

## The Sanctioning of Rape Myths

---

### Problematizing sexual assault

*In this paper, I explore the complexities associated with sexual assault in Canadian law and society by analyzing significant or sensationalized sexual assault cases, including: the leading Supreme Court of Canada case R v Ewanchuk (1999) on sexual assault and implied consent; the murder trial of British Columbia serial killer Robert Picton (2003); and assaults occurring on the campus of York University (Toronto). The concept of Implied consent is central to the assumptions underpinning many rape myths that blame victims for the violent actions of perpetrators (e.g., a woman who is deemed to be dressed inappropriately is held to be responsible, in some way, for her own assault). I situate my arguments within feminist socio-legal studies and contend that rape myths unduly sanction discrimination against victims. Hegemonic masculinity, which is based on a mythical norm, emerges as problematic in (re)constructing sexual violence. Hegemonic femininity also engages in a process of “othering,” which locates specific women as more “rapable” than others. Moreover, these gendered constructions are heightened by and interconnected with race and class inequalities. The use of sexual assault litigation as a tool for justice is debatable, at best, given the issue of reasonable doubt in criminal law and the re-traumatization of victims. Both Canadian law and society can be implicated in the problems associated with the trying of sexual assault cases, problems which cannot be adequately addressed without a deeper, contextualized analysis of discrimination as well as further activism.*