehouse.¹ The fact that these kits existed and had not been investigated or pursued by law enforcement was not in itself unusual.² What was unusual was Worthy's response: since 2009, she has mobilized a taskforce to process and investigate the kits, sued her county for its failure to provide money to support the prosecution of these and other violent crimes, and pursued private funding to support the testing of these kits.³ By 2014, approximately 1,600 kits had been processed and approximately one hundred serial rapists identified from the resulting data.⁴

Many scholars and activists would consider this story an apt allegory for the history of rape law reform in the United States: an ambitious effort driven by dedicated and determined women, which was ultimately successful. Rose Corrigan, author of *Up Against A Wall: Rape Reform and the Failure of Success*, would probably agree that the story of the 11,000 untested rape kits in Detroit could be used as an allegory for the feminist law reform project. But, it is a story that reflects not so much an unqualified triumph as a complex history of slow and uneven progress, driven by dedicated women activists facing widespread resistance from the institutions that process rape.⁵

1. Courtney Bledsoe, *Wayne County Prosecutor Kym Worthy: Untested Rape Kits Illustrate Funding Crisis*, WYANDOTTE PATCH (Aug. 6, 2014, 3:34 PM), <http://patch.com/michigan/wyandotte/wayne-county-prosecutor-kym-worthy-untested-rape-kits-illustrate-funding-crisis>.
2. There is no comprehensive data regarding how many rape kits go untested nationally every year because this testing is done at the state or county level. However, the Department of Justice estimates that evidence from approximately 221,000 rape and murder cases remains untested nationwide. *CBS News Investigates Rape-Kit Backlog*, RAPE, ABUSE & INCEST NAT'L NETWORK, <https://www.rainn.org/news-room/news/rape-kit-backlog> (last visited Mar. 11, 2015).
3. Bledsoe, *supra* note 1; Brian Slupski, *Detroit Discovers at Least 100 Serial Rapists After it Finally Gets Around to Processing Thousands of Rape Kits*, WYANDOTTE PATCH (Mar. 22, 2014, 2:31 PM), <http://patch.com/michigan/wyandotte/detroit-discovers-at-least-100-serial-rapists-after-it-finally-gets-around-to-processing-thousands-of-rape-kits>.
4. Slupski, *supra* note 3.
5. Several times in this review, I use the phrase "rape processing," which Corrigan also uses in her text. Rape processing refers to the process by which a rape complaint is "managed" from

In her rich and insightful book, Corrigan asks how legal reforms stemming from the anti-rape movement have intersected with the local institutional practices as well as the cultures of law enforcement and medical agencies involved in the rape response. She further addresses how this intersection has shaped the anti-rape movement. Her primary goal is twofold: first, to evaluate the success of rape law reform, measured not by legislative changes but by the sensitivity and accessibility of the rape case processing system; and second, to examine how rape crisis centers have been shaped by their collaboration with state systems in an effort to effectuate change.⁶ Corrigan accomplishes this through a careful analysis of the emergence and institutionalization of the anti-rape movement, focusing on its most foundational organizations—rape crisis centers (pp. 21-51). In addition, she considers three recent and significant reforms in rape case processing: sexual assault nurse examiner (SANE) programs, laws that mandate the availability of emergency contraception in the emergency room (EC in the ER), and sex offender and community notification (SORCN) laws (pp. 65-248).

Corrigan concludes with an examination of the divisive role of feminism in anti-rape work, and the way that successful integration of RCCs into the law enforcement response to rape has transformed anti-rape advocates' perceptions of their work (pp. 249-64). Corrigan argues that rape crisis organizations have been isolated from progressive coalitions and co-opted by state organizations that provide their funding and access to victims.⁷ Additionally, or perhaps as a result, they have been severely undermined by the absence of creative and diverse legal thought (p. 17). The "success" of rape reform, argues Corrigan, is, in significant part, an illusion created by the presence of laws on the books rather than a reality for rape victims on the ground (p. 260).

Part of the problem is that the field of rape reform is highly fractured and under-theorized. Scholars of rape response in the United States are largely bifurcated into two camps: (1) social scientists who study anti-rape movements,

beginning to end, transformed from a physical experience to a social, medical, or legal complaint. This process includes interviews, forensic examinations, medical care, and criminal prosecution. Various institutions participate in rape processing, including rape crisis centers, medical institutions, and law enforcement agencies. Which institutions are involved in a particular case depends on the jurisdiction where the rape occurred and the choices of the victim.

6. Rape crisis centers (RCCs) are the major organization to emerge out of the anti-rape movement (p. 1). They are usually nonprofit organizations, sometimes affiliated with state agencies, which counsel rape victims, provide referrals to other social services, and act as advocates during police interviews, forensic exams, and legal proceedings. This definition is my own; Corrigan assumes that her reader is familiar with this terminology. Originally staffed by volunteers, rape crisis centers were increasingly staffed by semi-professionalized career advocates as RCCs underwent a process of institutionalization in the 1980s (p. 43).
7. The general consensus among advocates is that individuals who have experienced rape should be referred to as "survivors or victims" out of respect for how different people interpret their experiences. Like Corrigan, I have chosen to use "victim" by itself because of its salience as a legal category and because it is clearer and more concise to use the terminology of the institutions under examination.

and (2) legal scholars who study state institutions' responses to rape.⁸ The small number of sociologists working on rape response have generally taken one of three approaches. The first approach, taken mostly by feminist theorists of the second wave, focuses on why rape happens at a highly theoretical and societal level.⁹ The second approach uses a social movement framework, generally treating the rape reform movement as an advanced form or "spin-off" of the women's movement.¹⁰ The third approach, perhaps most akin to Corrigan's, is based in organizational theory and focuses on institutions that process rape, examining their structures, cultures, connections with other institutions, and effects on victims.¹¹ The studies conducted under this third approach, however, tend to focus on only one or two organizations, such as crisis centers, activist groups, or like institutions.¹² There is very little scholarship that examines rape processing empirically (either through qualitative or quantitative data) at both the macro and micro-levels, as Corrigan does.

Legal scholars have produced more analysis of rape than social scientists. These studies generally take one of two general approaches. Similar to sociologists who follow the organizational theory model, legal scholars utilizing the first approach examine issues related to case processing, generally working with empirical data on only one aspect of rape processing, such as jury response, expert testimony, or victims' trial behavior.¹³ Scholars following the second

8. I could locate no real systematic attempt to combine these two groups of scholarship, with the exception of NANCY A. MATTHEWS, *CONFRONTING RAPE: THE FEMINIST ANTI-RAPE MOVEMENT AND THE STATE* (1994). Similar to Corrigan's project, Matthews' book examines how the need for funding and access to state structures affected the anti-rape movement. For an excellent review of *Confronting Rape*, see Sue Lees, Book Note, 51 FEMINIST REV. 125 (1995).

9. See, e.g., ANDREA DWORKIN, *WOMAN HATING* (1974); CATHARINE MACKINNON, *TOWARDS A FEMINIST THEORY OF THE STATE* (1989).

10. See, e.g., Vicki McNickle Rose, *Rape as a Social Problem: A Byproduct of the Feminist Movement*, 25 SOC. PROBS. 75 (1977); Suzanne Staggenborg, *Social Movement Communities and Cycles of Protest: The Emergence and Maintenance of a Local Women's Movement*, 45 SOC. PROBS. 180 (1998); Aaronette M. White, *Talking Feminist, Talking Black: Micromobilization Processes in a Collective Protest Against Rape*, 13 GENDER & SOC'Y 77 (1999).

11. See, e.g., Amy Fried, "It's Hard to Change What We Want to Change": *Rape Crisis Centers as Organizations*, 8 GENDER & SOC'Y 562 (1994); Patricia Yancey Martin, *Rethinking Feminist Organizations*, 4 GENDER & SOC'Y 182 (1990); Ellen Kaye Scott, *How to Stop the Rapists? A Question of Strategy in Two Rape Crisis Centers*, 40 SOC. PROBS. 343 (1993); Frederika E. Schmitt & Patricia Yancey Martin, *Unobtrusive Mobilization by an Institutionalized Rape Crisis Center: "All We Do Comes From Victims"*, 13 GENDER & SOC'Y 364 (1999).

12. See, e.g., Fried, *supra* note 11; Martin, *supra* note 11; Schmitt & Martin, *supra* note 11; Scott, *supra* note 11.

13. See, e.g., Lisa Frohmann, *Constituting Power in Sexual Assault Cases: Prosecutorial Strategies for Victim Management*, 45 SOC. PROBS. 393 (1998) (examining the processes through which prosecutors manage sexual assault victims during complaint filing interviews); Dan M. Kahan, *Culture, Cognition, and Consent: Who Perceives What, and Why*, in *Acquaintance-Rape Cases*, 158 U. PA. L. REV. 729 (2010) (examining experimental research on adults' responses to issues of consent raised in the context of *Commonwealth v. Berkowitz*, 641 A.2d 1161 (Pa. 1994)); Gary D. Lafree, Barbara F. Reskin & Christy A.

approach track legal improvements related to rape and rape processing procedures that have come about since the rise of the women's movement in the 1960s.¹⁴ A significant number of these scholars focus on socially marginalized groups, such as women of color¹⁵ and LGBTQ women,¹⁶ which were crucial to the origin and growth of the anti-rape movement but have been further marginalized within the movement as a result of its increasing institutionalization.

Corrigan's book steps into a space that is largely unoccupied by existing legal and sociological scholarship. She examines, through large scale ethnographic data, the ways in which the anti-rape movement's turn to criminal law as a tool for addressing rape, and its subsequent abandonment of a more diverse range of legal strategies, has affected the reforms it has achieved and caused the decline of the movement. Her overall argument is that the major organizations of the rape reform movement, rape crisis centers (RCCs), have very limited power to affect systemic change. Corrigan attributes this lack of efficacy to RCCs' alienation from both progressive coalitions and the right-wing conservative coalition that spawned the victim's rights movement (p. 27). In addition, RCCs are funded by the very institutions they seek to reform (pp. 42-46).

Rose Corrigan's study of the rape reform movement is innovative, multivalent, and complex. Her insightful selection and use of case studies and her skillful deployment of both legal and sociological literature will make the reader want to ignore the significant omissions in her study. However, to ignore these gaps, especially as legal scholars and practitioners, would be to miss some of the most interesting spaces for investigation and strategizing that Corrigan has excavated from the story of a movement that "has been politically and

Visher, *Jurors' Responses to Victims' Behavior and Legal Issues in Sexual Assault Trials*, 32 SOC. PROBS. 389 (1985) (examining whether and how victims' behavior and jurors' notions about how women should behave influence verdicts in sexual assault cases); R.R.L., *Checking the Allure of Increased Conviction Rates: The Admissibility of Expert Testimony on Rape Trauma Syndrome in Criminal Proceedings*, 70 VA. L. REV. 1657 (1984) (arguing against admitting expert testimony on rape trauma syndrome in criminal proceedings).

14. See, e.g., JEANNE MARSH, ALISON GEIST & NATHAN CAPLAN, *RAPE AND THE LIMITS OF LAW REFORM* (1983); Cassia C. Spohn, *The Rape Reform Movement: The Traditional Common Law and Rape Law Reforms*, 39 JURIMETRICS J. 119 (1999).
15. See, e.g., Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STAN. L. REV. 1241 (1991) (discussing how and why the experiences of women of color with rape and other forms of violence are often marginalized in feminist discourses); Nancy A. Matthews, *Surmounting a Legacy: The Expansion of Racial Diversity in a Local Anti-Rape Movement*, 3 GENDER & SOC'Y 518 (1989) (discussing racial and ethnic diversity in Los Angeles's anti-rape movement); White, *supra* note 10 (discussing race, gender, and class in relation to mobilizing strategies used by a local black feminist collective to organize a protest against rape within the African-American community).
16. See KIRSTEN S. RAMBO, *The Paradox of Privacy for the Battered Women's Movement: Rape, Reproductive Rights, and the Case of People v. Liberta*, in "TRIVIAL COMPLAINTS": THE ROLE OF PRIVACY IN DOMESTIC VIOLENCE LAW AND ACTIVISM IN THE U.S. 64, 70 (2008) (discussing interviews with founders of early emergency shelters, many of whom were lesbians, and their experiences of conflict with heterosexual women in the movement).

intellectually exsanguinated by the absence of creative legal strategies” (p. 17). For example, Corrigan’s new perspective on sex offender registration and notification (SORCN) laws cries out for a racial analysis that is glaringly absent from the chapter (pp. 205-49). Similarly, her examination of advocates’ discourse in the context of the rape reform movement’s strategic shift away from its feminist origins fails to address how the rape reform movement has become a heterosexual space (pp. 249-64). The gaps in Corrigan’s analysis are not merely semantic. Nor are these criticisms meant to suggest that every intersection of societal power imbalances must be nominally included in every study. Rather, these are places that Corrigan’s analysis leads us to, but stops just short of addressing. I have analyzed these topics below and suggested that it is more valuable to think of them as areas for further research than as shortcomings of Corrigan’s work.

HISTORY OF RAPE REFORM

Corrigan begins her book with a whirlwind review of the emergence of the anti-rape movement and anti-rape institutions from second-wave feminism. In the early 1970s, rape crisis centers, which employed both social service and protest tactics, began to form out of the consciousness-raising groups that characterized the feminist second wave (pp. 27-29). Reflecting this heritage, early anti-rape activists linked sexual violence to broader forms of oppression and identified revolution, not reform, as the appropriate response (p. 29).¹⁷ As legal reforms were implemented across the country, governments at the federal, state, and local levels made more funding available for victim services (pp. 43-44). RCCs competing for this funding were pressured by conservative state funding sources to adopt social service models, and in turn, to largely abandon their (at least overt) feminist identifications (pp. 44-45).¹⁸ RCCs’ collaboration with the state consequently placed them at odds with feminists and other left-progressive groups (p. 48). This left RCCs without the intellectual and creative resources that feminist academics and attorneys had brought to earlier statutory reform or the progressive grassroots support that had characterized the reform period (p. 47). Additionally, RCCs found themselves almost entirely dependent upon the state for funding and access to victims (p. 46). Corrigan’s brief institutional history, which carefully identifies both ideological and economic tensions within the anti-rape movement, lays a strong foundation for her argument that RCCs, without attorneys, academics, or strong allies, lack the theoretical and practical capacity “to confront . . . recent rape law reforms” (p. 51). She argues further that these reforms—in the areas of post-rape medical

17. See Rose, *supra* note 10, at 78.

18. While previous generations of anti-rape activists had explicitly identified themselves and their organizations as members of the feminist movement, advocates in the 1980s began to speak of themselves as social service professionals—more like nurses and social workers than political activists (p. 45).

care, emergency contraception, and sex offender statutes—“fundamentally challenge the most important goals of the feminist anti-rape movement” and “have harmful effects for the rights and needs of victims” (p. 51).

METHODS

For her three case studies—post-rape medical care, emergency contraception, and sex offender notification and registration statutes—Corrigan interviewed 167 rape care advocates working in 112 RCCs in six states: Colorado, Kansas, Michigan, New Jersey, South Carolina, and Washington (p. 55, 57).¹⁹ Corrigan selected these particular states to ensure that different regions, sizes, political climates, types of state coalitions, and legislative outcomes in policy areas would be represented in her analysis (p. 55). This diversity of local contexts, and Corrigan’s ability to access the implementation of policy on the ground through her interviews with advocates, are major strengths of her project. In addition, Corrigan’s methodological choices allow her to move gracefully between the national and local levels, highlighting national trends as well as the effects of local personalities, cultures, institutions, and legislation on rape reform.

While she occasionally abandons interesting inquiries, presumably because of space constraints, Corrigan offers an insightful view of the interplay between macro-level structures, like national movements and legislation, and micro-level factors, such as state legislation, organizational culture, and individual identification. Not only does her study fill the gap between scholarship focused on individual institutions and scholarship analyzing broader social movements, but it also integrates a scholarly attention to legal reform with empirical, ethnographic data about how these changes manifest in people’s lives. Corrigan’s project is ambitious to be sure, resulting in an argument that is sometimes difficult to follow. Nevertheless, she provides us with an analysis of rape reform that is rich, complex, and deeply nuanced.

THE LEAKY PIPELINE OF RAPE REPORTING

Before examining the impact and effectiveness of specific rape reforms, Corrigan outlines the process of rape reporting and delineates the possible roles

19. Corrigan uses “she” and “her” throughout her text to refer to rape advocates as well as people who have experienced rape. Her choice to position rape victims as female is a political one. She mentions male victims briefly (as both “small but significant” and “significantly undercounted”), but she wishes to “acknowledge that the vast majority of victims who report in the immediate aftermath of a sexual assault are female” (p. 53). This is particularly true with regard to the programs she examines (p. 53). I am sympathetic to this project and have chosen to continue her pronoun usage to maintain this emphasis and be as clear and concise as possible. In contrast, Corrigan’s decision to refer to all rape advocates with feminine pronouns is based on privacy concerns. As Corrigan only met with a very small number of male advocates, she does not identify them as male for the purpose of concealing their identities (p. 53).

that law enforcement, medical institutions, and RCCs play. She describes how legal, medical, and law enforcement institutions process rape cases, identifying the various places that victims leave the “leaky pipeline”²⁰ of rape reporting (pp. 65-116). In her analysis, Corrigan suggests that reforms have not only expanded services for victims, but have also increased opportunities for various players to “discourage the reporting, investigation, and prosecution of sex offenses” (p. 116). Her discussion of why few victims ever make it to trial powerfully illustrates why Corrigan chooses not to analyze rape trials, but to focus instead on reforms related to rape case processing before trial. Quoting the language of Aviva Orenstein, Corrigan argues that rape trials are “instructive cultural fables” but essentially useless for examining the experiences of most victims who report rape in the United States (p. 69). Instead, Corrigan’s case studies examine developments in rape case processing, such as sexual offender registration and notification laws, sexual assault nurse examiner programs, and emergency contraception in the emergency room (pp. 117-248). Corrigan’s explanation of rape case processing provides useful background for the unfamiliar reader, but to those familiar with rape processing scholarship, it will mainly be review. Her most interesting arguments in this section are methodological ones: first, that the best way to capture the way rape is processed by the American legal system is not to examine how rape is adjudicated; and second, that only by examining multiple places in the rape reporting pipeline—from the emergency room to the monitoring of convicted offenders—will we be able to discern the effects of reform.

CASE STUDIES

Corrigan’s compelling methodological arguments lead directly to her choice of case studies. She examines multiple points in the rape reporting process—sexual assault nurse examiner programs, the provision of emergency contraception in the emergency room, and sex offender registration and notification statutes—to examine the effect of legal reforms on victims’ experiences and on the anti-rape movement.

Corrigan begins her discussion with sexual assault nurse examiner (SANE) programs, which provide victims with specialized medical care by a nurse examiner after a sexual assault (p. 117). While RCCs in Corrigan’s study

20. The “leaky pipeline” refers to the processing of a rape complaint, from the incident itself to the conviction of the perpetrator, and the ways in which “the attitudes of health care providers, police, and prosecutors work together to force victims out of the criminal justice pipeline by making rape reporting so unpleasant and difficult that victims are persuaded, ignored, intimidated, and bullied into withdrawing complaints” (p. 65). The Rape, Abuse, and Incest National Network reports that out of every one hundred rapes, thirty-two are reported to police, seven lead to an arrest, three are referred to prosecutors, and two result in prison time for the offender. *Reporting Rates, RAPE, ABUSE & INCEST NAT’L NETWORK*, <https://rainn.org/get-information/statistics/reporting-rates> (last visited Mar. 11, 2015). These statistics indicate that ninety-eight victims out of every one hundred leave the rape processing pipeline before conviction. *See id.*

supported these programs for their improvements in victim care (p. 120), a more common policy justification for SANE programs is that they improve forensic evidence collection (p. 118).

Although studies have indicated that SANE programs lead to higher quality victim care, improved evidence collection, and better criminal justice outcomes (p. 118), Corrigan cautions that the influence of local politics and law enforcement may cause SANE programs to evolve differently in different contexts (p. 118). Thus, the efficacy of SANE programs may vary depending on the locale. Additionally, the purported benefits of SANE programs may obscure the ways in which they validate particular kinds of victims and exclude others, and interfere with competent victim care (p. 118). Corrigan examines the impact of SANE programs at two research sites: a hospital-based program in New Jersey and a community-based program in Michigan (p. 125). Corrigan's analysis is compelling, both because she challenges conventional wisdom regarding victim care and because she pays careful attention to the local organizational contexts in which these programs have developed.

Corrigan begins her discussion of her second case study, emergency contraception in the emergency room (EC in the ER), with an overview of recent legislative changes and the availability of EC in the ER nationally (pp. 160-67). She identifies two kinds of EC in the ER laws: weak laws, which only require hospitals to inform a victim about the availability of EC; and strong laws, which require hospitals to dispense EC (pp. 165, 167). She examines three states—Washington, South Carolina, and Colorado—and discusses both how EC in the ER laws were enacted and the degree to which medical practitioners have complied with the law (pp. 178-89). Corrigan finds widespread non-compliance with the law across her research sites (p. 160). She argues convincingly that the low levels of legal consciousness among advocates, the isolation of RCCs from progressive allies with experienced bars, and the social service orientation of RCCs combine to “create a situation where legal tactics²¹ are *never* considered as a possible source of leverage against recalcitrant institutions” (p. 197). Even where victims have gained an actual right, as with EC in the ER, advocates are “unused to the language [of rights] or espous[e] it uncritically” (p. 202). This chapter illustrates the strength of Corrigan's multivalent approach, as she skillfully weaves together an analysis of legislation, political context, organizational politics, and personal networks at the national, state, and local levels to illustrate why advocates working to ensure access to EC in the ER have achieved great success in the policy realm but only limited success in practice.

The same inability to speak the “language” of the law that prevents advocates from compelling compliance with EC in the ER legislation has

21. Corrigan does not specify the particular legal tactics to which she is referring when she discusses the shift away from legal strategies in the anti-rape movement, but the context indicates that she likely means private civil lawsuits to compel compliance with existing legislation.

prevented them from meaningfully responding to sex offender registration and community notification statutes (SORCN laws) (p. 248). SORCN laws are a category of statutes that require individuals convicted of certain types of sex offenses to register their presence with law enforcement, require state officials to notify particular individuals and communities when an offender is released, and/or create civil commitment statutes to incarcerate offenders who have completed their criminal sentences but are still considered to be dangerous (p. 206). Corrigan describes SORCN laws as some of “the most significant changes to sex crimes laws in more than a decade” that “represent a significant ideological attack on feminist reforms that broadened understandings and applications of sex offense statutes” (p. 206).

Corrigan reviews the origins of Megan’s Law and the SORCN laws that followed it, discusses liberal scholarship critiquing these laws, and concludes with a piercing critique of SORCN laws from the perspective of a rape victim advocate (pp. 205-48). She argues that SORCN laws are making sex crime charges less frequent and less successful (pp. 221, 225). Moreover, SORCN laws have had the most negative effects on the very types of sexual assaults feminists have fought hardest to get society to acknowledge: assaults within romantic relationships, incestuous assaults, and assaults that involve little physical coercion (p. 206). Corrigan examines SORCN laws in three locations: New Jersey, where she analyzes the categorization of sex offenders and argues that it adversely affects sex crimes prosecutions; Kansas, where she examines the effects of SORCN laws on the decisions of legal actors; and Washington, where she argues that advocates have attempted, with reasonable levels of success, to contest these characterizations of sex offenders (pp. 210-48).

Corrigan argues, for example, that New Jersey’s Registrant Risk Assessment Scale, which assigns each offender a level in the registry based on a specific set of criteria, undermines “core feminist principles about sexual assault” (p. 212). The criteria used to determine an offender’s level in the registry (with registrants at higher levels considered more likely to re-offend and to cause greater damage should re-offense occur) characterizes incest as less dangerous, marginalizes men already oppressed on other axes,²² diminishes the seriousness of assault committed without weapons or lasting physical damage, and constructs rapists as “psychologically abnormal individuals” (p. 212).

Corrigan argues that these constructions negatively affect rape reporting in a number of ways. First, laws and policies informed by the belief that all sex offenders are “monstrous predators” may lead to further under-reporting by victims who are not interested in subjecting offenders to extreme forms of punishment (p. 221). Additionally, prosecutors may be more reluctant to bring charges because they see the sex offender registry as disproportionate

22. Here, Corrigan specifically mentions poor men as the already-oppressed men who are most affected by the particular criteria used to determine an offender’s level on a registry, but I would posit that men of color are similarly affected, if not more so.

punishment for certain types of offenses (p. 221). Defendants are also less likely to accept plea bargains because they may be more willing to go to trial to avoid the collateral consequences of having to register as a sex offender (p. 224). Finally, the registry may actually lead to more cases being dropped prior to trial. Prosecutors faced with the “legal history of skepticism about rape victims’ credibility, and the burdens of proof and consent” on the one hand, and strict laws regarding sex offender registration on the other, find themselves in a difficult plea bargaining position (p. 226). Presented with the choice of prosecuting a weak case at trial and offering a plea deal requiring sex offender registration that defendants are unlikely to accept, prosecutors may decide to drop the charges altogether (p. 227). Because these “leaks in the pipeline” remove crimes that are not committed by the stereotypical, mentally ill stranger-rapist, the convictions that do occur may reinforce stereotypes about sexual violence (p. 227).

Through her Kansas site, Corrigan examines how SORCN laws and the characteristics factoring into New Jersey’s Registrant Risk Assessment Scale influence the decision making of legal actors. She argues that in local political climates where prosecutors dislike prosecuting rape but must appear “tough on crime” for election purposes, sex offender registration can function as an effective substitute (p. 229). High rates of registration, even when charges are plea-bargained down to the bare minimum, give the impression of being tough on crime (p. 229-30). Additionally, Corrigan notes that judges and juries may be reluctant to impose lifelong registration on defendants, especially young or non-stereotypical defendants, because it seems disproportionate to the harm committed (p. 222). This raises the question of whether judges and juries are more likely to impose registration on Black men in the same way they are more likely to incarcerate them. Similarly, registration laws could function as a significant barrier to the prosecution of college-aged rapists, particularly wealthy non-mentally ill men, who do not fit the image of the stereotypical rapist. Not surprisingly, Corrigan finds that one of the most significant outcomes of SORCN laws has been a decrease in conviction rates (p. 232-33).

Corrigan concludes with a study of Washington, where advocates routinely sit on local boards that level or tier sex offenders (p. 235). She notes that advocates serve on these boards in part because “they don’t trust criminal justice actors to take sex offenses issues very seriously, or to represent the interests of victims adequately” (p. 239). Perhaps more interesting (given advocates’ high level of participation in these processes) are their statements that they “remain almost totally unconvinced” that SORCN laws effectively reduce recidivism (p. 241). Advocates report that they routinely advocate for lower threat levels, both because they believe that community integration is in the interest of victims and because they believe that offenders are often repeating dynamics of abuse from their own childhoods (p. 237, 240). Washington offers an example of advocates attempting to contest and mitigate the way SORCN laws have constructed perpetrators of sexual violence as well as the offenses themselves. However,

Corrigan argues that this “back end contestation” does little to change the effects of SORCN laws on rape case processing (p. 248).

As Corrigan explains, SORCN laws, and other highly punitive state measures, have constituted one of the issues on which liberal and radical scholars have diverged from the anti-rape movement (p. 208). Due to their collaboration with state institutions, RCCs have sometimes been perceived as being just as punitive and incarceration-focused as their state partners (p. 27). This chapter is a solid foundation for a deeply victim-centered, feminist, and progressive critique of SORCN laws by activists and scholars that is long overdue. Corrigan begins to dispel the image of rape victim advocates and their ideological allies as vindictive, unreasonable, and focused entirely on state intervention (pp. 209-210, 236-37). Similarly, Corrigan’s discussion highlights the ways in which SORCN laws negatively affect individual rape victims by discursively constructing the rapist in a way that obscures the true nature of sexual violence and reifies race and gender stereotypes (pp. 210-17, 220-22, 237).

It is precisely because this chapter is so insightful that its failure to address the racial dynamics of rape laws in the United States and the racialized nature of the “rapist” construction is so glaring.²³ Corrigan notes that she “heard very little talk about race from advocates,” which she considers revealing in itself (p. 56). However, she also “believe[s] that those more nuanced discussions require more focused attention and engagement with recent scholarship than [she could] provide in this book, which of necessity sweeps broadly” (p. 56). She does have a hugely ambitious project without having to substantively address the vast body of scholarship on race and sexual violence.²⁴ Nevertheless, Corrigan’s decision to not even graze the surface of that scholarship is puzzling, given that sexual violence in the United States is inextricably linked with racial hierarchy.

Race relations in the United States have shaped the ways in which rape has been defined and codified in American law. Race affects when victims report rape,²⁵ and who is incarcerated for the crime.²⁶ Discourses surrounding sexual

23. See, e.g., JONATHAN MARKOVITZ, LEGACIES OF LYNCHING: RACIAL VIOLENCE AND MEMORY 8-11 (2004) (discussing how the myth of the Black rapist functioned as the primary moral justification for lynching in the early 1900s); see also ANGELA DAVIS, *Rape, Racism and the Myth of the Black Rapist*, in WOMEN, RACE & CLASS 172 (1983).

24. For examples of such scholarship, see DAVIS, *supra* note 23; LISA LINDQUIST DORR, WHITE WOMEN, RAPE, AND THE POWER OF RACE IN VIRGINIA, 1900-1960 (2004); DAWN RAE FLOOD, RAPE IN CHICAGO: RACE, MYTH, AND THE COURTS (2012); ESTELLE B. FREEDMAN, REDEFINING RAPE: SEXUAL VIOLENCE IN THE ERA OF SUFFRAGE AND SEGREGATION (2013); SUJATA MOORTI, COLOR OF RAPE: GENDER AND RACE IN TELEVISION’S PUBLIC SPHERES (2001).

25. See Linda S. Williams, *The Classic Rape: When Do Victims Report?*, 31 SOC. PROBS. 459, 459 (1984) (discussing race as one of many factors that may influence when and whether victims report rape).

26. See LAWRENCE A. GREENFIELD, U.S. DEP’T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, SEX OFFENSES AND SEX OFFENDERS: AN ANALYSIS OF DATA ON RAPE AND SEXUAL ASSAULT 29 tbl.24, tbl.2 (1997) (reporting that 52.2% of people imprisoned for rape are white, while 43.7% are Black).

violence have portrayed the Platonic rapist not only as “psychologically abnormal,” but also as Black (p. 212).²⁷ Corrigan’s failure to discuss race as an important element of constructions of rape leaves a gaping hole in her analysis of SORCN laws. This section would have been stronger had she provided insight into the ways state institutions deploy racial discourses, and the way advocates have responded or failed to respond to these constructions. Her sharp feminist critique of the effects of SORCN laws highlights the absence of any substantial racial analysis addressing the effects of SORCN laws on Black men generally and Black rape victims particularly. One can only hope that another scholar will step into this space and take on the “nuanced” discussion that is required to effectively address the racial implications of SORCN laws. Despite this major flaw, the chapter’s originality, rigorousness, and fresh approach open up many avenues for further research.

Corrigan moves from the most compelling chapter of her book to the least compelling. In her conclusion, “Fleeing from Feminism,” Corrigan argues that RCCs have moved almost entirely away from any feminist identifications,²⁸ with advocates now characterizing the centers as “professional social service agencies” (p. 254). Tellingly, although RCCs were originally established to effectuate feminist reforms, advocates were much more likely to say that the centers had been transformed by their collaborative efforts with community partners than that the partners had changed (p. 259). Corrigan attributes RCCs’ unwillingness to identify with feminism on an organizational level to their disconnect from their own historical roots and their isolation from wider progressive movements (pp. 250, 257). Corrigan notes that the advocates she interviewed even “[told] the story of their organizations from the point of view of the very institutions that were the unwilling targets of feminist demands for reform” (p. 257). These advocates described themselves as less adversarial than feminist organizations, without acknowledging why earlier anti-rape activists might have been justified in using more confrontational tactics (p. 257).

Although it was interesting to read about advocates’ perceptions of their work, the quotes Corrigan included from her interviews with advocates were more compelling when presented within their institutional and political contexts,

27. See, e.g., DAVIS, *supra* note 23; JOEL WILLIAMSON, *THE CRUCIBLE OF RACE: BLACK-WHITE RELATIONS IN THE AMERICAN SOUTH SINCE EMANCIPATION* 116-18 (1984) (discussing rising fear of the Black rapist post-1889 in the broader context of race relations in the South following Emancipation); Estelle B. Freedman, “Crimes Which Startle and Horrify”: Gender, Age, and the Racialization of Sexual Violence in White American Newspapers, 1870-1900, 20 J. HIST. SEXUALITY 465 (2011) (analyzing how reports of rape in nineteenth-century newspapers contributed to the dominant image of the African-American rapist); Robyn Wiegman, *The Anatomy of Lynching*, 3 J. HIST. SEXUALITY 445 (1993) (discussing the transformation of the Black male body from the “mythically endowed rapist” to the feminine through lynching and ritualized castration).

28. Of course, there are many different kinds of feminism as well as political movements focused on the rights of women that do not identify with the term. Corrigan discusses identification with feminism loosely, allowing advocates to define the term themselves and determine whether or not they or their organizations are affiliated with it.

as they were in earlier chapters. Corrigan's use of first-hand accounts stems from the long-standing feminist academic position that lived experience is important, and that "feminist 'movements' are made up of women figuring out and telling each other what they think makes sense" (p. 251). This is, in part, the very approach that makes her project so compelling. It is not her methodology that makes this chapter less critical and insightful, but her failure to explicitly connect advocates' ideas about feminism to the institutional and organizational contexts of the rape reform movement that she spent so much time unpacking in her introductory chapters. This issue may also stem from her affinity with her subjects. Although she acknowledges the feminist, socio-legal tradition of examining one's reporting biases, she spends only two brief paragraphs on her past work as an advocate and its possible influence on the kinds of questions she asks and examines in her study (pp. 63-64). Further, she spends no time at all discussing how her personal experiences may have influenced her treatment of advocates' statements (p. 64). "Fleeing From Feminism" is a place in the book where her affinity blinds her to important trends and issues.

One such theme or issue—which she may not have addressed out of a reluctance to criticize the advocates whose work is clearly so vital and underappreciated—is the discourse around lesbian women that emerges from her interviews with advocates. Corrigan's advocates are quoted extensively throughout the book (but especially in this last chapter) talking about why they choose not to ally themselves with the feminist movement. Advocates seem primarily concerned that if they identified as feminist, negative stereotypes and perceptions surrounding feminism would undermine their ability to work with community stakeholders (pp. 252, 256, 259). In describing the terms others use for them—or *might* use for them if the advocates were to employ feminist frames—those advocates interviewed seem to express a concern about being associated not just with feminists, but also with lesbians. A few advocates draw this connection explicitly, claiming that the community was predisposed to see them as "lesbian feminazis" (p. 108). Some also admit to sending men to run police trainings because if a female "[advocate] go[es] in there, [she's] some dyke" (p. 114). Others use language that refers less directly to the caricature of the man-hating lesbian feminist but that nevertheless demonstrates their internalization of negative feminist stereotypes (pp. 252-53). They report, for example, that they interpret feminism as "reflecting distrust, dislike, and intolerance of men" (p. 253).

Advocates' failure to critically examine and respond to the ways in which these community actors and institutions use lesbian tropes to undermine the legitimacy of the rape reform movement is particularly surprising, given the historic importance of lesbian women to anti-rape work. In fact, lesbians were instrumental in early anti-rape theorizing, activism, and response work.²⁹ Like

29. See, e.g., RAMBO, *supra* note 16 (discussing interviews with founders of early emergency shelters, many of whom were lesbians); Shelley, Martha Altman, in FEMINISTS WHO

their choice to disassociate themselves from feminism, advocates' concerns about being called lesbians in their communities reflects a deep disconnect from other progressive coalitions and from the history of rape reform. By further examining advocates' references to anti-lesbian language, Corrigan might have strengthened her argument that RCCs have essentially bought into recalcitrant institutions' narratives regarding the anti-rape movement (p. 257).

Advocates' failure to affirmatively respond to anti-lesbian sentiment might also reflect conflicts within the feminist movement itself. Conflicts between lesbian feminists and heterosexual feminists uncomfortable with lesbians are well documented within the second-wave feminist movement.³⁰ Corrigan argues that the feminist lawyers who participated in early campaigns for statutory reform moved on to other issues, including abortion rights and sex discrimination, after the first wave of reforms was complete (pp. 22, 26, 47). However, it may also be that those feminist attorneys left to work on LGBTQ

CHANGED AMERICA, 1963-1975, at 421 (Barbara J. Love ed., 2006) (describing the career of Martha Altman Shelley, a radical lesbian feminist and writer who co-founded both the New York Gay Liberation Front and Radicalesbians while working with the anti-rape movement in New York); Steele, Joanne, in FEMINISTS WHO CHANGED AMERICA, *supra*, at 442 (describing the career of Joanne Steele, who participated in the formation of the Gay Women's Liberation Front and coined the phrase "Rape is Violence not Sex" to persuade male legislators to support rape reform); see MARIA BEVACQUA, RAPE ON THE PUBLIC AGENDA: FEMINISM AND THE POLITICS OF SEXUAL ASSAULT 32 (2000) (discussing how the New York Radical Lesbians organized around the issue of rape in the 1970s); MATTHEWS, *supra* note 8, at 114-16 (discussing lesbians' participation in the anti-rape movement and their belief that "rape [was] just one symptom" of male domination); EVAN STARK, COERCIVE CONTROL: HOW MEN ENTRAP WOMEN IN PERSONAL LIFE 28 (2007) (noting that although "[o]penly lesbian . . . feminists had been initially marginalized by traditional women's organizations[,] . . . they played critical leadership roles in the early battered women's movement"); cf. Cynthia Fabrizio Pelak, Verta Taylor & Nancy Whittier, *Gender Movements*, in HANDBOOK OF THE SOCIOLOGY OF GENDER 147, 165 (Janet Saltzman Chafetz ed., 1999) (explaining that the women's movement trained many lesbians who went on to participate in subsequent social movements); SUSAN SCHECHTER, WOMEN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN'S MOVEMENT 144-45 (1982) (discussing the feminist socialist caucus statement, which urged leaders of the National Coalition Against Domestic Violence to recognize "the leadership and activity of lesbian women in the movement and [take] an active public stance against homophobia and lesbian baiting").

30. See, e.g., FLORA DAVIS, MOVING THE MOUNTAIN: THE WOMEN'S MOVEMENT IN AMERICA SINCE 1960, at 264-67 (1999) (discussing the gay-straight split in the women's movement that resulted from women feeling like "token lesbians" and the emergence of the "Lavender Menace"); ALICE ECHOLS, DARING TO BE BAD: RADICAL FEMINISM IN AMERICA 1967-1975, at 210-20 (1989) (discussing gay-straight tensions within the women's movement, particularly among radical feminists who viewed women's liberation and sexual liberation as mutually exclusive); see also KARLA JAY, TALES OF THE LAVENDER MENACE: A MEMOIR OF LIBERATION (2000) (discussing how conflicts between lesbian and heterosexual feminists shaped the author's experience of radical feminism in the 1960s and 1970s); cf. Wendy Kline, *The Making of Our Bodies, Ourselves: Rethinking Women's Health and Second-Wave Feminism*, in FEMINIST COALITIONS: HISTORICAL PERSPECTIVES ON SECOND-WAVE FEMINISM IN THE UNITED STATES 63-83, 77 (Stephanie Gilmore ed., 2008) (noting that "the most divisive issue that the collective [authors of OUR BODIES, OURSELVES] struggled with in reader correspondence and revisions in the early years of the book's existence was lesbianism").

rights issues. If that is the case, it would be interesting to know whether they left the movement because they no longer enjoyed rape reform work or because, given the new partnerships between the anti-rape movement and conservative state forces, they no longer found it hospitable to LGBTQ rights. Perhaps RCCs are isolated by their unwillingness and political inability to work not just with overtly feminist organizations, but also with organizations committed to LGBTQ issues. One comment from an advocate working in urban South Carolina seems to indicate support for this point: “I was very pro-NOW until that became an organization . . . that was focused more on gay rights than the rights of the woman” (p. 191).

By failing to engage with this theme in more depth, Corrigan loses an opportunity to strengthen her argument regarding the anti-rape movement’s disconnect from its historical origins as well as its isolation from other progressive groups. Corrigan interprets advocates’ disassociation from feminism and embrace of the social service model partly as an attempt to maintain relationships with community partners (pp. 107-15). This is a compelling interpretation. However, a more critical and institutionally grounded analysis would allow her to not just identify what the advocates’ perceptions reflect, but also what has produced them and what effects they might have on the direction of the movement.

In the very last part of the book, Corrigan leaves the reader with some perhaps surprising suggestions. Rather than encouraging advocates and RCCs to make greater use of legal tactics, Corrigan urges them to move away from a focus on criminal law (p. 263). She advocates for “[c]loser consideration of . . . policy innovations” to “help advocates work toward different, better formal and informal mechanisms to buffer some of the more coercive elements of state intervention while still demanding that governments have a duty to ensure the safety, health, and welfare . . . [of] victims of sexual violence” (p. 263). She proposes that advocates, academics, and legal professionals form coalitions to bring together both legal and non-legal strategies to theorize rape, advocate for legal reform, and support victims of sexual violence (pp. 263-64).

NEXT STEPS

Up Against a Wall will be useful to scholars, rape crisis advocates, and practicing attorneys, both as a source of insight and as a springboard for further research and practical innovation. Here, I briefly describe two potential projects inspired by Corrigan’s research to illustrate the fertile ground laid by her work. The first is a proposal for further academic examination of anti-rape movements; the second is a suggestion for practicing attorneys and law students in the movement.

Corrigan argues that RCCs have broken from the original feminist framing of the anti-rape movement and focused on a social service model in order to cooperate with the state structures (pp. 44-45). As part of this development, they

lost both the ability to formulate their clients' grievances in legal terms and the capacity to bring lawsuits (p. 19). The movement against sexual assault on college campuses is a natural counterexample; student activists have often explicitly placed themselves within feminist frames, basing themselves in Women's Centers and using longstanding feminist direct action tactics (like protest art and Take Back the Night marches) to raise awareness and effectuate policy reforms.³¹ These student movements have also employed legal tactics, such as educating students about their legal rights and filing civil lawsuits against their universities to force compliance with Title IX and other federal statutes.³² Corrigan's theories about when and why movements employ or abandon legal frames, and why the anti-rape movement has distanced itself from feminism, provide fertile ground for a comparative analysis of the anti-rape and student anti-campus rape movements.

On a more practical level, practicing lawyers and law students who work on sexual violence should, if we take Corrigan's insights seriously, devote time and attention to making connections with each other and with law enforcement, medical institutions, RCCs, and legal scholars. Perhaps one of the most practical (and easiest to fund) ways of implementing this suggestion would be to create student law clinics around sexual assault. In fact, Corrigan notes the absence of these institutions at the beginning of her book (p. 11). Clinics would not only provide low-cost legal services to victims of sexual violence in what Corrigan describes as an almost complete vacuum, but they would also serve as a training ground for the next generation of attorneys capable of mounting the kinds of independent challenges to state institutions that are currently missing from anti-rape advocacy efforts. These clinics could serve as the beginnings of networks that will hopefully sprout the kind of special interest bar that has been so vital to legal advocates' successful mobilization around domestic violence issues.

CONCLUSION

Overall, Corrigan presents a rich, theoretically nuanced, and original piece of scholarship. In contrast to Carine Mardorossian's claim that rape is "academia's undertheorized and apparently untheorizable issue," *Up Against A*

31. See Karen Powroznik, *Feminism Thriving on College Campuses Today*, THE CLAYMAN INST. FOR GENDER RESEARCH (Jan. 20 2014, 1:28 PM), <http://gender.stanford.edu/news/2014/feminism-thriving-college-campuses-today> (discussing the wide range of feminist activities engaged in by student groups on college campuses); Rebecca Nathanson, *How 'Carry That Weight' Is Changing the Conversation on Campus Sexual Assault*, ROLLING STONE (Dec. 1, 2014), <http://www.rollingstone.com/politics/news/how-carry-that-weight-is-changing-the-conversation-on-campus-sexual-assault-20141201> (discussing a protest in which students at Columbia University carried mattresses around campus to represent students who have filed Title IX complaints against Columbia for failing to adequately respond to reports of sexual assault).

32. See, e.g., KNOW YOUR IX: EMPOWERING STUDENTS TO STOP SEXUAL VIOLENCE, <http://knowyourix.org> (last visited Mar. 12, 2015).

Wall shows us that rape is only “undertheorized” in the academy, not “untheorizable” (p. 13). When I read her book for the first time, I was working as a rape crisis advocate myself, reading chapters in hospital hallways and police station waiting rooms. I found her work useful, compassionate, and in touch with the realities of rape response work in a way that few pieces about rape response have been. When I read it again as a scholar, I found it rigorous, intriguing, and sharp. I highly recommend *Up Against A Wall* to advocates, attorneys, and scholars interested in justice for survivors of sexual violence.

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