

Sex and Violence: A Perspective (1981)

I want to raise some questions about the concept of this panel's title, "Violence against Women," as a concept that may coopt us as we attempt to formulate our own truths. I want to speak specifically about four issues: rape, sexual harassment, pornography, and battery. I think one of the reasons we say that each of these issues is an example of violence against women is to reunify them. To say that aggression against women has this unity is to criticize the divisions that have been imposed on that aggression by the legal system. What I see to be the danger of the analysis, what makes it potentially cooptive, is formulating it—and it is formulated this way—these are issues of violence, *not* sex: rape is a crime of violence, not sexuality; sexual harassment is an abuse of power, not sexuality; pornography is violence against women, it is not erotic. Although battering is not categorized so explicitly, it is usually treated as though there is nothing sexual about a man beating up a woman so long as it is with his fist. I'd like to raise some questions about that as well.

I hear in the formulation that these issues are violence against women, not sex, that we are in the shadow of Freud, intimidated at being called repressive Victorians. We're saying we're *oppressed* and they say we're *repressed*. That is, when we say we're against rape, the immediate response is, "Does that mean you're against sex?" "Are you attempting to impose neo-Victorian prudery on sexual expression?" This comes up with sexual harassment as well. When we say we're against sexual harassment, the first thing people want to know is, "What's the difference between that and ordinary male-to-female sexual initiation?" That's a good question . . . The same is also true of criticizing pornography. "You can't be against erotica?" It's the latest version of the accusation that feminists are anti-male.

Applications

To distinguish ourselves from this, and in reaction to it, we call these abuses violence. The attempt is to avoid the critique—we're not against sex—and at the same time retain our criticism of these practices. So we rename as violent those abuses that have been seen to be sexual, without saying that we have a very different perspective on violence and on sexuality and their relationship. I also think a reason we call these experiences violence is to avoid being called lesbians, which for some reason is equated with being against sex. In order to avoid that, yet retain our opposition to sexual violation, we put this neutral, objective, abstract word *violence* on it all.

To me this is an attempt to have our own perspective on these outrages without owning up to having one. To have our point of view but present it as *not* a particular point of view. Our problem has been to label something as rape, as sexual harassment, as pornography in the face of a suspicion that it might be intercourse, it might be ordinary sexual initiation, it might be erotic. To say that these purportedly sexual events violate us, to be against them, we call them not sexual. But the attempt to be objective and neutral avoids owning up to the fact that women do have a specific point of view on these events. It avoids saying that from women's point of view, intercourse, sex roles, and eroticism can be and at times are violent to us as women.

My approach would claim our perspective; we are not attempting to be objective about it, we're attempting to represent the point of view of women. The point of view of men up to this time, called objective, has been to distinguish sharply between rape on the one hand and intercourse on the other; sexual harassment on the one hand and normal, ordinary sexual initiation on the other; pornography or obscenity on the one hand and eroticism on the other. The male point of view defines them by distinction. What women experience does not so clearly distinguish the normal, everyday things from those abuses from which they have been defined by distinction. Not just "Now we're going to take what *you* say is rape and call it violence"; "Now we're going to take what *you* say is sexual harassment and call it violence"; "Now we're going to take what *you* say is pornography and call it violence." We have a deeper critique of what has been done to women's sexuality and who controls access to it. What we are saying is that sexuality in exactly these normal forms often *does* violate us. So long as we say that those things are abuses of violence, not sex, we fail to criticize what has been made of sex.

Sex and Violence

what has been done to us *through* sex, because we leave the line between rape and intercourse, sexual harassment and sex roles, pornography and eroticism, right where it is.

I think it is useful to inquire how women and men (I don't use the term *persons*, I guess, because I haven't seen many lately) live through the meaning of their experience with these issues. When we ask whether rape, sexual harassment, and pornography are questions of violence or questions of sexuality, it helps to ask, to whom? What is the perspective of those who are involved, whose experience it is—to rape or to have been raped, to consume pornography or to be consumed through it. As to what these things *mean* socially, it is important whether they are about sexuality to women and men or whether they are instead about "violence,"—or whether violence and sexuality can be distinguished in that way, as they are lived out.

The crime of rape—this is a legal and observed, not a subjective, individual, or feminist definition—is defined around penetration. That seems to me a very male point of view on what it means to be sexually violated. And it is exactly what heterosexuality as a social institution is fixated around, the penetration of the penis into the vagina. Rape is defined according to what men think violates women, and that is the same as what they think of as the *sine qua non* of sex. What women experience as degrading and defiling when we are raped includes as much that is distinctive to us as is our experience of sex. Someone once termed penetration a "peculiarly resented aspect" of rape—I don't know whether that meant it was peculiar that it was resented or that it was resented with heightened peculiarity. Women who have been raped often do resent having been penetrated. But that is not all there is to what was intrusive or expropriative of a woman's sexual wholeness.

I do think the crime of rape focuses more centrally on what men define as sexuality than on women's experience of our sexual being, hence its violation. A common experience of rape victims is to be unable to feel good about anything heterosexual thereafter—or anything sexual at all, or men at all. The minute they start to have sexual feelings or feel sexually touched by a man, or even a woman, they start to relive the rape. I had a client who came in with her husband. She was a rape victim, a woman we had represented as a witness. Her husband sat the whole time and sobbed. They couldn't have sex anymore because every time he started to touch her, she would flash to the rape scene and see his face change into the face of the man

Applications

who had raped her. That, to me, is sexual. When a woman has been raped, and it is sex that she then cannot experience without connecting it to that, it was her sexuality that was violated.

Similarly, men who are in prison for rape think it's the dumbest thing that ever happened . . . It isn't just a miscarriage of justice; they were put in jail for something very little different from what most men do most of the time and call it sex. The only difference is they got caught. That view is nonremorseful and not rehabilitative. It may also be true. It seems to me we have here a convergence between the rapist's view of what he has done and the victim's perspective on what was done to her. That is, for both, their ordinary experiences of heterosexual intercourse and the act of rape have something in common. Now this gets us into intense trouble, because that's exactly how judges and juries see it who refuse to convict men accused of rape. A rape victim has to prove that it was not intercourse. She has to show that there was force and she resisted, because if there was sex, consent is inferred. Finders of fact look for "more force than usual during the preliminaries." Rape is defined by distinction from intercourse—not nonviolence, intercourse. They ask, does this event look more like fucking or like rape? But what is their standard for sex, and is this question asked from the *woman's point of view*? The level of force is not adjudicated at her point of violation; it is adjudicated at the standard of the normal level of force. Who sets this standard?

In the criminal law, we can't put everybody in jail who does an ordinary act, right? Crime is supposed to be deviant, not normal. Women continue not to report rape, and a reason is that they believe, and they are right, that the legal system will not see it from their point of view. We get very low conviction rates for rape.¹ We also get many women who believe they have never been raped, although a lot of force was involved. They mean that they were not raped in a way that is legally provable. In other words, in all these situations, there was not *enough* violence against them to take it beyond the category of "sex"; they were not coerced enough. Maybe they were forced-fucked for years and put up with it, maybe they tried to get it over with, maybe they were coerced by something other than battery, something like economics, maybe even something like love.

What I am saying is that unless you make the point that there is much violence in intercourse, as a usual matter, none of that is changed. Also we continue to stigmatize the women who claim rape as having experienced a deviant violation and allow the rest of us to

Sex and Violence

go through life feeling violated but thinking we've never been raped, when there were a great many times when we, too, have had sex and didn't want it. What this critique does that is different from the "violence, not sex" critique is ask a series of questions about normal, heterosexual intercourse and attempt to move the line between heterosexuality on the one hand—intercourse—and rape on the other, rather than allow it to stay where it is.

Having done that so extensively with rape, I can consider sexual harassment more briefly. The way the analysis of sexual harassment is sometimes expressed now (and it bothers me) is that it is an abuse of power, not sexuality. That does not allow us to pursue whether sexuality, as socially constructed in our society through gender roles, is *itself* a power structure. If you look at sexual harassment as power, not sex, what is power supposed to be? Power is employer/employee, not because courts are marxist but because this is a recognized hierarchy. Among men, power is teacher/student, because courts recognize a hierarchy there. Power is on one side and sexuality on the other. Sexuality is ordinary affection, everyday flirtation. Only when ordinary, everyday affection and flirtation and "I was just trying to be friendly" come into the context of *another* hierarchy is it considered potentially an abuse of power. What is not considered to be a hierarchy is women and men—men on top and women on the bottom. That is not considered to be a question of power or social hierarchy, legally or politically. A feminist perspective suggests that it is.

When we have examples of coequal sexual harassment (within these other hierarchies), worker to worker on the same level, involving women and men, we have a lot of very interesting, difficult questions about sex discrimination, which is supposed to be about gender difference, but does not conceive of gender as a social hierarchy. I think that implicit in race discrimination cases for a brief moment of light was the notion that there is a social hierarchy between Blacks and whites. So that presumptively it's an exercise of power for a white person to do something egregious to a Black person or for a white institution to do something egregious systematically to many Black people. Situations of coequal power—among coworkers or students or teachers—are difficult to see as examples of sexual harassment unless you have a notion of male power. I think we lie to women when we call it not power when a woman is come onto by a man who is not her employer, not her teacher. What do we labor under, what do we feel, when a man—any man—comes and hits on us? I think we require women to feel fine about turning down male-

Applications

initiated sex so long as the man doesn't have some *other* form of power over us. Whenever—every and any time—a woman feels conflicted and wonders what's wrong with her that she can't decline although she has no inclination, and she feels open to male accusations, whether they come from women or men, of "why didn't you just tell him to buzz off?" we have sold her out, not named her experience. We are taught that we exist for men. We should be flattered or at least act as if we are—be careful about a man's ego because you never know what he can do to you. To flat out say to him, "You?" or "I don't want to" is not *in* most women's sex-role learning. To say it is, is bravado. And that's because he's a man, not just because you never know what he can do to you because he's your boss (that's two things—he's a man and he's the boss) or your teacher or in some other hierarchy. It seems to me that we haven't talked very much about gender as a hierarchy, as a division of power, in the way that's expressed and acted out, primarily I think sexually. And therefore we haven't expanded the definition according to women's experience of sexuality, including our own sexual intimidation, of what things are sexual in this world. So men have also defined what can be called sexual about us. They say, "I was just trying to be affectionate, flirtatious and friendly," and we were just all felt up. We criticize the idea that rape comes down to her word against his—but it really is her perspective against his perspective, and the law has been written from *his* perspective. If he didn't mean it to be sexual, it's not sexual. If he didn't see it as forced, it wasn't forced.² Which is to say, only male sexual violations, that is, only male ideas of what sexually violates us as women, are illegal. We buy into this when we say our sexual violations are abuses of power, not sex.

Just as rape is supposed to have nothing against intercourse, just as sexual harassment is supposed to have nothing against normal sexual initiation (men initiate, women consent—that's mutual?), the idea that pornography is violence against women, not sex, seems to distinguish artistic creation on the one hand from what is degrading to women on the other. It is candid and true but not enough to say of pornography, as Justice Stewart said, "I know it when I see it."³ He knows what he thinks it is when he sees it—but is that what I know? Is that the same "it"? Is he going to know what I know when I see it? I think pretty much not, given what's on the newsstand, given what is not considered hard-core pornography. Sometimes I think what is obscene is what does *not* turn on the Supreme Court—or what revolts them more. Which is uncommon, since revulsion is eroticized.

Sex and Violence

We have to admit that pornography turns men on; it is therefore erotic. It is a lie to say that pornography is not erotic. When we say it is violence, not sex, we are saying, there is this degrading to women, over here, and this erotic, over there, without saying to whom. It is overwhelmingly disproportionately men to whom pornography is erotic. It is women, on the whole, to whom it is violent, among other things. And this is not just a matter of perspective, but a matter of reality.

Pornography turns primarily men on. Certainly they are getting something out of it. They pay incredible amounts of money for it; it's one of the largest industries in the country. If women got as much out of it as men do, we would buy it instead of cosmetics. It's a massive industry, cosmetics. We are poor but we have *some* money; we are some market. We spend our money to set ourselves up as the objects that emulate those images that are sold as erotic to men. What pornography says about us is that we enjoy degradation, that we are sexually turned on by being degraded. For me that obliterates the line, as a line at all, between pornography on one hand and erotica on the other, if what turns men on, what men find beautiful, is what degrades women. It is pervasively present in art, also, and advertising. But it is definitely present in eroticism, if that is what it is. It makes me think that women's sexuality as such is a stigma. We also sometimes have an experience of sexuality authentic somehow in all this. We are not allowed to have it; we are not allowed to talk about it; we are not allowed to speak of it or image it as from our own point of view. And, to the extent we try to assert that we are beings equal with men, we have to be either asexual or virgins.

To worry about cooptation is to realize that lies make bad politics. It is ironic that cooptation often results from an attempt to be "credible," to be strategically smart, to be "effective" on existing terms. Sometimes you become what you're fighting. Thinking about issues of sexual violation as issues of violence not sex could, if pursued legally, lead to opposing sexual harassment and pornography through morals legislation and obscenity laws. It is actually interesting that this theoretical stance has been widely embraced but these legal strategies have not been. Perhaps women realize that these legal approaches would not address the subordination of women to men, specifically and substantively. These approaches are legally as abstract as the "violence not sex" critique is politically abstract. They are both not enough and too much of the wrong thing. They deflect us from criticizing everyday behavior that is pervasive and normal

Applications

and concrete and fuses sexuality with gender in violation and is not amenable to existing legal approaches. I think we need to think more radically in our legal work here.

Battering is called violence, rather than something sex-specific: this is done to women. I also think it is sexually done to women. Not only in where it is done—over half of the incidents are in the bedroom.⁴ Or the surrounding events—precipitating sexual jealousy. But when violence against women is eroticized as it is in this culture, it is very difficult to say that there is a major distinction in the level of sex involved between being assaulted by a penis and being assaulted by a fist, especially when the perpetrator is a man. If women as gender female are defined as sexual beings, and violence is eroticized, then men violating women has a sexual component. I think men rape women because they get off on it in a way that fuses dominance with sexuality. (This is different in emphasis from what Susan Brownmiller says.)⁵ I think that when men sexually harass women it expresses male control over sexual access to us. It doesn't mean they all want to fuck us, they just want to hurt us, dominate us, and control us, and that is fucking us. They want to be able to have that and to be able to say when they can have it, to *know* that. That is in itself erotic. The idea that opposing battering is about saving the family is, similarly, abstracted, gender-neutral. There are gender-neutral formulations of all these issues: law and order as opposed to derepression, Victorian morality as opposed to permissiveness, obscenity as opposed to art and freedom of expression. Gender-neutral, objective formulations like these avoid asking *whose* expression, from whose point of view? Whose law and whose order? It's not just a question of who is free to express ourselves; it's not just that there is almost no, if any, self-respecting women's eroticism. The fact is that what we do see, what we are allowed to experience, even in our own suffering, even in what we are allowed to complain about, is overwhelmingly constructed from the male point of view. Laws against sexual violation express what men see and do when they engage in sex with women; laws against obscenity center on the display of women's bodies in ways that men are turned on by viewing. To me, it not only makes us cooptable to define such abuses in gender-neutral terms like violence; when we fail to assert that we are fighting for the affirmative definition and control of our own sexuality, of our own lives as women, and that these experiences violate *that*, we have already been bought.