

Theorizing Sexual Violence

Edited by Renée J. Heberle
and Victoria Grace

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21. Theorizing Sexual Violence

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Victoria Grace

Foreword

Joanna Bourke

Sexual violence is heavily researched but undertheorized, declare Renée J. Heberle and Victoria Grace in their introduction to this volume: now is the time for philosophers, historians, sociologists, and political scientists to critique the silences within their own disciplines. The work of critique is urgent. In the mass media and even in some academic circles, sexual torture is being positioned as natural and universal. From prehistoric times to the present, violent men are presented as though they were a constant feature of society. In *A Natural History of Rape: Biological Bases of Forced Sex* (2000), evolutionary psychologists Randy Thornhill and Craig Palmer argued that rape could be seen as a biological imperative.¹ However, as Ann J. Cahill correctly states in this volume, there are “many biological possibilities that are not political realities.” Sexual violence is fundamentally situated in historical time and geographical space, and is permeated through and through with humdrum practices, everyday knowledges. Feminist practice and history were founded on habits of critique, both outwards and inwards: therein lies its ability not only to *imagine* a world without sexual violence, but also to *recreate* our world.

For many theorists in this book, the first step involves a reinterrogation of the masculine. Although sexed bodies are both vulnerable and vindictive, there is no “gender equivalence” in sexual violence. Men act in sexually aggressive ways much more frequently than women. Yet, in contemporary theory, the male subject generally appears in cartoonish simplicity, either as all powerful guardians of the phallic imaginary or else as pathetic creatures, emasculated by their own pursuit of power. But, as a number of the chapters in this volume suggest, sexual aggressors are not patriarchy’s storm troopers, but its inadequate spawn. As opposed to those theorists assuming the power of the male sex organ, the authors in this volume suggest it is a deeply flawed instrument of power and one with none of the resilience of, for instance, the fist. As Nicola Gavey reminds us in this volume, male genitalia are vulnerable. In talking about weapons of torture, Elaine Scarry refers to the way in which “in converting the other person’s pain into his own power, the torturer experiences the entire occurrence exclusively from the nonvulnerable end of the weapon.” However, in those forms of sexual

abuse involving the penis, the perpetrator's attention begins to "slip down the weapon toward the vulnerable end," contesting its power.² This makes penile rape a highly unstable form of torture, both as performance (erectile dysfunction is common, affecting around one-third of all rapes) and as strategy (exposing the brutal force beneath patriarchy's caress).

As I argue in *Rape: A History from the 1860s to the Present* (2007), sexually aggressive men in modern western society actually enervate male power regimes. They corrode the category 'man' and its (imaginary) phallic edifice. In the modern period, compulsory heterosexuality, marriage vows, and the gendered division of labor have been particularly effective ways of controlling women. Although fear of rape has enabled men to assume the mantle of benevolent protectors while further confining 'their' womenfolk to domestic and other purportedly safe spheres, fear is a particularly blunt instrument of domination. The actions of men on the streets, intimidating, harassing and assaulting women, jeopardize the bastion of mature masculinity. Domesticated rapists (husband-rapists, for instance) subvert and threaten masculine governance, in part because they incite female resistance by exposing the brutal force beneath patriarchy's caress.

Further, following this shift in focus to the perpetrator, it is striking to observe how, since the 1980s in particular, the languages of psychological trauma have been co-opted by perpetrators of violence. Indeed, the invention of posttraumatic stress disorder in the 1980s was precisely a mechanism that allowed individuals who had tortured and raped Vietnamese women and men to be portrayed (and to portray themselves) as victims. The diagnosis of posttraumatic stress disorder was given to servicemen who had suffered the 'trauma' of raping and slaughtering other individuals. More recently, in the so-called War on Terror, psychological suffering is routinely used to explain the actions of female and male perpetrators. The *U. S. News and World Report* even blamed the Abu Ghraib torture on "the lack of a reliable local brothel where male soldiers are able to unwind. Experts have long appreciated the fact that sexual activity can often be a way of relieving the anxiety of war."³ In the words of the popular talk show host Rush Limbaugh speaking about the perpetrators of the Abu Ghraib abuses on CBS News, "You know, these people are being fired at every day . . . you ever heard of emotional release? You of heard [sic] of need to blow some steam off?"⁴ Acts of violence become indistinguishable from responses to (perceived or imagined) violence: acts are collapsed into responses. The harm of violence is situated not so much in the tortured bodies of the victims but in the injury done to the military as an institution—as an attack on codes of honor, group cohesion, and military readiness. The victims disappear from history.

This trauma trope—that is, the insistence on victim-status as rationalization (in advance of inflicting pain) and justification (after inflicting pain)—effectively frames the rape itself as a psychological event for the perpetrator while simultaneously erasing the specific corporeal and psychological identity of the victim. She becomes little more than an undifferentiated

body-in-pain, the porous body of the sexually tortured. The universalizing of suffering removes the specifics of an individual's history and erases all agentic possibilities. It exchanges the dynamic pursuit of critique for the torpid realm of moral edification.

These universalistic assumptions about sexual violence arise, primarily, out of essentialist notions of the body and its doings. However, there is nothing natural or constant about the body and its sexualization. There is no authentic sexuality free from construction. Anthropological and historical work has long shown that parts of the body labeled and experienced as "sexual" change over time and vary dramatically over geographical space. In other words, the body is sexed through discursive practices. Certain body parts or practices *become* sexual through classification and regulation. Linguistic practices give meaning to bodies. Nevertheless, as I argue in *Rape: A History from the 1860s to the Present*, this sexed being is not merely a blank slate onto which narratives of violence are inscribed. Human subjects *choose* their "coming into being" from a range of discursive practices circulating within their historical time and place. Their choices don't simply "represent" their experience; they *constitute* it. As the philosopher Ann J. Cahill (whose work is also included in this volume) expressed it in her insightful book, *Rethinking Rape*:

That the embodied subject is understood . . . as constructed by her or his social, historical, and political situation does not necessarily imply that such a subject is wholly and relentlessly determined by the situation. The fact that forces of power act on bodies and affect their literal shape and habits does not indicate that those forces act identically or with equal force on every single body. . . . [I]ndividual subjects . . . respond to the play of forces in radically different ways. . . . the body on which political and social forces act [are not] an inert surface.⁵

The sexed body "acts as an active and sometimes resistant factor," both in processes of subjection (the rape victims Cahill discusses) and those of subjugation (the perpetrators I scrutinize).

If we need to resist universal and essentialist assumptions about sexuality and the body, so too we must resist universalizing the act of sexual assault or rape itself. Obviously, legal definitions of sexual violence vary dramatically, by time period and by national and regional jurisdiction. Even within classificatory boundaries, there are striking differences in legal practice. Thus, in the United States, African Americans, impoverished male adolescents, and male immigrants have been most frequently stigmatized while white professionals and middle-class husbands have been let off the hook. This point is particularly salient when extended globally. International law against rape and torture is only applied to peoples and nations who are categorized as standing outside Anglo-European conceptions of civilization. As legal philosopher Costas Douzinas explained in *Human*

Rights and Empire (2007), the “promotion of morality and the defence of sovereignty . . . served two separate agendas of the great powers: the need to legitimize the new world order through its commitment to rights, without exposing the victorious states to scrutiny and criticism about their own flagrant violations.”⁶ It is linked to a colonial ideology of the *mission civilisatrice* and, as such, is highly racialized. So, rape as weapon of war and as a technology of dehumanization is effortlessly applied to Bosnia and Rwanda (both dubbed primitive, warring nations), but commentators remain reluctant to draw similar conclusions about reports of the behavior of American and British troops in Iraq and Afghanistan, even after digital culture has provided us with a proliferation of abusive images.

Wartime also provides theorists of sexual violence with particularly sharp illustrations of the problematic concept of “consent” in constructing the female subject. In wartimes, when food, shelter, and life itself depends upon sexual congress, the liberal emphasis on free and informed consent in deciding issues of rape is exposed as a sham. Even in peacetime, definitions of sexual abuse that are predicated on a male-who-acts and a female-who-reacts (through uttering a “no” or “yes”) constructs female sexuality as reactive in contrast to an active male sexuality. Theoretically, it is important to note that the notion of consent and its inverse—the notion of “force”—have a history that can, and must, be interrogated.

As a number of theorists in this volume insist, it is dangerous to rely too much on the dichotomy of power versus passivity. There is no consent that is not constrained. Furthermore, as I have argued in a different context, positioning women as either “victim” or “survivor” can be another way of insisting that they have to take responsibility for healing themselves. Politics and material inequalities can be jettisoned; exchanged for speech-acts, or the redemptive potential of confessional speech. Feminist theorist Carine M. Mardorossian has convincingly elaborated this point in “Toward a New Feminist Theory of Rape” (2002). In contrast to second-wave feminism in which the victims showed that they were “more than the sum of their traumatic experiences that they had the ability to act and organize even as they were dealing with the psychic effects of rape,” Mardorossian argues that in more recent years victims are represented “as irremediably and unidirectionally shaped by the traumatic experience of rape and hence incapable of dealing with anything but their own inner turmoil.” Rape speaks to a woman’s “inner self” as opposed to a “criminal act.” Indeed, “real victims” (the traumatized) are increasingly distinguished from “angry feminists” (cognitively furious but portrayed as pathological).⁷ Even *potential* victims are expected to act in order to prevent their own traumatization. The result is a negative feminist politics that leaves women no room for anything save the paradox of purchasing freedom by investing in the last generation of deadbolt locks.

This positioning of women in passive roles is theoretically dangerous for other reasons as well: it not only advances the notion that women are

morally superior to men, it also refuses to admit that women can also be perpetrators of sexual violence. By sorting perpetrators and victims into positions of hierarchy, we are tricked into endorsing some abuse. Although it is undoubtedly true that, in adulthood, women are significantly more likely to be subjected to sexual violence than adult men, for certain groups of humans (most notably children or adults in prisons) the gap is not so startling. Not only the female body, but the male body too, is vulnerable.

The essayists in *Theorizing Sexual Violence* remain committed to a feminism that celebrates sexual pleasure while remaining committed to the fundamental struggle of critique. Power is always contested. Social practice occurs through choices made by subjects within time and place. As Michel Foucault put it in *The History of Sexuality*, “freedom lies in our capacity to discover the historical links between certain modes of self-understanding and modes of domination, and to resist the ways in which we have already been classified and identified by dominant discourses.”⁸ The role of theory is precisely to demystify dominant discourses and the category of the universal—revealing the fundamental undecidability of the human in the material world. The theoretical analyses in this volume provide us with new languages for rebelliousness and new practices in forging a world without sexual violence.

Joanna Bourke

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Author of *Rape: A History from the 1860s to the Present*, Virago

NOTES

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Contents

<i>Foreword</i>	ix
JOANNA BOURKE	
Introduction: Theorizing Sexual Violence: Subjectivity and Politics in Late Modernity	1
RENÉE J. HEBERLE AND VICTORIA GRACE	
1 Sexual Violence and Objectification	14
ANN J. CAHILL	
2 Gendered Violence and Sacrificial Logics: Psychoanalytic Reflections	31
VICTORIA GRACE	
3 ‘Reality Check’: Rethinking the Ethics of Vulnerability	55
ANN V. MURPHY	
4 Of Shards, Subjectivities, and the Refusal to ‘Heal’: Refiguring the Damage of Incest	72
MELANIE BOYD	
5 Fighting Rape	96
NICOLA GAVEY	
6 Rethinking the Social Contract: Masochism and Masculinist Violence	125
RENÉE J. HEBERLE	

7	Feminist Interrogations of Democracy, Sexual Violence, and the US Military	147
	MEGHANA NAYAK	
8	Feminism, International Law, and the Spectacular Violence of the 'Other': Decolonizing the Laws of War	176
	ELIZABETH PHILIPOSE	
	<i>Contributors</i>	205
	<i>Index</i>	207

Introduction

Theorizing Sexual Violence: Subjectivity and Politics in Late Modernity

Renée J. Heberle and Victoria Grace

The 'problem' of sexual violence, in the myriad forms it takes, has been alternatively normalized and challenged through various public responses and narratives. Since the feminist movement in the West began to bring sexual violence to the forefront of political struggle, the heightened visibility of the issue has encouraged a plethora of institutionalized responses and analytical approaches. Legal reform movements have been exposing how law excludes and/or obscures this particular form of violence as such. Cultural codes of approval and implicit social agreements to remain silent about sexual violence have been disrupted by feminist protest and consciousness-raising.¹ The national movements have turned international with nongovernmental organizations and international law taking up sexual violence as an actionable offense against human rights which has been brought before international tribunals as itself a war crime.² The ongoing struggle to create a progressive public/political understanding of and response to sexual violence aiming to ultimately bring it to an end is now global in reach even while differentiated historical contexts sustain very particular regimes of truth about the phenomenon and its impact.

Sexual violence has been forced onto the agendas of reluctant public institutions, national and international, over the last four decades. Since the first speak outs against rape and sexual assault were organized and protests were organized against pornography, since the Duluth, Minnesota Project to coordinate community efforts against domestic violence was founded in 1975,³ and as the assertion that sexual harassment was a violation of civil rights saw some success in the courts,⁴ literature on the many forms of sexual violence has proliferated. This literature includes studies of victims, of perpetrators, of advocates, of professionals in the field, of the phenomenon itself, of how the criminal and civil court systems might approach it and why they fail. Psychology, criminology, and sociology have figured prominently as the appropriate disciplines to study the phenomenon in terms of its causes and effects, to evaluate treatment, and/or discover new and undeveloped strategies for confronting the issue in communities.

Backlash responses such as those provided by Christina Hoff Summers and Katie Roiphe⁵ are popular for their identification of feminism as the

problem to be solved in adjudicating sexual violence. In this way of thinking, antiviolence feminists are renamed as 'victim' feminists because they identify women as always already potentially victimized as they think about the relationship between gender identity and sexual violence. Our response to this kind of criticism of the work of radical feminists such as Catherine MacKinnon and those who have struggled to render sexual violence a public/political matter rather than a personal/pathological issue is clearly not to agree that feminism is the problem to be solved. Rather we think feminism is the most productive site of inquiry wherein the kind of self-reflexive critique is likely to take place that can force various societies to look at themselves through the lens of the commonplace status of sexual violence and rethink assumptions about gendered and sexed existence.

The authors in this volume assume that to rethink sexual violence we have to rethink the terms on which we become sexed and gendered subjects, but also on which we think about representation and remedy. The authors in this volume gesture toward this without claiming any final conclusions about what gendered and sexed relationships might look like if sexual violence were no longer a possibility.

The authors presume that we have to politicize the problem as we think about solutions. The problem of sexual violence in itself is not self-evident in its essence; it does not have an essence once we begin to look closely at the attendant issues through multiple lenses; there is no singular form that sexual violence can be reduced to even as we seek to make it visible as an unjust and damaging action.

While funding remains inadequate and state organized responses chauvinistic in their cautionary tales of the threat to women and children, and while the issue remains in the shadows of national domestic political agendas, there has, nonetheless, been built an edifice of legal strategies, educative approaches, and service oriented institutions over the last fifty years, now further supported by national legislation in many countries. Several countries have institutionalized responses to sexual violence; for example, the passage of the Violence Against Women Act in the United States in 1995 after several years of failure (it was first proposed in 1990) was considered by some to be a profound accomplishment.⁶ None of this should be trivialized in terms of the impact on the lives of those threatened and harmed by sexual violence. Indeed, recognition of the accomplishments of feminists and women's advocates locally and globally is in itself of political value, given contemporary narratives of the death of feminism, or the myth that we live in a postfeminist era, or the complaint that Western feminism is imposing values and norms on 'other' societies when issues about gender and sexual violence are addressed. In fact, indigenous feminist and women's movements have globalized the reach of antiviolence advocacy.⁷

However, the concern driving this volume is that levels of sexual violence have not diminished, that institutionalized responses too often result in obscuring the dynamics of sexual difference that perpetuate sexualized

violences, and that feminist approaches to the phenomenon have not yet taken up the possibilities of contemporary critical theorizing about gender and sexuality that could open the field to new insight about its own successes and challenges. The thinking that informs this volume is that strategies for confronting and remedying the harms of sexual violence are never 'innocent' or clean of the historical contexts and power relationships in which they emerge and should not be immune to feminist scrutiny and critique. The strength of feminism resides in its self-reflexive habits of critique. This can appear paralyzing, but can also offer new insight into why sexual violence has not diminished. In spite of the persistent efforts by feminists and advocates, legal reforms, and cultural/educative efforts, sexual violence remains with us as an ongoing crisis informing and shaping our gendered lives.

We wish to highlight the multiplicity and mutability of experiences recognized as significant in fighting back against sexual violence. We are more or less persuaded that sustaining the tropes of victimization and innocence on the part of those attacked, abused, prostituted, and raped, and asserting the monstrous nature of perpetrators will not sustain a politics that will bring that to an end.

This volume aspires to contribute to theory that reinvigorates critical understandings of sexual violence, has a concern for research grounded in action, and takes up the relationship between sex, sexuality, violence, and gender identity. We are interested in bearing witness to a plurality of approaches that resist the normative assumptions about male and female identity, and masculine and feminine subjectivity, that perpetuate sexualized forms of violence.

Taking sexual violence in the form of rape, assault, hetero-psychological/physical abuse, and coercion as a point of departure, the authors take up questions about the relationship between sex, sexuality, and violence in order to better understand the terms on which women's sexual suffering is perpetuated, thereby undermining their capacity for personhood and autonomy. We perceive that while sexual violence as a phenomenon is heavily researched, it remains undertheorized. As noted above, the bulk of research currently lies within the fields of psychology, criminology, and sociology. This research is invaluable, informed by and indebted to feminism. It does not, however, ask the same kinds of questions we encouraged our authors to ask in the call for papers for this volume.

We asked them to consider difficult questions about whether some responses to the phenomenon of sexual violence perpetuate the status quo of gendered identity formations. The behavioral research on sexual violence from medical, psychological, and criminological perspectives does not move beyond a dominance/submission model with its attendant assumptions about the fixed subjectivity of men and women. This volume takes up antiessentialist views of gender identity, of subjectivity and agency, of rationality and consent, many of which have been developed by queer

theorists, as they study the dynamics and consequences of sexual violence. For the most part the authors assume that the deconstruction of naturalized binaries, the proliferation of sites identified as political, and antiessentialist approaches to identity and subjectivity are progressive, if not entirely unproblematic, moves within feminism. The authors take up the insights of postmodern critique with the common goal of theorizing and acting effectively against the bodily and psychic suffering perpetuated by the rigid rituals of gendered and sexed life.

The authors in this volume take theorizing about sexual violence into some unexplored territory, given that they are critical of the dominance/submission model for interpreting sexual violence. They explore strategies for subverting the dualistic terrain of masculine/feminine identification, structured in terms of identity/difference, which make sexual violence so likely. They inquire as to how we might politicize sexual violence without reducing that politics to the mediation or adjudication of claims of victimization. Some of the authors pose empirical questions as their point of departure for responding to these inquiries. Others explore somewhat unexpected theoretical resources to interpret the relationship between violence, specifically sexual, or sexualized violence, and gendered subjectivity.

The authors in this volume take into account the heterogeneous quality of sexual violences and how they are experienced and interpreted in significantly different ways. If there is an underlying assumption it is that sexual difference in itself is constituted at least in part by sexualized forms of violence and that sexual difference in itself is mutable across experiences of race, class, ethnic, and other identity formations. Further, we think the terms on which sexual difference is constructed in any historical context or cultural space will be significantly altered, even radically changed if we actually were to see an end to sexual violence. So, while the terms on which sexual difference is constructed and inform sexual violence is the primary focus of this volume, and while some focus on normative practices and forms of masculinity and femininity (Western, white, bourgeois) in terms of how these perpetuate sexual violence, others take into account how sexual violence and responses to sexual violence perpetuate 'othering' dynamics.

Instances of sexual violence are unique, infinitely contingent on personal history, and social, political, and historical conditions of possibility. That said, there are discourses and narratives that shape the conditions in which sexual violence becomes more or less likely. For the purpose of her historical research, Joanna Bourke⁸ takes the act of sexual violence to have occurred when a person claims that an act or experience is one of sexual violence. This apparently simple claim avoids metaphysical conundrums related to metadefinitions of 'sexual violence'. It also serves to turn the focus onto the perpetrator without any imperative to inscribe a perpetrator/victim binary. There are certainly dangers in this approach, as Bourke carefully acknowledges, but we share her view that feminist scholarship needs to develop this focus on the act of sexual violence.