

Feminist Responses to the Politics of Rape: Identifying the Women's Perspective

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Rape is a highly emotive and passionately disputed act. It has been eroticized, criminalized (though enforcement is spotty, as we shall see later on), hidden and exposed, debated and decried; and, as with all subjects of any importance, it shows no signs of reconciliation or closure. Very few people (if any) agree on exactly what it is, why it occurs, and why it continues to occur. For women, it can be something simultaneously to be feared yet somehow inconceivable, deeply known yet beyond explanation; it is a living nightmare for women that have been raped that goes, all too often, unspoken. The silence about women's experience of rape has to do in part with the shame and devaluation typically applied to the victim of this crime, and also with the fact that this crime by and large affects women, who are not accorded the same credibility for their perspective. Recently however, with more and more women, in particular feminists, writing about and from a unique woman's standpoint on a myriad of topics (rape included) the validity of women's ideas, concerns, and outrages has and will continue to increase.

There are a few widely accepted understandings of rape and why it is present in society, which are represented by the writings of Susan Brownmiller, Katie Roiphe, and Robin Warshaw. According to Brownmiller, whose seminal work *Against Our Will: Men, Women, and Rape* provided the springboard for subsequent analyses, rape "is nothing more or less than a conscious process of intimidation by which *all men* keep *all women* in a state of fear" (Brownmiller, 15). Rape then, is the enshrinement of male power in the control of women through fear. Rape then is male power. For Roiphe, who is best described as an

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anti-feminist, rape is a process by which feminists keep women in a state of fear and victimhood. She believes that “[i]n institutionalizing the assumption that rape is universally life-threatening, feminists are institutionalizing female weakness” (Roiphe, 74). She believes that feminists are really attempting to reinstate Victorian guidelines for what is acceptable sexual behavior, and that women, when they fail to meet these prudish maxims, resort to crying rape. Finally, Robin Warshaw believes that rape is a manifestation of male and female socialization. According to Warshaw, “[t]he rapist believes he is *entitled to force* sexual intercourse from a woman and he sees his interpersonal violence (be it simply holding the woman down with his body or brandishing a gun) as an acceptable way to achieve his *goal...*” (Warshaw, emphasis mine, 21). Warshaw’s theory purports that men are socialized to be sexually aggressive and women are socialized to submit to male aggression.

These three theories represent those widely held in the United States by feminists, anti-feminists, men, and women. Though seemingly sufficient to explain why it is that rape occurs, there is something essential lacking in each of them. If Brownmiller is right that rape is about power, not sex, then why are women raped and not simply beaten? If Warshaw is right that women are socialized and conditioned to expect and accept male aggression, why do women feel violated when they are raped? Furthermore, if most people at least have some conception of what rape is and is not, and if many women know that it is wrong, why does it persist (contrary to Roiphe, who simply dismisses the problem)? The following two analyses, when taken together, offer a more holistic and thorough explanation of rape and its presence in our “civilized” society.

MacKinnon’s Radical Feminism

In trials, the determinant factor in proving a rape occurred is the amount of violence and force used to achieve penetration. It is up to the woman to prove that she did not consent to the rape, yet the standards for consent and force were developed by men without accounting for the woman’s perspective. What does this mean for women in society? If men define the laws that govern rape, yet women by and large are ones against whom this is perpetuated, what does this

say about women's equality? Does it mean that men believe women are incapable of defining their own violation? Or does it mean that women are *unrapable* because their very nature defines them as "violable" objects? According to MacKinnon,

Rape equates female with violable and female sexuality with forcible intrusion in a way that defines and stigmatizes the female sex as a gender. Threat of sexual assault is threat of punishment for being female. The state has laws against sexual assault but does not enforce them....A systemic inequality between the sexes therefore exists in the social practice of sexual violence, subjection to which defines women's status, and victims of which are largely women, and in the operation of the state, which *de jure* outlaws sexual violence but *de facto* permits men to engage in it on a wide scale (MacKinnon, 1989, 245).

Therefore, the prevalence of rape in society is not only an affirmation of male power (as Brownmiller suggests), but also a cyclical subordination of women that begins with the creation of their gender *as women* (thus rapable) and is sustained through the exercise of this engendered status in rape. MacKinnon's theory rests on a number of factors, as follows: (1) "the organized expropriation of the sexuality of some for the use of others defines the sex, woman" (MacKinnon, 1989, 3); (2) "rape is defined as distinct from intercourse, while for women it is difficult to distinguish the two under conditions of male dominance" (MacKinnon, 1989, 174); and (3) "sexual violence has implicitly been seen as part of the sex difference, therefore not raising issues of sex inequality at all" (MacKinnon, 2001, 22).

To begin, MacKinnon believes that feminist and Marxist interpretations of society rest on similar bases. Marxism is built upon the conception of value as a social creation, while feminism is built upon the conception of desire as "socially relational, internally necessary to unequal social orders but historically contingent" (MacKinnon, 1989, 4). Marxism sees the expropriation of work and labor from some for the benefit of others in the creation of class as

the root of inequality in society. Feminism sees the expropriation of sex from some for the use of others as the defining inequality in society (1989, 3). The question that arises from this seemingly contradictory, yet overlapping, synthesis is whether capitalism (the system under which women are situated for MacKinnon's purposes) is the result of male dominance or the cause of it. The manner in which this answer intersects with theories explaining women's inequality will determine whether a liberal notion of equality fits within a changed society, or whether this entrenched ideal must be abandoned for one better suited to ensure equality. Does the subjugation of classes relate to the subjugation of women? Would a Marxist or feminist paradigm of equality effectively disable the hierarchy of power for both women and men? Feminists looking at how socialism has affected women's status in other countries have found that those regimes have freed women to labor as workers, but they have not attached larger roles for men within the home. In other words, socialism has created a dual role for women that can be seen in the households of many working women in the United States: they become workers outside of the home while retaining the same workload within the domestic sphere. If the experienced and conceptualized expectations of gender do not change, then the situation for women will not change.

The problem with a Marxist critique of society that focuses solely on class is its neglect in seeing gender and race as stratifying forces equally powerful in the creation of the class structure, and in being classes distinct from others. This prevents deeper understanding of the ways in which class and value create a dependency in women on men. Bourgeois women and proletarian women may find their statuses manifest through different classes and different men, but the vehicle for their social realization is common to "men." To miss this point is to overlook half of society, to embrace "false consciousness," so to speak; in other words, to understand women's lower status in society as a condition of the capital economy, and its subsequent socio-economic stratification, without understanding women's unique stratification *as women*, is to overlook an overarching paradigm of oppression. Feminists who see women's oppression as a result of years of economic disenfranchisement are embracing "false consciousness" because they are not seeing the unique oppression that

results from the condition of *being a woman* in this (or nearly any) society. Concerning the question of whether capitalism creates male dominance or whether male dominance created capitalism, it appears that the answer lies in its cyclical nature or reinforcement. No matter where one lands on the scale of wealth and power, women are still on the bottom, men are still on top.

In the second part of MacKinnon's framework, the issue of how rape is defined becomes integral to understanding why rape perpetuates and reaffirms women's unequal status. If women are not involved in defining their own violation, does the resulting definition protect the victim from abuse or the perpetrator from responsibility? MacKinnon believes that consciousness-raising is a subversive tactic feminists employ because within the safety of acceptance and support women can begin to validate and name their experiences, and thus question the origins. She writes, "When seemingly ontological conditions are challenged from the collective standpoint of a dissident reality, they become visible as epistemological" (MacKinnon, 1989, 240). Because society and the law socialize women into believing their violation is the result of their femaleness, and because women are silenced by their shame and guilt, they have little reason to believe that their experience is the part of a much greater whole. Therein lies the importance of consciousness-raising, which places one's experience within a broader spectrum of structural inequality and exploitation.¹ The resulting feminist definition of rape emerges as "not an isolated event or moral transgression or individual interchange gone wrong but an act of terrorism and torture within a systemic context of group subjection" (MacKinnon, 1989, 172). According to this definition, women are not raped because of their own deficiency, but rather as a result of a much larger project to ensure male power.

Under conditions of male dominance, the significance of force and consent blur in defining rape as separate from intercourse. MacKinnon asks women: "what do you really want? Do you feel that you have the conditions under which you can ask yourself that question? If you feel that you are going to be raped when you say no, how do you know that you really want sex when you say yes?" (MacKinnon, 1987, 83). Because many women are conditioned to submit to the wants and desires of men, despite the divergence from

their own interests this decision may incur, and because women who report and attempt to prosecute their rapists are often subject to a second “legal” rape, is it realistic to think that sex is ever wholly, theoretically consensual? MacKinnon argues that it is not. Women’s less powerful position can be the catalyst by which they make decisions about whether or not to acquiesce their partner’s demands. Do they say no and risk bodily harm or humiliation? Do they say yes and convince themselves that they really wanted it, knowing that what they wanted didn’t really matter all along? According to the law’s image of women’s “power,” women exert control over men through their desirability, which they exploit to invoke men’s interest and to deny men’s “fulfillment.” However, this then attributes to women both the “cause of men’s initiative and the denial of his satisfaction” (MacKinnon, 1989, 175). Women in this model compel men’s use of force.

The element of force in rape cases is the singular factor categorizing it as a *violent*, as opposed to a *sex*, crime. However, “[c]onsidering rape as violence not sex evades, at the moment it most seems to confront, the issue of who controls women’s sexuality and the dominance/submission dynamic that has defined it” (MacKinnon, 1989, 178). Men are assumed to be the actors in sex; this is their socialized role, while women are those acted upon. Whether or not there is force to qualify the sex as violent does not address the issue of whether or not there was consent in the first place. For women, being beaten into submission may be realistically more violent than not being given the right to stop sex from happening; yet these are two experiences on the same continuum of the dominance/submission plane. And it is because of these reasons that women and men have difficulty identifying rape for what it is. Rape and “consensual” sex (coerced though it may be) are so intimately connected within a male-dominated society, as to make them virtually indecipherable. Until, that is, women’s rights are protected and enforced in their entirety, which would enable women to have a choice in their sexual relationships. For now, the only difference that distinguishes assault in rape from “noninjury” is the meaning of the encounter to the woman who experiences it (MacKinnon, 1989, 180).

MacKinnon’s approach to sexual violence follows, “[b]ecause

perpetrators are overwhelmingly male and victims predominantly female, and because sexual assault is socially rooted in normative images of sexuality seen as gendered by nature, sexual violence has implicitly been seen as part of the sex difference, therefore not raising issues of sex inequality at all" (MacKinnon, 2001, 22). For this reason, a harm or injury inflicted on one female because of her membership to the group "women," which determines her violability, subsequently becomes a harm shared by the group of women as a whole. However, when this harm is voiced, more likely than not, women will be blamed for their own violation; such that the socialization of males and females which creates and perpetuates the sexual hierarchy directly responsible for sexual exploitation goes unchecked, while the female who suffers because of it is accused of inviting her own violation (because of behavior, clothes, drunkenness, et cetera). This may be in part because of the fact that men who commit rape are no different psychologically from "normal" men, and can claim that they thought a woman had consented; at the same time, the psychological stability of the victim is brought into question because of her perceived hypersensitivity. This, in connection with the judicial system's acquittal of rapists, sends a message to society that force and non-consent in sex are normal and acceptable ways by which to garner the ultimate goal: men's validation of masculinity through intercourse. This drive for validation at any expense to any woman becomes normal — the man who seeks it is normalized, and therefore rendered incapable of rape, despite his actions.

MacKinnon's analysis of rape offers a meaningful explanation for the systemic existence of rape in society. Brownmiller's and Warshaw's conception of rape in a power paradigm does not adequately address the component of sex as it factors into sexual violation. Rape is as much a mechanism for the subjugation of women as gender is a *condition* of constant subjugation for half of the world's population. If rape were only about power, and not about the annihilation of autonomy and the extinguishing of a person's spirit in order to fulfill men's masculinity, it would perhaps be more an issue of classism and racism that it currently is. Since members of lower socio-economic classes and women of color have traditionally been treated most poorly by almost every institution in society, it would follow that they would

also be most prone to sexual violence, while white, rich women would be protected. This however has proven inaccurate, because *all women are raped, and prone to rape, despite any characteristic differences among them.*

Rape has such power because it is a recognized and accepted condition of being human (read: male does, female receives) that enforces the male dominant, female submissive hierarchy required by men to order society in a way that satisfies their wants and desires. Once again, MacKinnon explains: “The whole point of women’s social relegation to inferiority as a gender is that this is not generally done to men. The systematic relegation of an entire people to a condition of inferiority is attributed to them, made of feature of theirs, and read out of equality demands and equality law, when it is termed a difference” (MacKinnon, 1989, 243). Men are not inherently rapable because they are men; rather, they are the standard by which the law and society measures the rapability of women. When men are raped, their masculinity is destroyed and in the act they are feminized. Proof of this stems from the experience of prisoners in all-male prisons, where the absence of women forces men to create gendered hierarchies mirroring those in society. In this situation, the weakest men, those corresponding least to the stereotypical alpha-male image, are used like women, raped and subjugated, the expropriation of their sexuality for use by the dominant prisoners a condition of their existence. Interestingly, many people do not find this surprising; it is apparently assumed that in order for a community to function there must a dichotomy of power that validates one party and enslaves the other. Hierarchy is assumed natural, with the weakest members becoming the most exploited. In MacKinnon’s eyes, hierarchy and gender are one in the same.

MacKinnon sees gender, its construction, and its consequences as paramount to every other social institution in society — and far more dangerous. The cyclically reinforcing nature of gender perpetuates itself, and permits male dominance to enlist the state in its defense of this institution (gender), because male dominance is male power is the state. MacKinnon thinks about the idea of “womanhood” as a manifestation of gender, which she sees as a hierarchy of power, in turn creating difference, and thus determining experiences in the social context (MacKinnon, 1989, 37-40). Gender is not simply a category

for description; it is a structure for controlling and wielding power over the less powerful. According to MacKinnon, there are two distinct schools of thought within feminism that view what it means to be a woman (how gender is understood) from two entirely different perspectives: "Liberal feminism aggregates all women out of each one. Radical feminism sees all women in each one" (MacKinnon 1989, 40). Liberal feminism sees all aspects of sexism through the eyes of the individual: sexism and gender definitions are wrong because they conflict with a person's autonomy, free will, and liberty: the main tenants of liberal thought (MacKinnon, 1989, 40). Radical feminism, by contrast, examines the social division of power between men and women, takes the experiences of all women and, weaving them into a whole, challenges the systemic subordination resulting from gender categories (MacKinnon, 1989, 39-40). Liberal feminists want to alter, share, or manipulate the expectations of gender; radical feminists want to dismantle the entire hierarchy of gender itself (MacKinnon, 1989, 40). Radical feminist are not interested in compromise on this issue because they see it as a fundamental aspect of women's inequality. Gender, to radical feminists, is a system that provides those with power (men) the ability to control, in very real ways, those with less power (women). The medium for levering control within the gender paradigm is sexuality (MacKinnon, 1989, 3).

MacKinnon writes:

Sexuality is the social process through which social relations of gender are created, organized, expressed, and directed, creating the social beings we know as women and men, as their relations create society. As work is to Marxism, sexuality to feminism is socially constructed yet constructing, universal as activity yet historically specific, jointly comprised of matter and mind. As the organized expropriation of the work of some for the benefit of others defines a class, workers, the organized expropriation of the sexuality of some for the use of others defines the sex, woman. Heterosexuality is its social structure, desire its internal dynamic, gender and family its congealed forms, sex

roles its qualities generalized to social persona,
reproduction a consequence, and control its issue
(MacKinnon, 1989, 3-4).

Within these statements is a wealth of information about the basic framework from which MacKinnon views society and women. First of all, MacKinnon, obviously is adopting a Marxist analogy; however, she goes to great lengths to explain how the Left has failed women in the past by prioritizing them last after its own agenda, so it is important to understand that MacKinnon is *not* speaking as a Marxist. MacKinnon is a radical feminist whose theory involves a Marxist understanding with similarities in organization and structure to Marx, but fundamentally, her concern is how *women* — as a universal class — are oppressed, and less so with how women within various strata of that class are uniquely oppressed (although at times she does address issues which intersect, such as socioeconomic status and race). For MacKinnon, the degrees to which women are oppressed through gender and sexuality occur on a continuum, which extends through every tangible or obscure obstacle to solidarity.

To extend the “continuum,” MacKinnon is suggesting a socio-historical framework of time and space, which is at once in flux, but also historically rooted and essentially unchanged. In other words, despite gradual shifts and changes in law and practice, women are still in a position of subordination to men. How does oppression manifest in both mind and matter? The idea is similar to one put forth by W. E. B. Du Bois, who established the theory of “double consciousness” for African Americans. The idea was that African Americans not only saw themselves through their own conception of who and what they were, but also through the conception of their oppressors, in this case, white men and women who believed African Americans to be unequal to them (Winant, 8).² It also relates to another Du Boisian idea called “racial dualism,” as explained by Howard Winant: “the race-concept is at once denied and affirmed. As a colossal impediment to democracy and equality it is studiously ignored or consigned to the dead past; while as an effective means of allocating resources, shaping power relations, and configuring identity it remains as essential as ever” (Winant, 8). Although many of the formal obstacles to gender equality

are dismantled, many of the informal (i.e. relationships, families, prejudice in law enforcement and those with power, false consciousness, to name a few) obstacles still exist for women. MacKinnon might take this a step or two further by indicating the ways in which legal and legislative bodies work to enforce, in this case, gender inequality, thereby ensuring men's continued dominance; and by clearing away the misconception that men don't "as a group benefit from these same arrangements by which women are deprived" (MacKinnon, 1989, 93). Following these two critiques, and in order to understand gender and sexuality as oppressive constructs or forces used by those with power (men) to control those without power (women), one must also grasp the ideas of power and patriarchy, as these are central to the framework MacKinnon relies upon.

Power and patriarchy exist in a symbiotic relationship in society. On the one hand, power, at least monetarily, legally, and politically, is located within the patriarchy, allowing it to make, break, interpret, and maintain laws. On the other hand, the patriarchy protects the power it has, by making, breaking, interpreting, and maintaining the laws it has already established to complement its power. Power is conceptualized in a variety of ways, in different spheres, for example: economically, politically, sexually, authoritatively, and legally, are some of its range. The persons (*individuals*) holding power usually have the privilege to define it, to qualify it, and to determine who will receive it, based on the (*collective*) sharing of that power within the patriarchy. The patriarchy is a self-reinforcing organization encompassing the law, the market, and the politic, the members of which are male, and the agenda of which is to protect itself from possible weakness. Catharine MacKinnon understands the state as being the ultimate patriarchy, because in it the laws and customs for society are defined and controlled by men — to women's disadvantage. The patriarchy resisted women's suffrage for many years, it resisted the passage of an Equal Rights Amendment (regrettably with some women's help), and it continues to resist moves toward equitable laws governing men and women. How does the patriarchy use its power to protect itself and its power? This question can be answered in part by looking at the way equality law came into existence and the way it now exists in common usage.

MacKinnon explains that equality law is based upon an

Aristotelian approach to equality that treats “likes alike, unlikes unlike” (MacKinnon, 2001, 4). This is a seemingly fair assessment when comparing two things, until you realize that the point of departure for measuring the “alike-ness” of any given person is a white man.³ How does this remarkably narrow ideal measure the myriad of people in the United States who are themselves expecting to receive equality as it is understood to be: all inclusive and justly distributed? Not very well, according to MacKinnon. The underlying consequence of this equation is that the “likes...alike” treatment presupposes sameness, and the “unlikes... unlike” presupposes difference. Within a male, objective viewpoint, equality is measured by sameness, and sex is a natural difference. Therefore, “sex equality” as a legal and theoretical standpoint is a contradiction of terms: one cannot be inherently different and concomitantly equal within this framework. Women, of course, realize this, for women experience this crisis of belief on a daily basis. Women know that “gender is more an inequality of power than a differentiation that is accurate or inaccurate. To women, sex is a social status based on who is permitted to do what to whom; only derivatively is it a difference” (MacKinnon, 1989, 218). Framing equality as same versus different negates women’s experiential knowledge of gender as the hierarchical order of power. Women’s lack of equality is less a political or legal theory up for debate than it is a lived reality manifest in sexual violence, sexual harassment, disparate wages, and lack of access to the reigns of power, which are busy creating and upholding such idiosyncratic laws.

Sex equality can follow one of two paths stemming from the sameness/difference approach: gender neutrality or special protection rule. Following the gender neutrality path, women must be like men in order to be treated equally. The standard by which to compare women is the male standard, the abstract norm, as it were; and the closer a woman is to this standard, the more equal. Taken to its strongest interpretation, this path prohibits accounting for gender in any way, with exceptions for “real differences” (MacKinnon, 1989, 219). Based on this standard, “women are measured according to correspondence with man, their equality judged by proximity to his measure” (MacKinnon, 1989, 220-1). In this case, women and men must be treated the same except for instances of *real* difference, in

which case discriminatory practices are expected and tolerated. “Neutrality” is seen as the most rational and objective standard by which to judge people, and is evident in what some call the (phenomenon of a) “color blind society”⁴ (MacKinnon, 1989, 162-3).

The problem with using a neutral standard to judge all people is that it doesn’t take history, culture, institutionalized negative outcomes, or any other cause of disparity into effect. In cases of rape, often, the amount of force that was used in committing the crime directly impacts outcome of the trial. If a woman does not have bruises, cuts, or any other physical “proof” of having either fought back or sustained “real” (read: manifestly identifiable, physical) harm in the process of being raped, it will usually be argued that the rapist did not know the woman didn’t want to “have sex”. Saying “no” is often portrayed as an inadequate conveyance of one’s preference. This is because it is assumed that any person (read: man) whose bodily integrity was at stake would fight until *his* last breath. What goes unmentioned is both the socialized nature of women’s responses, the way women are taught to approach conflict, which is often through appeasement or through dialogue, and the socialized nature of men’s definition of sex. As long as men’s ideas about sex and rape are not discussed, substantive ways of addressing the occurrence of and punishment for rape will not be created.

Following the other path, that of special protection, women are seen as different than men, and are judged by their distance from the male standard (MacKinnon, 1989, 220-221). This rule often arises in cases of pregnancy and with Bona Fide Occupational Qualifications (BFOQ), both of which give exception to women’s physical differences from men, essentially seeking to “protect” women from employment dangers. This is a rather arbitrary measurement, however, and has given rise to highly contested interpretations in court. The reason for its arbitrary nature is society’s inability to see how *socially defined* differences, like physical strength or weakness, become *biologically termed* through popular belief and institutions. When a woman becomes pregnant, and this is defined as a disability since only some women can sustain it, and she suffers any loss of work benefits, under special protection law in the past, this has not constituted discrimination.⁵

The “inequality approach comprehends that women and men

may, due to sex or sexism, present noncomparabilities. In this view, lack of comparability is not a permissible basis for socially perpetuating women's disadvantages" (MacKinnon, 1979, 5). The underlying question within this approach is, does society create differences or does biology? If a woman reacts differently to a situation than a man, for instance in rape, does that mean she should be punished for not acting the same way as a man (using the aforementioned example of women's and men's possible reaction to rape works here)? Or should the expectations about men and women be dismantled and rethought? The inequality approach seeks to explain how women's sexuality and the expectations surrounding and promoting it affect the economic and also judicial chances for women when they face discrimination. This aspect of MacKinnon's theory, in later writings, seems to have been absorbed into the difference approach, under the rubric of "sameness."

The sameness/difference approach regulates women's inequality rather than reforms it. Rather than transcending the difference logic pertaining to sex and seeing inherent sameness in the condition of being human, by comparing women to a "human" standard that is actually male, women do not get the privilege of even being human. Unfortunately for women, the sameness/difference standard remains unquestioned by most, the criticisms instead being how to refine it. The hierarchy of dominance supported by this standard, and its overt manifestations in society, are perceived as "differences" not injustices.

MacKinnon believes that women and men are categorized hierarchically by gender, with women on the bottom of that hierarchy. When combined with race, women of color are on the very bottom of the social hierarchy, and subsequently the economic one, and white men are at the top. When addressing the occurrence of sexual abuse, and in particular rape, MacKinnon argues that these forms of sexual violence are "not only epidemic but endemic and fundamental to women's social condition as men's gender unequals" (MacKinnon, 2001, 767). In a way similar to the assessment of Brownmiller's in which she says that all men keep all women in a constant state of fear, MacKinnon wants to, again, take it a step further and say that the fear women experience, along with the rape, creates and maintains a

subordinate position for women in society. This position is defined by submission and by rapability, because women are seen as and *acted upon* as violable objects. When a woman is raped then, she becomes the one under interrogation, since is it so difficult to believe that she could have actually been raped, in the sense that she didn't either want it or ask for it.

MacKinnon understands sexuality as a construct of men, imposed upon women, manifest in dominance/submission paradigm:

Dominance eroticized defines the imperatives of its masculinity, submission eroticized defines its femininity. So many distinctive features of women's status as second class — the restriction and constraint and contortion, the servility and the display, the self-mutilation and requisite presentation of self as a beautiful thing, the enforced passivity, the humiliation — are made into the content of sex for women. Being a thing for sexual use is fundamental to it. This approach identifies not just a sexuality that is shaped under conditions of gender inequality but reveals this *sexuality itself to be the dynamic of the inequality of the sexes*. It is to argue that the excitement at reduction of a person to a thing, to less than a human being, as socially defined, is its fundamental motive force. It is to argue that *sexual difference is a function of sexual dominance*. It is to argue a sexual theory of the distribution of social power by gender, in which this sexuality that is sexuality is substantially what makes the gender division be what it is, which is male dominant, wherever it is, which is nearly everywhere" (MacKinnon, 1989, 130, emphasis mine).

Two key aspects of socially defined femininity, which often arise in rape cases, also appear in MacKinnon's assessment of male-dominated sexuality: "enforced passivity" and "humiliation." It has been registered in law, and accepted by society, that rape is about violence. Doctors, sociologists, writers (i.e. Susan Brownmiller), have told the

populace that men rape women because of a violent impulse. However, MacKinnon disagrees with this calculation entirely. She believes that rape and “normal” heterosexual intercourse are so similar in operation and conception (for men), so as to be nearly the same. In this sense, the “passivity” she identifies as being part of what it is to be feminine is the same passivity that women often employ in order to escape the reality of their situation and in the hopes of avoiding further harm during rape. And yet, this form of defense is often used against women in trial because it translates to jurors that the victim did not forcefully resist the rape.

Humiliation is often an integral part of the way society portrays women’s sexuality, and becomes a crucial deterrent for women who wish to report a rape and decide not to. MacKinnon and others have identified the legal rape that takes place when women are put on trial to explain the events of a rape (MacKinnon, 2001, 773-5). Often, the very embarrassing and sexually charged aspects of a woman’s experience must be recalled for the court, and she must explain, in detail, aspects of the rape that reveal intimate areas of her personal life. Such information can consist of her sexual history, her preferences sexually, the number of partners she has had and other private information that has no bearing on the crime committed against her, but is used to determine whether or not she is telling the truth. To this day, the saying of Matthew Hale, spoken over a century ago, still holds true in men’s minds: “[rape is] an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent” (as quoted in MacKinnon, 2001, 775). The idea that women simply make up a rape stories in fits of anger, follows various other expectations about women, namely that women are sneaky, back-stabbing, and vindictive. Often, these stereotypes are played out in movies, books, and television shows; or the opposite is portrayed: that women enjoy being raped. An example of this takes place in the movie “Blue Velvet.” In this film, one of the main characters, a female lounge singer, is raped and humiliated by another character, a drug dealer who has kidnapped her husband and son in order to hold her hostage. The film depicts this woman’s violent rapes (which occur on a daily basis) as an event she comes to enjoy; and she transfers the violent aspect of her daily rape into her “consensual”

sexual relationships, during which she asks to be hit. The rape scene has a highly erotic and demented aspect, and never explores what the daily rape means for the woman; instead it appears as though she has appropriated the crime into her other affairs.

One of the reasons that women experience a double rape (first in the experience, then in the courthouse) is that women (by-and-large), up until the last twenty-five years or so, have not been included in the development of laws, practices, or treatment of rape victims. Hence, the patriarchal system has been used to protect its own interests at the expense of women. Men don't want fluid interpretations of rape that encompass the different experiences of women — that would threaten their ability to rape at will, regardless of the women's interest. MacKinnon wants women to move out of the defensive position, wherein they are constantly acted upon by men and by the system of laws that men have generated to protect themselves. In order for this to happen, however, a radical reworking of the definitions of rape and intercourse, as well as gender, needs to take place.

Jaggar's Socialist Feminism

Building upon the idea of sameness and difference in the practical application of conceptions and rules of equality, one can rightly see that neither approach will generate a valuing of women that is comparable with that of men. If women are measured by their proximity to a standard supposedly "human," but which we have already identified as male, then it is likely that women will be become masculinized, not humanized (since there is as yet, no concept truly human as understood by most). If women are to be measured by an equally opposite standard, which is their deviation from the male standard, then it is likely they will become less "human", less male, and therefore receive less access to society and reap fewer benefits from the access and opportunity achieved. These legally and culturally entrenched perspectives are irreconcilable with a feminist idea of society that values all self-identified⁶ people, regardless of their ability to display masculine or feminine attributes as defined by the patriarchy. This irreconcilable difference between what is expected and enforced by the dominant power structure versus that which evolves from a feminist critique of society is the basis for feminist conceptualizing

about both existing and utopian civilizations. Since much of society, including the ways by which we accumulate, process, and communicate knowledge and understanding, has been created through a male lens, feminists must begin by creating a new foundation for knowledge and communication.

One way feminists can challenge the dominant discourse is by writing from and defending the unique perspective resulting from their position as women in a male-dominated society. The seemingly infallible male position is largely considered universal and therefore more acceptable than the female position. Traditionally males, and by extension their thoughts and ideas, have been understood as rational, logical, and practical, and therefore belonging within the “public” sphere. Women who become very successful are often attributed these same qualities of “maleness,” and often their femininity is called into question. On the other hand, women taken as a whole and many homosexual men (and those suspect of homosexual tendencies) are understood as emotional, irrational, capricious, belonging to the “private” sphere, and associated with the physical or natural (Jaggar, 1992, 145). The qualities attributed to males have been given precedent and valued; those things considered female have been considered sordid and simple and have been devalued. Because these generalizations have remained static for centuries, and show little sign of imminently changing, feminist thinkers have realized the need to carve out their own standpoint, one in which knowledge exists outside the male-centric realm of objectivity, and which incorporates experience, emotion, and women’s knowledge. Feminists who employ a woman-centered perspective are not only writing and communicating from their unique *female* standpoint, they are defending the utility of “female” ways of knowing and challenging the supposed universality that seems inherent to male-established concepts such as facts, laws, and science.

Allison Jaggar questions the deceptive, assumed validity of “male” ways of knowing. She asserts that emotions, although shunned by males throughout time because they were believed to tarnish objective study, are socio-historical constructs that are an integral part of conscious and subconscious understandings of our environment (Jaggar, 1992, 151). Jaggar explains, “If emotions necessarily involve

judgments, then obviously they require concepts, which may be seen as socially constructed ways of organizing and making sense of the world” (151). For example, for a long time, spanking or beating one’s child was a socially acceptable form of punishment, to the extent that authority to do so was given to authority figures outside the family (i.e. teachers). In the present day, it is becoming more and more socially unacceptable to beat or spank one’s child, especially in public. When someone is seen spanking or beating her or his child, people become intolerant, angry, scared, and sickened; fifty years ago, far fewer people would have experienced intense disgust when seeing a child spanked. This example shows how the (changing) concept of children’s rights determines the way people feel about seeing children receive corporal punishment. Concepts, which are historically located, inform emotional responses to situations; by the same token, emotions inform other concepts and help determine how people understand the structure of society. Following this logic, from a feminist standpoint, objectivity is considered a false male-centric concept, as it requires a person’s understanding or observation to be free of emotional value, which is quite impossible. Using the spanking example to illustrate: the way that society reacts to the person doling out corporal punishment on a child, and how he or she will then be treated by his or her contemporaries and/or the law will be affected by both our ideas about child rights and our emotional reaction at seeing a child spanked or beaten.

The above example also serves to illustrate the changing understandings this society has adopted concerning that which is said to belong in the “private” or “public” spheres. During the 1970’s era of the Women’s Movement, the slogan “the personal is political” came to represent much of what the feminist movement was discovering about women’s oppression and ultimate liberation: oppression that happened to women in their homes, their bedrooms, to their bodies, and to their spirits had a direct affect on their position and treatment in the “public” sphere. Taking up the above example of child abuse, it used to be considered something that occurred within a family and was not subject to outside scrutiny: it was private. Now, it is most certainly considered a public health and safety issue that must be reported to authorities, and which is punishable under the law. This

shift required the issue of child abuse to move outside of the “private” sphere and into the “public” sphere. Women in 1970’s consciousness-raising groups were discovering similarities among their experiences with male aggression, sexual harassment, rape, domestic abuse and other previously unspoken issues, which allowed them to see their own oppression not simply as an individual case, but as a systemic element of women’s subordinate status in the United States (and elsewhere). Discovering how laws govern political understandings, which in turn establishes the way in which people interact (especially between men and women) showed the political nature of all things “personal.”

Consciousness-raising groups provided women with a means by which to “overcome their isolation” and to form a unique women’s culture and group identity, which Jaggar suggests is necessary to encourage political organization (Jaggar, 1988, 333). The type of political organization and ideology supported by Jaggar for its potential to change dramatically the status of women is socialist feminism, which like a Marxist perspective, sees society through a lens of production, yet goes further by “supplement[ing] the analytical tool of class with the additional conceptual tool of gender” (Jaggar, 1988, 303). Jaggar describes radical feminism as the “older sister” of socialist feminism, which she understands to be the most inclusive of all the feminist ideologies. As opposed to radical feminism, which she sees as applying a universal experience to all women, socialist feminism represents women and their experiences that exist due to class (in the traditional sense) struggles in society. Radical feminists like Catharine MacKinnon believe that women’s sexual exploitation, which exists at every stratum in society, is the point of unification: as long as any woman is being raped, all women are subject to being raped and vice versa. Socialist feminists disagree to some extent with this observation, in the sense that, for instance, a prostitute working on the streets is going to experience rape differently than a woman who works in a Fortune 500 company: a prostitute does not have the luxury of fearing rape or sexual violence, a white collar woman does. Women are not the same, and socialist feminism recognizes this. Socialist feminists believe, essentially, that simply overthrowing the patriarchy will not free women from oppression; freedom will occur only through a

collapse in both capitalism and patriarchy. If patriarchy were simply the tool of oppression for women, then its dismantlement would liberate both the white-collar woman *and* the prostitute; however, a simple glance at the example reveals that the prostitute is going to be in a position of inequality relative to the other woman under any capitalist system.

Another way of understanding the effect of class on women's oppression is by comparing the rape of a white-collar woman by a blue-collar man and the rape of a woman by a white-collar man. In the first example, it is safe to assume that a white-collar woman who attempts to press charges against her rapist will experience it very differently than the woman in the second example. For instance, the police are going to receive the story of the first woman, who may have her lawyer present, more sensitively than the second woman, who they may believe to be and/or may accuse of being a prostitute. The police may think that the woman wanted to have sex with the man since he had economic and social (legitimacy) power over her, is disappointed by his rejection after the act, and so fabricates a rape story in order to get revenge. The police would never believe that a white-collar woman would want to sleep with a blue-collar man, unless that is, both people are black or Latino, in which case, this brings another dynamic that socialist feminists will recognize as equally important to understanding oppression; that is race. Going back to the class dynamic of this example, a white-collar woman has a far greater chance of seeing her rapist convicted if she has socio-economic status over him, for obvious reasons, such as: jury perception (like that of the cops), access to a lawyer, and police interest. The blue-collar woman is likely not to see her case even go to trial, let alone win. She would be lucky if the police even investigated, unless she was so brutalized that there could be no denying the rape took place and because her other injuries would constitute other criminal offenses (which probably carry more time, anyway). A socialist feminist like Jaggar would find the situations displayed through this example extremely problematic in terms of valuing and ordering sources of oppression; of which there are at least three blatant sources: gender, class, and race. Is gender oppression more harmful than class oppression in this example? How would race affect the outcomes of

these two examples? Complex inter-relationships such as gender, class, and race are not taken for granted by socialist feminists; Jaggar is looking for more than a universal explanation such as gender.

Socialist feminists follow the “basic Marxist conception of human nature as created historically through the dialectical interrelation between human biology, human society and the physical environment. This interrelation is mediated by human labor or praxis” (Jaggar, 1988, 125). Human praxis is then broken down by socialist feminists in terms of a sexual division of labor, in which women are concentrated in certain areas of labor and men in others (Jaggar, 1988, 126). This division results from women’s and men’s socialization, a mechanism that serves not only to make women mothers and caregivers, while men authority figures and workers, it produces a large labor pool of women who perform the nurturing work in the market which parallels that of the home. Gender thus is an integral part of the capitalist system, which relies upon women to fill jobs that pay less than men’s jobs, that are often temporary, that offer little room for socio-economic ascension, and that function ideally with a “feminine” (as described previously) worker. However, this merely describes the most recent migration of women into the public-sector jobs; the other side of the story is much older and takes place in the “private sphere,” or the home.

Women’s work has always been a stabilizing force, and has survived many phases in the evolution of markets and societies; however, it has generally not been counted when histories were written. This is because women’s work has consisted largely of re-production, which included providing sexual satisfaction, workers, leisure time (resulting from their exemption from domestic duties), emotional support, and higher wages to males (Jaggar, 1988, 134-7). Men have in turn used their power as wage earners, the institution of heterosexuality, and marriage to control women’s reproduction (Jaggar, 139). In addition, women’s reproduction has been commodified to the extent that their ova can be bought and sold, uteruses can be “rented” (i.e. surrogate motherhood), babies can be bought, and, the long-term value of a child, via his/her labor potential, can be projected. Despite the fact that capitalist pregnancy practices can free some women from the bondage of birth, it necessarily must shackle other

women to this duty, with those doing it to make money being at an obvious disadvantage and quite possibly corresponding to the class hierarchy.

On a deeper level, women's position can be analyzed using the Marxist idea of alienation as applied to women, described as: "things or people which in fact are related dialectically to each other come to seem alien, separated from or opposed to each other" (Jaggar, 1988, 308). The extent to which women are in fact alienated is qualified differently among socialist feminists; however Jaggar understands

[t]he alienation of contemporary women [as] a historically specific product of the capitalist mode of production. It results from such historically specific features of capitalism as the fetishism of commodities, the rise of positive science, and especially the separation of home from workplace, accompanied by the characteristic split between emotion and reason, the personal and political (Jaggar, 1988, 317).

From this quote one can see that Jaggar, as with all socialist feminists, sees the capitalist system, along with the patriarchy, as the focal points of women's oppression. As opposed to radical feminists like MacKinnon, who see women's oppression resulting from their being women, Jaggar wants us to see women's integral role in re-production as the mechanism by which women are separated not only from production in the market, but also from society at large and each other. Part of the reason for this alienation stems from the "fetishism of commodities;" for, on the one hand, technology has given people the power to create an appliance for nearly every household need or desire; on the other hand, these products are marketed mainly to women, and (consequently, in part) used mainly by women. This reinforces both the position of women inside the home as primary, and also adds to the stratification of women according to income. She who finishes "keeping home" first is likely the woman who also has "a room of one's own." Taken from another position, the commodification of women's bodies, slightly different from that of their uteruses and birthing potential, through surgery, makeup, manipulative clothing and

accessories, has alienated women from themselves. These products and the emphasis on women's image, largely coming from male-dominated fields such as media and medicine, cause women to see themselves and value themselves in relation to how they look, rather than how or what they think and feel. This particular alienation, in which an emphasis on the body trumps all other things, also helps women to deny their rape experience, because often there are no lasting physical wounds to show harm; thus because she *looks* fine, then she must *be* fine. People assessing a rape situation can also fall under the same misconception.

With one of the central tenets of capitalism being consumption, virtually every feature of humanity is for sale...except, that is, women's real labor in the domestic sphere. In addition to the physical maintenance of the home, women have also been the bearers of the reproduction of the family itself, both in carrying the children and raising them, providing emotional nurturance and socialization. As mentioned earlier, some aspects of this re-productive process have been commodified, in the marketing of children, eggs, and women.⁷ This too, is a symptom of the continued stratification of society and women, along socioeconomic lines, with wealthy (white) women usually gaining from this system and poor women losing. Thus, women's re-productive capabilities in the home have been a major source of alienation from society at large and among women themselves.

This alienation extends to the relationships between women and men because of the political-economic system that is controlled by men, who then are able to define the terms of women's existence inside and outside the private sphere. Jaggar writes, "In contemporary society, for instance, the sexual desires of men of all classes are taken as primary in the definition of women as sexual objects in the overt or tacit acceptance of such institutions as rape, prostitution and the sexual double standard" (Jaggar, 1988, 137). She goes on to explain how the appropriation by men of wives and children for their labor was common in previous societies and still exists today in the male surname given to children. Men appropriate their wives and children because they benefit from this on many levels; in the same way, men define variations of being a woman because it is convenient for and beneficial to them. Men benefit from women's need for protection from rape, and hence

domestic labor becomes the medium through which this exchange is carried out; women's disproportionately low wages are the benefit men receive for their own exploitation in the market (Jaggar, 1988, 137). Therefore, socialist feminists see rape as a product of the economic system that makes women dependent on men because of their alienation from each other and from the market. Because male capitalists control the value of goods in the market, and since women's sexuality is a marketable good (in many ways, as mentioned above), there must be a change in the way goods and services are valued. Freedom for women from rape will be realized only when capitalism, along with patriarchy, is destroyed.

Conclusion

In the previous pages, two main understandings of women in society and how this impacts the likelihood for male on female rape were discussed. Perhaps the academic, at times abstract, discussion has allowed the reader to forget that we are discussing a brutal, destructive, humiliating and far too common crime; let us not lose sight of the reality of rape because it is an awful, sick parasite on our society. For that reason, and the emotional and personal reasons of every person who has ever endured rape, this paper and infinitely more like it are necessary until society cures itself of this illness. Catharine MacKinnon and Alison Jaggar suggest similar ways of treating a society that allows rape to occur: either do away with socialization as we now know it, crack the male power structure that protects rapists, reorganize the economic system that puts a price on women's bodies and their sexuality, or do all of the above.

The biggest problem with addressing an issue like rape is that it forces one to delve into the very fundamental ways one understands her or himself as an individual and in relation to others. Is there something so tangibly valuable about female sexuality that it can be broken, along with its beholder, through rape? Are males in society so superior to women, or yearning to be so, that they do not have to think about whether or not their partner is willing and comfortable with a sexual situation or not? Do we value women so little that we refuse to believe them when they raise their voices against their own misfortune for being (socially recognized as) "rapable"? Does a market that

organizes every facet of our lives along a linear hierarchy need to be rethought? Aren't some things invaluable, transcendent of "cost"? If intercourse is multi-dimensional, shouldn't our definition and prosecution of rape be also? These are questions rape forces us to ask ourselves and each other.

Catharine MacKinnon and Alison Jaggar are just two people struggling against an overwhelming tide of conformity, trying to "swim past the breakers" to where they can be heard above the chaotic din of our society. But above all those voices of dissent, each person with his or her own opinion to be marketed and sold, one finds that the most effective way to get the message out is to stop the screaming and start talking to the person next to you. Talking about rape is one of the most effective ways of opening up a dialogue for further understanding on the relationship of men and women in society; it is not easy, but it is cheap, immediate, the simplest way to take the shame and secrecy out of a crime that has overstayed its welcome within the shadows of female captivity.

Notes

¹ Note that this broader, structural dimension is what is missing in Roiphe's account.

² This is an idea worth thinking about: at the time Du Bois was writing, during the early part of the twentieth century, women were also valued as less than men, and their biology determined their station—usually as wife and mother. If this was the case, how then could white women be oppressors of anyone else, since their own power (if they had any) was severely restricted and since they knew what it felt to be oppressed? The women acted as an extension of her husband's power, position, or money; in which case, she still would not be acting autonomously, but would be using the only status she had (which was vested in her whiteness) in order to experience power through the role of oppressor.

³ It is important to distinguish between *all* males and *white* males. Literature suggests, and statistical data affirms, that the measure of guilt or innocence under the law, and of equality in the general society is the *white* male. Any person who differs from this standard is qualified

as such and immediately categorized for easier placement within the social/political/economic paradigm. The criteria for this process, in part, is based upon the current “racial formation project,” which is a highly contested, socially and politically located project that creates racial identities and labels. For further reading, see Michael Omi and Howard Winant. “Racial Formation in the United States,” (1994).

⁴ The idea that it would be possible to judge people not on the color of their skin or any other identifying characteristic is a noble one, but according to most literature on race and sex, unrealistic, and according to some thinkers, harmful. By the same token, the idea that we would be able to judge males and females based not on their sex, the very premise of the neutrality doctrine, seems highly unlikely. The fact that people continue to justify the cause of a color blind society, through cases seeking to overturn affirmative action, is proof of how contested these ideas of gender and race are.

⁵ See “*Geduldig v. Aiello*, 417 U.S. 484 (1974) (state plans, under Fourteenth Amendment); *Gilbert v. General Electric*, 429 U.S. 125 (1976) (private plans, under Title VII)” (taken from MacKinnon, 1979, 240).

⁶ By “self-identified” I mean to suggest that each individual decides for her/himself those qualities or conditions of existence that fit her/his understanding of her/his humanity and sexuality. This is consistent with the gay, lesbian, bi- and transsexual movement.

⁷ An example of the type of marketing created to fulfill the need for donor eggs is present in the alternative, local paper in Charleston, SC. For months, the paper ran an advertisement depicting young, attractive, smiling women apparently enjoying life; in type the ad relates a fertility clinic’s need for healthy eggs and a compensation price of \$2000. The next add depicts a young, attractive, angelic woman holding an egg with the message, “Mother Nature Needs Your Help...”. This newspaper is read largely by local college students, many of whom could use the \$2000 compensation, even at the potential health risks, which go unmentioned in the ad.

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