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Sovereign Invulnerability: Sexual Politics and the Ontology of Rape

A Dissertation Presented

by

Jane Clare Jones

to

The Graduate School

in Partial Fulfillment of the

Requirements

for the Degree of

Doctor of Philosophy

in

Philosophy

Stony Brook University

December 2016

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2016

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Abstract of the Dissertation

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Doctor of Philosophy

in

Philosophy

Stony Brook University

2016

As Rebecca Whisnant has noted, notions of “national...and...bodily (especially sexual) sovereignty are routinely merged in rhetoric and metaphor.” (2008:155) Departing from this observation, this project explores the ‘existential infrastructure’ of the ‘logic of sovereign integrity’ in which personhood is thought as analogous to jurisdiction over a bounded territorial enclosure. It traces the philosophical history of this logic, and unfolds the post-Heideggerian French critique of sovereignty as an analysis of how sovereign imperatives are animated by a drive to deny the vulnerabilities of constitutive ontological relation, and are thus implicated in violent cycles of disavowal and appropriation. It then applies this analytic to the question of women’s sexual personhood, suggesting that while sovereign invocations are an understandable response to attacks on women’s bodily self-determination, the logic of sovereign integrity is implicated in undermining the possibility of penetrable sexual subjects and in producing proprietorial notions of sexual interaction which confound our ability to successfully prosecute rape. Moreover, I argue that the imperative toward sovereign invulnerability itself issues in a drive towards appropriation, and is an animating impulse of the misogynist rage and aggrieved narcissistic entitlement that propel acts of sexual violence. Sovereign logics, that is, both undermine women’s sexual personhood and are implicated in generating the acts of violent appropriation they are frequently deployed to resist.



'Perseus with the Head of Medusa' by Benvenuto Cellini (1545)

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SECTION I

Prologue

On March 25, 1584, the day of the Feast of the Annunciation, Elizabeth I, the ‘Virgin Queen,’ issued Sir Walter Raleigh¹ with ‘Letters Patent’ granting him “free liberty and license” to “discover...have holde occupy and enjoye” the “remote heathen and barbarous lands” of the New World. In April that year Raleigh dispatched a reconnaissance mission which made landfall on Roanoke Island, now in North Carolina, in early July. The successful return of the first expedition encouraged Raleigh to press forward with his imperial ambitions, and in 1585 the first, ill-fated, colony was established on the north end of the island. That year, Elizabeth issued a seal for Raleigh proclaiming him ‘Lord and Governor of Virginia.’ The first English ‘plantation’ of the New World had been named in tribute to the Queen’s incarnation of the motherland’s inviolate body politic.

While the naming of Virginia could doubtless be read as mere flattery of a monarch, the events of this historical vignette are embedded in a web of poetic, painterly and political performance in which early modern ideas of sovereignty and statehood, and the intertwining of imperial and erotic desires, are mapped out on the bodies of women. When Elizabeth delivered her celebrated speech at Tilbury in August 1588, she roused the ground troops amassing to repel the Spanish Armada by disavowing her corporeal body – but that of a “weak and feeble woman” – and laying claim to “the heart and stomach of a king.” Mobilizing the imagery of sovereign virtue through which “the integrity of the queen’s body became a symbol for the integrity of her realm” (Loades 2006:305-306), Elizabeth poured “foul scorn” on “any prince of Europe” who “should dare to invade the

¹ While the popular spelling of the name is Raleigh, the academic convention is Raleigh (itself a standardization of no doubt erratic Elizabethan rendering) and I have followed this.

borders” of her lands, swearing that “rather than any dishonour shall grow by me...I myself will be your general...and rewarder of ...your virtues in the field.”

In the ‘Armada portrait’ completed later that year, Elizabeth’s hand rests on a globe of the world – the palm placed across the Americas almost the only flesh to escape from an exoskeleton of stiff, pearl-encrusted fabric. The painting exemplifies, Susan Doran notes, the “effectiveness in turning Elizabeth’s virginal body into an icon of sovereignty and imperial power,” the unnatural geometry and flatness of the Queen’s likeness suggesting that “her body is...intended to stand for the state rather than its human ruler,” and thereby “expressing visually the...metaphor of the King’s Two Bodies.” (Doran 2003:188) As documented by Kantorowicz’s famous study, the “mystic fiction” (Kantorowicz 1997/1957:3) of the King’s Two Bodies was most prominently delineated by jurists in the early years of Elizabeth’s reign, although it had numerous medieval antecedents.² In delivering their judgment on the great case of the Duchy of Lancaster, the lawyers of the crown distinguished the monarch’s natural body, “subject to all Infirmities that come by Nature or Accident,” from his quasi-divine “Body politic,” an immortal ideality that “cannot be seen or handled” and which “utterly void of Infancy, and old Age” was invulnerable to the “other natural Defects and Imbecilities, which the Body natural is subject to.” (7) As Kantorowicz noted, the “crypto-theological idiom” of the judgment, with its distinction between the “King’s sempiternity and the king’s temporariness,

² Kantorowicz traces to fiction of the King’s Two Bodies to at least the beginning of the Twelfth Century, noting that in 1575 some significant politico-theological tracts by an unknown Norman cleric were bequeathed, aptly, to Corpus Christi College, Cambridge by Archbishop Parker. The most renowned of these works by the ‘Norman Anonymous’ was that entitled ‘*De consecratione pontificum et regnum,*’ which deals with the “effects of the ordination anointings of both kings and bishops,” (46) and outlines the role of consecration as the creation of a “twin person” in the King, “one descending from nature, the other from grace.” (Cited: 46)

between his immaterial and immortal body politic and his material and mortal body natural,” (20-21) advanced a notion of sovereign authority which revived the “christological problems of the early Church” concerning the divine and human natures of Christ, the God-man. (17)



Figure 1: ‘The Armada Portrait’ by George Gower (1588)

Elizabeth’s principal solution to the problem of how a woman should exercise supreme political power turned, however, on the attempt to collapse the divine and human facets of sovereignty into a singular virtuous embodiment. In her renowned 1559 response to Parliament’s petition that she marry, she styled her virginity as evidence that “I have

already joyned myself in marriage to a Husband, namely, the Kingdom of England.” By 1576, her mystic union with the realm was such that she claimed, “there is no way so difficult that may touch my private [self], which I could not well content myself to take.” This suggestion that she would “willingly...spoil myself...if the present state might not thereby be encumbered,” as easily as “I should put off my upper garment,” demonstrates, Janel Mueller argues, the extent to which “Elizabeth merges into the public weal any personal self she might have” and thereby “works an innovation in Tudor political theory, producing the Queen's one body, the body politic, which has subsumed all else of her.” (Mueller 1999:7-8)

The political potency of Elizabeth’s chastity was not however confined to the identity between “the intact condition of the queen's body natural” and the “inviolability of the island realm, the secure boundary of the English nation.” (Montrose 1986:315) From the 1580s onwards, the Elizabethan court developed a literary cult centered on the Queen as the idealized image of the acutely desirable but unattainable inviolate. Exemplified in the verses of Spenser and Raleigh, this revival of Petrarchian courtly love enabled Elizabeth’s vying courtiers to express, at least ostensibly, their yearning devotion to their maidenly Queen, figured variously as Laura, Beatrice, or the virgin goddesses Astraea and Diana. The Petrarchian form, fused with Renaissance Neoplatonism, was based, Phillipa Berry observes, on the “hypothesis that a chaste woman could serve as a bridge between the material world and an invisible spiritual dimension,” (Berry 1989:2) and hence allow the lover to ascend, as Diotima tells us in the *Symposium*, to the “ever-existent” realm of pure

Beauty, that which persists in “singularity of form independent by itself... and is affected by nothing.” (211a-b)

Raleigh and Spencer’s motives for composing such ostentatious panegyrics to their monarch were, however, less than pure. In Phillipa Berry’s Irigarayan reading, Elizabeth served as “little more than an instrument in an elaborate game of *masculine* ‘speculation’ and self-determination” enabling her courtiers to “elaborate a new concept of masculine wholeness and self-sufficiency through or across her idealized figure.” (2) For Raleigh in particular, the figure of the questing Petrarchian lover corresponded with his self-image as assertive, imperial explorer, his quarry not the Queen herself, but the territory with which he had identified her. Indeed, the central conceit of imperialist Elizabethan propaganda was the figuring of the New World as the body of a woman, “either already violated by the Spanish and in need of succor, or inviolate and virginal, ready to yield up her treasures to triumphant English possession.” (Young 1987:36) In his account of his 1595 expedition to South America, *Discoverie of the Large, Rich and Bewtiful Empyre of Guiana*, Raleigh recommends the territory to Elizabeth as a “Countrey that hath yet her Maydenhead,” (Cited: 43) while Keymis, who led the mission on Raleigh’s behalf the following year, claimed that in Guiana “whole shires of fruitful rich grounds...do prostitute themselves unto us like a faire and beautifull woman.” (Cited: 44)

It was in this atmosphere of fevered colonial lust that John Donne penned that most celebrated satire on Elizabethan imperialism, ‘To his Mistres Going to Bed,’ in which the lover importunes his lady:

Licence my roving hands, and let them goe,
Before, behind, between, above, below.
O my America, my new founde lande,
My kingdome, safeliest when with one man man'd,
My myne of precious stones, My Empiree,
How blest am I in this discovering thee.
To enter in these bonds, is to be free,
Then where my hand is set my seal shall be.

Donne's poems, unlike those of Spenser and Raleigh, were, in his lifetime, circulated only in manuscript form among a select coterie of courtiers and associates affiliated to the Earl of Essex, rival to Walter Raleigh for Elizabeth's favor. By figuring the body of a woman as the New World, Donne inverts the central conceit of Raleigh's pro-imperial propaganda, and unmasks "England's ostentatiously honorable intentions" towards the Americas, rewriting Raleigh's verses "as cynically erotic poems of unbridled desire." (37) According to M. Thomas Hester, the poem plays with contemporary imperial imaginings of America as a new Eden by identifying the poem's addressee both with the iconography of Elizabeth as Virgin Queen, and with the Virgin Mary, the New Eve, mother of the child whose sacrifice would purify mankind of its fallen state. Donne's Catholic sympathies were thus brought to bear on the Protestant Raleigh's urge to despoil the New World, while offering a "blasphemous mimickry of Raleigh's...attempts to seduce the Virgin Queen into endorsing and participating in the 'brave' adventure...A sort of wry comment on *what Raleigh said to Elizabeth in the bedroom.*" (Hester 1987:54)

Yet, while Elegy XIX may offer the critical reader a “parodic shadow” of the “rapacious conquistador” (Young 1987:45), none of its inverted imagery undoes the identification of uncharted territory and female flesh. Indeed, the basis of Donne’s satire according to these accounts is his “*understanding* of the dynamics of human sexuality,” (Hester 1987:54; my emphasis), a reading which casts Donne as a realist in the world of international erotic relations, in contrast with Raleigh’s stance of courtly devotion, and the imperial propagandist’s imagining of the American adventure under the rubric of a sixteenth-century ‘responsibility to protect.’ For Achsah Guibbory, the verses Donne composed for the entertainment of the Essex faction expressed the Earl and his associates’ misogynist dissatisfaction with serving at the pleasure of a woman, instating “aggressive masculine self-assertion” for Raleigh’s “politely self-effacing subservience.” (Guibbory 1990:814) The Earl’s intolerance of female sovereignty would, in 1601, erupt in outright rebellion against the Queen, culminating in his execution for treason at the Tower of London. Throughout the 1590s however, these mutinous fires were stoked by Donne’s parodic reversals of the Petrarchian form, the idealized images of a pure, unblemished, beloved, replaced with “disgusting descriptions of the female body as diseased, impure, and polluting.” (817)

In one verse, Donne invokes the Aristotelian equation of the masculine principal with fire, the determining form impressed into the “warne wombe” of “th’earths worthlesse durt.” (Cited: 817) Elsewhere he mocks the Queen’s virginal pearls as “sweat drops of my Mistres breast” which “on her necke...such lustre sets.” (Cited: 816) He expresses, as we will explore at some length later, the misogynist’s characteristic fear of woman as

destructive seductress, her hair a snaky “forrest of ambushes,” her lips emitting “Syrens songs” to lure an inattentive lover to his “shipwracke.” (Cited: 818) And in the famous passage of Elegy XIX, he effects, Guibbory notes, a transfer of power from the beloved-as-Queen, the “woman, desired and praised, to the man who hopes to possess her.” (812) In the opening line, Donne’s lover, like Raleigh, petitions his lady for ‘license’ to explore her terrain, but once granted, the “new founde lande” is immediately appropriated, the lover ‘setting’ – or rather, *impressing* – his seal of governorship on “My kingdom...my myne of precious stones.” Donne is here, Guibbory argues, replaying the gesture by which Ovidean erotic poetry “undercut Latin elegiac conventions such as the enslaved lover, asserting instead that love is an art with the lover in control rather than ruled by his passions and mistress.” (819) In the course of ‘To his Mistres Going to Bed,’ the Virgin Queen is thus surely stripped of her authority – her territory, like the Americas, conquered and mined, and her sovereignty so siphoned, steadily returned to man.

Introduction

This introductory amble through the iconography of Elizabethan imperial ‘erotics’ is offered by way of orientation; an illustration of the extent to which, as Rebecca Whisnant notes in ‘A Woman’s Body is Like a Foreign Country,’ concepts of “national sovereignty and of bodily (especially sexual) sovereignty are routinely merged in rhetoric and metaphor.” (Whisnant 2008:155) Indeed, the tale of Virginia and the Virgin Queen shows us both territory for the taking – the ripe body of the allegedly New World – and, on the other side of the ocean, a regal domain that is definitely *off limits*. Elizabeth’s embodiment of sovereign power, enacted through her pearl-encrusted integrity, is met in America with its mirror-image, the wantonness of a world offering itself up, indicated, the English would explain, by the fact that the “Natives...inclose noe Land.”¹ In a symbolic system always already animated by men’s carnal and colonial desires, both the Virgin Queen, and the imperialists who pressed her sovereignty into service, understood conquest as an appropriative act of boundary crossing, and that personal and political authority resides in resistance, and the preservation of a pure impenetrable interior.

It is in this interleaving of personhood and power with the image of territorial integrity that this study is situated. That purportedly unpossessed land is figured as a wanton woman, and that Elizabeth’s sovereign power was bound up with her performance of

¹ In the 1630s, John Winthrop, first governor of the Massachusetts Bay Colony compiled a manuscript “justifieinge the undertakeres of the intended Plantation in New England.” In addition to a Christianizing mission, his ‘justification’ for colonization relied on the notion of an appropriately appropriative relationship to the land, a concept of private property dependent on adequately industrious exploitation allied to the practice of *enclosure*.

virtuous self-possession, points us towards an investigation of the tensions between sovereign personhood, and its incarnation by female persons. It prompts us to ask about the way this figure is informed, not by fleshy bodies, but by an immaterial ideality, a political theology of the inviolate, unchanging perfection of imaginary body politics. And it suggests also that this image is inextricably enmeshed with both the resistance to, and production of, carnal and colonial desire. The figure of the Virgin Queen is implicated in the animation of her courtiers' imperial ambitions, her icy unattainability an incitement to their masculine mastery, their need to leave their mark on the map. And without the assumed inevitability of this imperial impulse, what would the borders of her corporeal and political body still signify? Had a husband not represented an irrevocable encroachment on her own authority, would Elizabeth have styled herself a Virgin Queen at all?

The extent to which this intertwining of sexual and territorial integrity resides only in the register of 'rhetoric and metaphor' is itself also the substance of this study. I will argue that thinking persons according to the logic of sovereign integrity is indeed an analogical artifact, but it is far from a mere accident of thought. It is, rather, a distinguishing feature of an often implicit, but nevertheless extensive, fundamental ontology; one which effects our thinking of personhood and relation, our understanding of property and both personal and political autonomy, and ultimately, the way in which we negotiate our dependencies and try and get our needs met. It has the character, I will suggest, taking an apposite phrase from Simone de Beauvoir, of an *existential infrastructure*, and as such, is much more intractable than might be suggested by the notion of the merely analogical. The logic of sovereign integrity cannot be simply unthought. It must be meticulously

excavated, and its animating conditions understood. It is to this task that this study is dedicated.

This project is motivated by the belief that, to be meaningful, the philosophical appreciation of ontology should best be applied to particular problems. The strain of post-Heideggerian French philosophy in which I have immersed myself spoke to me always, above all, as a heart-scream against the inhumanity of domination; an intellectual endeavor undertaken in the ashes of Auschwitz, dedicated to delineating how the contours of our culture had unfolded into flesh-consuming flame. We have not ceased to burn and brutalize bodies, and while the task may seem fruitless, it must nonetheless be undertaken, over and over again, because there is not, nor has there ever been, a ‘tolerable residuum of abuse.’¹ As long as domination exists, we are ethically compelled to do our utmost to understand how it works, and to try and imagine the possibility of its otherwise. There are many places where this work may be undertaken. Given the nature of my political commitments, this study takes as its principal concern the impact of sovereign logic on the possibility of full female personhood, and in particular, the way in which thinking persons as inviolate territory informs the mechanisms of male sexual appropriation, and enables such appropriation to be performed with impunity.

While the logic of sovereign integrity is indebted to analogy, it is an implacably embedded and embodied ontology, *enacted*, endlessly, at the interface of thought and matter. We are all, at times, its agents, and have each been on its receiving end. It is, as

¹ I take this phrase, slightly modified, from Duncan Kennedy’s 1992 essay, ‘Sexual Abuse, Sexy Dressing, and the Eroticization of Dominance.’

we will shortly see, an error of idealism to believe that acts committed under the sign of sovereign integrity can be divested of their injurious effects by thinking them as other than injurious. To treat someone with less than the respect and recognition that persons require is to injure them by unpersoning. The meaning of the act is both expressed and understood by agent and victim alike. A message is *communicated*, and that corrosive communication is a moral harm. If we think this is a problem, and we would want it to be otherwise, we will not get there by reformulating language, or rearranging superficial scripts. A victim of appropriating violence is injured irrespective of whether it offends one's aspirations to empowerment and agency. Making it otherwise demands we understand the existential infrastructure of domination, and work out how to challenge it in its most fundamental conditions.

For the survivors, like those – to return to our historical framing – of the Native American genocide, the interweaving of sexual and colonial dispossession is lived as much more than metaphor. “Rape,” writes Native lawyer and sexual violence advocate Sarah Deer, is “deeply embedded in the colonial mindset,” and not only “mimics the worst traits of colonization in its...invasion of physical boundaries, and disregard for humanity,” but is “more than a metaphor for colonization... it is part and parcel of colonization.” (Deer 2009:150) The extent of sexual violence against Native women in the course of European plunder and settlement across the Americas will never be fully known. Certainly, a 1495 report from one of Columbus' aristocratic shipmates indicates that early contact with local women immediately precipitated rape,² and Susan Armitage

² “When I was in the boat, I captured a very beautiful Carib woman...having brought her into my cabin, and she being naked as is their custom, I conceived desire to take my pleasure. I wanted to put my desire to

has argued that the use of “rape as a weapon of conquest” by Spanish-American soldiers in California and New Mexico is “well documented.” (Cited Deer 2005:458) However, in his exhaustive account what he terms the ‘American holocaust,’ David E. Stannard suggests that, due to their Puritan fears of ‘contamination,’ English colonists “from the Carolinas to New England rarely engaged in sexual relations with the Indians, even during those times when there were few if any English women available.” (Stannard 1992:232)

Nonetheless, the legacy of the historic and analogic imbrication of sexual and colonial appropriation reverberates for Native women to this day. According to Deer, one in three will be raped during their lifetime, and they are three-times more likely to be raped with a weapon than the national average (34% to 11%). More revealingly still, while most rapes in the US are intra-racial, 90% of assaults on Native women are inter-racial, and 70% are committed by white men. (Deer 2005:456-7) When this is taken alongside the genocidal appropriation³ of Native territory, and the poverty and trauma that dispossession still occasions, it is little surprise that, as Deer notes, “when speaking with Native American women who have survived rape, it is often difficult for them to separate the more immediate experience of their assault from the larger experience that their people have experienced through forced removal, displacement, and destruction.” (459)

execution, but she was unwilling for me to do so, and treated me with her nails in such wise that I would have preferred never to have begun. But seeing this...I took a rope- end and thrashed her well, following which she produced such screaming and wailing as would cause you not to believe your ears. Finally we reached an agreement such that, I can tell you, she seemed to have been raised in a veritable school of harlots.” Michele de Cuneo, ‘Letter on the Second Voyage,’ 28 October 1495 (Cuneo 1963:212)

³ Stannard notes that unlike the Spanish, whose mission was to pillage gold, the English colonialists came to stay, and wanted land. They thus had greater motive to ensure the territory was cleared of its populations, and their “habit of indiscriminately killing women and children when engaged in hostilities with the natives...was more than an atrocity. It was flatly and intentionally genocidal. (1992:118-9)

Against this background it is easy to appreciate why Rebecca Whisnant would assert – contra postmodern invocations of “the permeability and artificiality of bodily boundaries” – that the “sovereignty...of nations and of person’s bodies...has continuing importance.” Given the unrelenting avarice and violence of sexuo-colonial appropriation, the possibility of “[c]laiming such sovereignty, and criticizing its abrogation,” is, she asserts, “essential to the project of dismantling patriarchy and imperialism in their many interconnections.” (2008:156) If, as Whisnant rightly suggests, the “systematic deprivation of bodily sovereignty defines the oppressed condition of women as such,” (161) then it seems to stand to reason that asserting and defending that sovereignty is critical to women’s emancipation. And indeed, in both activism and interpersonal relationships we deploy the language of territorial sovereignty to resist depredations, and articulate the harms of violation. We ‘set limits’ and ask that others ‘respect our boundaries.’ We frame the defense of reproductive control in terms of the ownership of our bodily domains, asserting self-determination with slogans like ‘mi cuerpo es mio,’ or ‘my body, my choice.’ And, as we will soon explore more fully, feminist women have organized and lobbied to have the harm of rape adequately recognized in international law as an intolerable abrogation of the fundamental human right to bodily integrity.

This study takes its point of departure however from the intuition that, although the language of territorial sovereignty is the most readily available means to articulate resistance to the many forms of patriarchal colonization, it is, nonetheless, far from the most effective instrument for ‘*dismantling* patriarchy and imperialism in their many interconnections.’ Dismantling requires that we challenge the existential infrastructure of

sovereign integrity – that which binds patriarchy and imperialism together in a shared imaginary, impelled towards appropriation by an impossible illusion of self-sufficient invulnerability. It requires that we consider the way in which sovereignty-logic turns, necessarily, on the absolute opposition between the purity of the inside and the abjection of the outside, and is thus implicated in the production of hierarchical polarities deployed in the domination of sexual and racialized others. And it requires that we reckon with masculinist assumptions about the sovereign requirements of identity-formation, and how the disavowal of dependency turns inexorably into the appropriation of the other as a resource.

As I will elaborate shortly, I am not making the Foucauldian claim that by deploying the language of sovereignty in order to resist depredations, feminists are responsible for *producing* the appropriation of women. While there is undoubtedly a micro-politics of power, it does not circulate indiscriminately, and as the phenomenology of bodily comportment has demonstrated, bodies are disciplined according to general and gendered principles. Feminist analysis requires both attention to historical particularity, and the ability to discern, and *describe*, historical patterns. It is a colossal obfuscation of the reality of male violence, and its enduring effects on women, to ascribe female victimization at the hands of men to the discursive practices of women. That honor goes alone to the existential infrastructure of sovereign invulnerability.

I am however arguing that we need to think more fully about how we express our resistance, and how we account for the harms that appropriation effects. The logic of

sovereign integrity is implicated in the undermining of sexuate female subjectivity, the positing of penetration as a *de facto* abnegation of personhood, the structuring of heterosexual intercourse as an act of conquering possession, the active-passive sexual dyad, and the hegemonic definition of masculinity as a self-sufficient invulnerability, a conceit which generates appropriative interaction as a means of securing sovereignty. By deploying the language of sovereignty we are thus, if not producing, then at least *colluding* with the implicit ontology substantially responsible for undermining women's status as full persons. As such, we are good way away from the necessary conditions of dismantling.

It is unquestionably the case that the gesture we presently denote as 'drawing boundaries' is a requirement of human well-being, and this is particularly true for those who have histories marked by domination. The aporia of hospitality teaches us that unconditional openness is impossible, and that without a home, there is nowhere from which to extend one's welcome. It is requisite that individuals and peoples are able to resist – and express resistance to – abrogations of the recognition and respect that are the conditions of their flourishing. Nonetheless, there are significant questions about the extent to which it is both *necessary*, and *desirable*, to articulate these concerns in a language which leaves the ontology of sovereign integrity intact and uninterrogated. And this is no more evident than when we consider the way sovereign imperatives are implicated in exactly the type of violence they are often deployed to resist.

§

Before engaging the question of whether sovereign rhetoric is *necessary* to articulate resistance to appropriating violence, we will continue grounding the suggestion that it is *undesirable* by returning to our consideration of historical instances in which the enactment of sovereign infrastructure has been implicated in the commission of human atrocities. On that criterion, there are, as Benjamin's wind-ravaged angel would testify, innumerable examples. Given this study's application of the interrogation of sovereign-ontology to the phenomenon of rape, the following examples have been chosen as further instances of the intersection of ethnic and/or religious territorialization, and epidemic levels of sexual violation.

Rape has long been recognized as a feature of warfare, "martial rape" being, Claudia Card notes, "an ancient practice." (Card 1996:5) Nonetheless, the use of rape as a systematic and widely deployed military technique first came to international prominence in the course of the 1992-1995 Bosnian War, although mass rape and sexual mutilation had also been a major feature, almost fifty years previously, of another historic de/re-territorialization. The 1947 Partition of India – in which over fourteen million people were displaced, and up to a million killed – was marked by unimaginable violence against women and girls. In the process of sedimenting themselves into distinct sovereign nations the previously intermingled Muslim, Hindu and Sikh populations subjected the women of the 'other' side to "stripping; parading naked; mutilating and disfiguring; tattooing or branding...amputating breasts; knifing open the womb; raping, of course" and "killing fetuses." The violence was directed at their bodies, Menon and Bhasin note, as "territory to be conquered, claimed or marked by the assailant." (Menon and Bhasin

1998:43) Women's physical forms became "geo-politicized" representatives of their "respective religious 'communities' ...dualistically positioned as either 'ours' or 'theirs' and, accordingly, encoded as sites for masculinist protection or desecration." (Bacchetta 2000:571)

These acts are a stark mixture of symbolic attacks upon the integrity and honor of the 'other' community, and the materially genocidal. Rape "pollutes" the individual woman, but also "renders docile her...nation through forced penetration of its softened flesh /borders," while attacks on women's reproductive organs, breasts and unborn fetuses, "signify genocide." (572) The target of such attacks is ultimately, Paola Bacchetta suggests, "male honor," the violence wrought on female bodies "signals the feminization of the women's male counterparts who prove incapable of protecting 'their' women/ 'community'/nation." (572) In this aspect, the effect of sexualized feminization is resonant with its deployment as a means of torture at Abu Ghraib, some half century later. As Dhia al-Shweiri, one of the victims of the atrocities there recognized, the US operatives⁴ at Abu Ghraib, "wanted us to feel as though we were women...and this is the worst insult, to feel like a woman...no one would want their manhood to be shattered."

(Cited Mann 2014:ix) As Bonnie Mann has suggested, the idea that manhood can be

⁴ Famously of course, women were involved in the sexualized torture at Abu Ghraib, a fact which led the journalist Barbara Ehrenreich to characterize it as a moment of "imperial arrogance, sexual depravity and gender equality." I would however agree with the analysis of activist and academic Zillah Eisenstein that the female military at Abu Ghraib were acting as 'gender decoys.' "Masculinist depravity, as a political discourse," she writes, "can be adopted by males and/or females," and Abu Ghraib is an instance of "hyper-imperialist/masculinity run amok." The fact that the abuse involved conventional tropes of feminization-as-humiliation suggests that the sex of the people enacting it had no impact on the gendered coding being deployed, and that, moreover, Eisenstein suggests "[f]emales are present to cover over the misogyny of building empire." This 'covering-over' Eisenstein indicates, is structurally analogous to the role played by Condoleezza Rice and Colin Powell in the prosecution of the Iraq War, which should in no way be taken as indicative of the fact that the invasion was not informed by racism. (Eisenstein 2004)

‘shattered’ is indicative of the “*ontological weight*” (Mann 2014:1) of gendering, although somewhat unlike Mann, my interest here is particularly with what this image reveals about the fragility of a sovereign masculinity predicated on a brittle, glass-like impermeability. The horror of its devastation in Abu Ghraib indicates what Mann might characterize as the phenomenological ‘thickness’ of gender. In the midst of the violent bifurcation of Partition, the threat to masculine honor represented by women’s violation was such that fathers decapitated their own daughters rather than have shame brought upon their families, (Bacchetta 2000: 572) and many other women threw themselves down wells rather than meet such an incomprehensible fate.

The Bosnian War represented a similar occasion of religious/ethnic purification in the name of constituting sovereign states out of a previously cosmopolitan populace. In 1993, however, it came to the attention of the international community that Bosnian Serb forces were undertaking systematic mass rapes of Muslim women as part of a deliberate policy of ‘ethnic cleansing.’ (Stiglmayer 1994) This strategy, enacted in several instances in specially designated rape camps, was intended both to drive Muslims from Serb-held territory, and as a symbolic and material attack on the integrity of their culture and community. According to Debra Bergoffen, while the Serb’s conceived their assault as “targeted at a unique feature of Bosnian-Muslim culture – its codes of honor,” it depended also on shared patriarchal assumptions about the inheritance of ethnicity and the role of women as reproductive vessels for the nation. The rapes were conceived, she suggests, not only to corrupt the Muslim community through forced impregnation, but moreover on the basis that a mother’s purity was essential for her to play her part in

ethnic reproduction. A “mother neither determined the identity of the child...nor decided its place in the community’s future,” Bergoffen writes, but a “polluted maternal body would contaminate the embryonic material and render it unfit to receive the cultural imprints provided by the father.” (Bergoffen 2012:12)

Genocidal rape thus functions by polluting women bodies as a nation’s reproductive resource, their wombs the unsullied soil necessary to ensure patrilineal purity. According to Ruth Seifert, the Slovenian journalist Vlasta Jalusir observed in 1992 the extent to which the ethnic conflict was, in all the former Yugoslav republics, enacted in the disciplining of female flesh and the invocation of a “blood and soil” femininity which positioned women as the “biological regenerators of the nation.” (Seifert 1996:41) For Dubravka Žarkov, both the atrocities committed against bodies, and the media representations of those atrocities, played a crucial part in the production of the very ethnicity by which the conflict came to be defined. Presaged by the 1990 suggestion that the Serbian state be encircled by “a chastity border belt” (Žarkov 2007:1), as the wars progressed, “national and ethnic groups became personified” and “notions usually associated with norms of sexuality were suddenly associated with matters that concern state territory, daily politics and...ethnicity.” (2) While this occurrence may have been sudden in the Yugoslav context, the parallel with the violence of Indian Partition suggests that the grammar of sexualized sovereignty was not an historic Balkan innovation. The Bosnian conflict was however, singular in both the scale and systematization of mass rape, as well as, Žarkov’s study suggests, the extensive media war, which in the “persistent linkage of the raped female bodies with specific ethnicity and territory” served

to separate the political bodies of the peoples, and “establish a particular ethnic geography.” (153)

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The Bosnian mass rapes would also come to play an unparalleled part in the history of international law and the influence of feminist jurisprudence on the definition and prosecution of rape as a weapon of war. In response to the unfolding situation, in May 1993, the UN Security Council passed Resolution 827 establishing the International Criminal Tribunal for the Former Yugoslavia (ICTY). The ICTY emerged within a context of developing international feminist activism which had, since the 1975-1985 UN Decade for Women, been focused on “mainstreaming women’s concerns and experiences into the human rights framework whilst simultaneously arguing that there were gender-specific violations which were currently ignored.” (Kelly 2005:478)⁵ As noted by Kelly Askin – one of the human rights lawyer involved in the ICTY campaign – the predecessors to the ICTs, the Nuremberg and Tokyo Tribunals established after the Second World War, had given little treatment to gender-based crimes in their judgments, although they had recorded significant evidence of sexual violence against women and girls committed during the war. (Askin 2004:16) The 1949 Geneva Conventions,

⁵ Kelly notes that the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) did not feature violence against women, with the exception of trafficking, and that the “feminist challenge to this narrowed agenda began during the UN Decade for Women.” (2005:477) The three UN World Conferences on Women held during this decade (Mexico City 1975, Copenhagen 1980, Nairobi 1995) enabled networking, skill-sharing and coalition building among the thousands of women who attended, and over the course of the ten years “attempts to get violence recognised and an emerging interest in challenging the way human rights were understood began to coalesce.” (478) The Global Campaign for Women’s Human Rights, consisting of ninety NGOs, was consequently formed to campaign for the recognition of violence against women as a human rights issue at the 1993 Vienna World Conference on Human Rights. Thus, the same year that the ICTY was formed, the Vienna conference made the landmark declaration that “the human rights of women and the girl child are an inalienable, integral and indivisible part of human rights... Gender-based violence and all forms of sexual harassment and exploitation... are incompatible with the dignity and worth of the human person, and must be eliminated.” (Article 18. Vienna Declaration and Programme of Action)

negotiated in the war's aftermath, had recognized the criminality of war time rape, but while it shifted the definition from an offense against male honor and sexual ownership to the demand that women "be especially protected against any attack on *their* honour" (Fourth Geneva Convention, Article 27; my emphasis), this focus, with its connotations of modesty and chastity as virtues proper to a woman, still served to obfuscate the violence of rape as an assault on women's personhood. At the time of the formation of the ICTY then, feminist activists recognized an historic opportunity for the international community to establish the horror of rape in war, and to do so in terms of the violation of women's human rights.⁶

On February 22, 2001, the ICTY handed down its judgment in the case of *The Prosecutor v. Kunarac, Kovac and Vukovic*, a trial pertaining to the detention, enslavement and repeated rape of multiple women by Serb forces in the then Bosnian town of Foča over several months in 1992. The three defendants were found guilty of rape *qua* rape, and rape *qua* torture as both a violation of the laws and custom of war (Tribunal Statute Article 3) and, remarkably, a crime against humanity (Article 5).⁷ The verdict was widely

⁶ The outcome of the judgments of the ICTY was the result of a concerted lobbying campaign by feminist legal activists. As Joanna Barkan notes, the "new International Criminal Tribunal for Yugoslavia looked like an exceptional chance in 1993 for advocates of human rights for women to make some progress. But every step forward, as it turned out, required a lobbying campaign. Nongovernmental organizations and university-based institutes wrote briefs and letters, requested meetings, did press work, and held seminars and conferences." (Barkan 2002) Indeed, the Chief Prosecutor Richard Goldstone reflected in 1997, "There has been substantial progressive development of humanitarian law as a consequence of the establishment of the ICTY. Of real importance are developments in the law with respect to gender offenses. From my very first week in office...I began to be besieged with petitions and letters, mainly from women's groups, but also from human rights groups generally...Letters and petitions expressing concern and begging for...adequate attention, to be given to gender related crime, especially systematic rape as a war crime. Certainly if any campaign worked, this one worked in my case." (Goldstone 1997:234)

⁷ Dragoljub Kunarac was convicted of Torture and Rape under Article 3 (War Crimes) and Article 5 (Crimes against Humanity), and Enslavement under Article 5. Radomir Kovac was convicted of Rape under Article 3 and 5, Enslavement under Article 5 and Outrages upon Personal Dignity under Article 3.

hailed as a progressive victory which, Debra Bergoffen writes, “re-signified women’s legal status and reconstituted human rights law,” transforming “rape from an issue concerning a woman’s honor, morality and modesty to a matter of human dignity.” (Bergoffen 2012:1, 27) As Bergoffen’s assessment here indicates, in addition to granting epistemic authority and judicial recognition to the victims of the *Kunarac* case, the wider significance of the verdict can be understood to inhere in the determination of rape as a particular type of egregious moral harm. Nonetheless, legal realists such as Janet Halley – skeptical of the substantive moral function of juridical articulation – have expressed concern about both the details of the verdict and the nefarious power-politics at work in feminist activists’ securing of the ICTY’s attention to, and understanding of, sexual crimes. Given the feminist and deconstructive frame of this enquiry, it is evidently necessary to take seriously concerns about the deployment of juridical instruments for feminist aims, and the contingency and disciplinarity of legal normativity. These questions, as well as issues about the role of sexual violence advocacy in perpetuating images of women as ‘passive victims,’ will be considered at greater length in the following methodological discussion.

At this juncture however, I will merely note that the possibility of feminist human rights activism depends on *both* the assumption that legal norms have been historically informed by prejudicial notions of the universal (male, white, able bodied etc.) subject, and that law is, therefore, an instrument of political interests, *and* on the belief that criminalization can articulate, recognize, and offer redress for substantive moral harms,

Zoran Vuković was convicted of Torture and Rape under Article 3 and 5. Kunarac received a sentence of 28 years, Kovac 20 years, and Vuković 12 years.

and that law is, therefore, also an instrument of justice. The function of legal activism is thus to challenge the ways in which the political interests of certain classes of persons has informed the universality of law and excluded recognition of types of moral harms experienced by other classes of persons in their particularity. The way to do this is through politics, and the political contestation of legal normativity is both democratically vital, and dependent on a pragmatics which demonstrates the redundancy of the opposition between, on the one hand, a pure form of legal realism and, on the other, the belief in the political and ethical value of getting the legal expression of moral wrongs right.

Given the paucity of international precedent with respect to rape, the *Kunarac* judges, following the example set in the ICTY *Furundžija* case, determined their definition of the *actus reus* of rape “by reference to the general principles of law common to the major national legal systems of the world.” (Kunarac 2001:para.439) They found, contra the *Furundžija* case, that the common underlying legal principle was not the presence of “an element of force, coercion” or “threat” but rather that “sexual penetration will constitute rape if it is not truly voluntary or consensual on the part of the victim.” (para.440) The harm identified by the judgment was thus distinguished from the violence of forceful coercion, and found to inhere in “violations of sexual autonomy,” (para.441) and “repeated violations of the sexual integrity of the victims.” (para.554)

In the course of the Appeal judgment issued the followed year, the tribunal clarified, and further elaborated, its findings. In response to the defendants’ claim that demonstration of

rape required both “force or threat of force and the victim’s ‘continuous’ or ‘genuine’ resistance,” (Kunarac 2002:para.125) the chamber underlined that while “[f]orce or threat of force provides clear evidence of non-consent” it “is not an element *per se* of rape,” (para.129) and that the claim that “nothing short of continuous resistance provides adequate notice to the perpetrator that his attentions are unwanted is wrong on the law and absurd on the facts.” (para.128) The appellants also attempted to refute the judgment’s prosecution of rape *qua* torture, arguing that they had “committed no act which could inflict severe physical or mental pain or suffering,” (para.135) they “did not intend to inflict pain or suffering” as “their aims were purely sexual in nature,” (para.137) and that, most egregiously, one of the victims “objectively...would not have experienced severe mental pain or suffering as a result of the alleged rape, as she had been raped on previous occasions by other perpetrators.” (para.136) In also attempting to refute the cumulative prosecution of rape as a war crime *in addition* to a crime against humanity, the appellants’ diminution of the seriousness of rape *qua* rape becomes absolutely apparent. In the “absence of described distinct infliction of physical or mental pain” they argued, “the infliction of physical or mental pain is brought down *only to the very act of sexual intercourse, without the consent of the victim.*” (para.188; my emphasis)

The chamber’s responses to these claims constitute the most significant parts of the judgments. In defending the convictions of rape *qua* torture, they argued that, “some acts establish *per se* the suffering of those upon whom they were inflicted. Rape is obviously such an act...Sexual violence necessarily gives rise to severe pain or suffering, whether physical or mental, and in this way justifies its characterisation as an act of torture.”

(para.150) This assertion was substantiated with a note referring to the proceedings of forty-eighth session of the UN Commission on Human Rights, which had concluded that “it was clear that rape or other forms of sexual assault against women held in detention were a particularly ignominious violation of the inherent dignity and right to physical integrity of the human being” and hence “accordingly constituted an act of torture.”

(note.205) This opinion was further supported by the findings of the European Commission of Human Rights in the case of *Aydin v Turkey*, that rape “strikes at the heart of the victim’s physical and moral integrity” and must therefore be “characterised as particularly cruel and involving acute physical and psychological suffering.” (para. 184)

With respect to the claim that it was impermissible to prosecute rape *qua* rape as a war crime, the chamber concluded that in addition to Common article 3 of the Geneva Conventions, which specifies the criminality of torture and “outrages upon personal dignity, in particular humiliating and degrading treatment,” the ICTY statute on war crimes (Article 3), was applicable in cases involving, “serious...infringement of a rule of international humanitarian law,” where ‘serious’ is determined as “a breach of a rule *protecting important values*.” (para.194; my emphasis) On the basis of the “universal criminalisation of rape in domestic jurisdictions, the explicit prohibitions contained in the fourth Geneva Convention...and the recognition of the seriousness of the offence in the jurisprudence of international bodies, including the European Commission on Human Rights,” the chamber concluded that rape *qua* rape meets the requirement of a serious violation of international humanitarian law and “therefore, constitutes a recognised war crime.” (para.195) This opinion was also substantiated with a note to the ICTY’s

judgment in the *Furundžija* case that the “right to physical integrity is a fundamental one, and is undeniably part of customary international law.” (note.261)

There is a great deal to commend in these judgments. Most notably that force is not an essential feature of the act of rape; that the suffering inflicted through the act inheres in the violation of consent *per se*, understood as an assault on the dignity of the person, irrespective of whether other violence is used in its commission; and that that suffering is by itself substantive enough for it to be accorded the status of a serious moral harm, and hence recognized as a war crime and a crime against humanity. There are also, however, questions, and these pertain to the framing of the *actus reus* in terms of consent, and the grounding of the moral harm of rape in terms of the violation of the right to bodily integrity.

Vitiating consent, is, to be sure, a vast improvement on force or threat of force as the determining criteria of the occurrence of the crime. However, as we will explore more fully in Chapter 3, consent is still embedded in a liberal doctrine of property in the person which inherently undermines the sexual personhood of women, positions women's bodies as territory which are, by default, sexually available unless they have adequately indicated otherwise, and undermines women's abilities to credibly testify to the wrong committed against them. It is notable, in this respect, that the coercive context of the crimes committed in Foča was taken by the tribunal as evidence of the impossibility of voluntary consent, and that the victims were in this instance, not therefore confronted with the barriers that the consent framing routinely creates to the successful prosecution

of many domestic cases. As we know, despite formal legal recognition of the devastation caused by rape, it is criminally under-prosecuted, with conviction rates well under 2% of the best estimates of prevalence. (Cf. Appendix I) That is impunity. And for an act considered sufficiently serious to merit the description of a crime against humanity, it is intolerable.

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Our opening discussion will conclude by (re)turning our attention to the question that frames the substantive focus of this study, the significance of understanding the dignity of persons, and crimes against that dignity, in terms of violations of bodily integrity. It is here also that we will consider whether such formulations are *necessary* to articulate the moral harm of rape, for, if it transpires that such harms can be spoken only in the language of sovereign integrity, then the subsequent pages of this study may be little but an interesting intellectual exercise, and an ethically egregious one at that.⁸ It may perhaps strike some as strange that I am throwing around terms like ‘dignity’ and ‘respect’ at the start of a deconstructive investigation of the nefarious effects of sovereign logic. Due to a certain post-structuralism dissemination, many of us have been inculcated into the

⁸ I am compelled here to add a Derridean ‘perhaps’ to this somewhat over-categorical formulation. The ability to speak the moral harm of rape is a categorical necessity. However, it may be that the condition of possibility of such speaking is the logic of sovereign integrity, while it also being the case that, as this study will argue, that the logic of sovereign integrity is the condition of impossibility of the eradication of rape. The need to retain the language of sovereignty would thus stand in aporetic relation to the need to abolish it, the question under consideration being then a certain formulation of the aporia of hospitality. In so far as we understand the need to resist moral depredations in spatialized terms, this is certainly true, the ethical demand to include the other will necessarily stand in aporetic tension with the ethical need to exclude – a need that is no more evident than with respect to women’s absolute right to say no to unwanted sexual advances. However, as we will see in our discussion of Butler, it is part of the work of this study to explore an understanding of personhood other than in the masculinist register of spatialized sovereignty, and inclusion/exclusion. The question is thus – can we think personhood as emplaced relational becoming rather than spatialized autonomous jurisdiction (and to think here also, for example, of Native ontologies of living emplacement in the land, rather than territorial ownership) and to thereby understand that assertive refusals may constitute something other than a gesture of juridical exclusion/abjection?

academic practice of the humanities without humanity, to celebrate metaphors of psychological fragmentation or physical evisceration as emancipatory assaults on the oppressions that issue from the liberal humanist subject. But rape is not an edgy queering of a boring bourgeois construct; it is the devastation of the conditions of a flourishing human life. The challenge is to *not* abandon the ethical imperatives which inhere in the notion of respect for the dignity of the person. The challenge is to think personhood otherwise.

When the ICTY invoked the concept of bodily integrity in order to ground their convictions of the rapes in Foča as a substantive moral harm worthy of substantive criminal redress, they were deploying a formulation which had precedent not only in human rights law, but in the feminist articulations of resistance to rape begun in earnest in the early years of the second wave. In the opening pages of *Against our Will* (1975) – her groundbreaking study of the history, prevalence and forms of rape – Susan Brownmiller imagined a vignette of the first sexual assault. In the “violent landscape inhabited by primitive woman and man,” she wrote, “some woman somewhere had a prescient vision of her right to her own physical integrity, and in my mind's eye I can picture her fighting like hell to preserve it.” (Brownmiller 1975:4) Early second wave accounts of the harm of rape were, however, most frequently framed in the more visceral language of terror and domination. Presaging Brownmiller’s later, famous claim that rape was “nothing more or less than a conscious process of intimidation by which *all men* keep *all women* in a state of fear,” (5) Barbara Mehrhof and Pamela Kearnon, in *Notes from the Third Year* (1971), characterized rape as an “act of terror,” which functioned as

“an integral part of the oppression of women” by ensuring the compliance of the “terrorized class.” (Mehrhof and Kearnon 1971:80)

There is, I suspect, an interesting genealogy to be written tracing the trajectory of radical feminist claims about rape as an instrument of sexual subordination, through the encounter with liberal, legal feminism, to produce the more palatable governmentalese of ‘respect for bodily integrity.’ Although as we will see in Chapter 3, Andrea Dworkin, that most exemplary thinker of sexual subordination, repeatedly appeals to notions of the integrity and privacy of the body. Certainly, by the decade preceding the *Kunarac* judgment, ‘bodily integrity’ was a common formulation, especially in feminist legal thought, denoting, as in this 1993 example from Jane Larson, “the interest in maintaining secure physical boundaries, and...a person’s interest in controlling access to her body and sexuality.” (Larson 1993:425) The Declaration of the Fourth UN World Conference on Women in Beijing, issued in September 1995, stated that the “human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality...including full respect for the integrity of the person.” By 2000, when Martha Nussbaum came to formulate her Capabilities Approach in *Women and Human Development*, ‘bodily integrity’ featured as one of the ten fundamental “functions...particularly central in human life,” and one of such significance that Nussbaum noted that its inclusion was mandatory, a “fixed point in our considered judgments of goodness.” (Nussbaum 2000:71,77) She defines it there as “[b]eing able to move freely from place to place; having one’s boundaries treated as sovereign, i.e. being able to be secure against assault, including sexual assault, child sexual abuse, and

domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.” (78)

According to Jay Bernstein’s recent *Torture and Dignity: An Essay on Moral Injury*, the thought of bodily integrity has a much longer lineage, and can be traced to the Enlightenment revolt against the autocratic use of judicial torture, and in particular what he calls the ‘Beccaria Thesis,’ elaborated by Cesare Beccaria in his 1764 *On Crimes and Punishments*. Following Bernstein’s reconstruction, the ‘Beccaria Thesis’ can be seen to rest on an amalgam of social contract theory with an originating utilitarian concept Bernstein characterizes as ‘maximal distributive utility,’ that is, we consent to the rule of law insofar as it provides the conditions for *each* individual to pursue their happiness free from the pains visited upon us in the state of nature. Hence, when the state becomes the agent of pains in the form of cruel or unusual treatment, it voids its legitimacy, or as Bernstein suggests, “the introduction of torture into the legal body of the state...destroys the lawfulness of the law by abrogating the dignity and rights of individuals from which the law draws its claim to normative authority.” (J. M. Bernstein 2015:57) The “pulse driving Beccaria’s argument” is thus the thought that the “force of law is incommensurable with and opposed to any violation of bodily integrity as the bearer of human intrinsic worth” which confers “the substance of the rule of law.” That is, the “rule of law is...the institution of bodily integrity as the fount of human dignity.” (55)

What I want to do here is begin to tease apart that aspect of the concept of ‘the right to bodily integrity’ that denotes ‘respect for the dignity of the person,’ from that part which

relies, more or less explicitly, on an ontology which assumes that ‘the dignity of the person is a product of their being *qua* territorial integrity.’ It is my contention that these two aspects are thoroughly enmeshed in the common invocation of the concept of ‘bodily integrity,’ but that they do not have to be, and their being so presents substantial problems for the thinking of sexuate female personhood, and the ethical requirement to confront the conditions of possibility of a culture infused with sexual violence. To this end we will spend some time considering Bernstein’s exemplary analysis of rape as a “paradigmatic moral injury,” (154) which will both allow a more detailed exploration of the moral harm of rape, and further our interrogation of the problems inherent in framing that harm through bodily integrity.

Bernstein’s effort to reinvigorate moral theory by turning away from the algorithmic obsession with the “authority, force, and rationality of moral rules and principles,” (2) and towards the “primitive experience of moral wrong” as “moral injury” (3) is compelling. Moreover, his project is entirely congruent with the key insight of the feminist Ethics of Care, which, following Gilligan’s *In a Different Voice*, reframed morality as a matter of relational attention to others’ vulnerability to our actions, as opposed to a matter of the abstract moral rules of justice. Bernstein attends in detail to the injury that can be visited upon others, drawing in particular on Jean Amery’s account of his torture, and Susan Brison’s vivid narration of the effect of her rape in *Aftermath*, and effectively elucidates the suffering of traumatic injury, an appreciation of which, for me, animates the determination that our philosophical tools must be put to work in the service of resisting moral harm. By giving space to the significance of the silencing, shame, loss

of trust, and existential helplessness experienced by the victims of trauma, Bernstein builds a convincing case for “the primacy of moral injury and the intelligibility of the incessance of injury” as the “necessary conditions for achieving the transformation of moral thought...the first step in philosophy catching up with...moral suffering as constitutive for the meaning of moral life.” (124-5)

Bernstein makes three moves where I can follow him whole-heartedly, and then one – concerning bodily integrity as “the minimal first term[s] through which the moral devastation of rape must be understood” – where I cannot. His first move, as we have seen, consists in the assertion that morality is a matter of moral injury, rather than normative procedure. Here he follows Jean Hampton’s suggestion in ‘Defining Wrong, Defining Rape,’ which also accords with my argument in Chapter 3, that we “take seriously Kant’s idea that one must always treat others as ends-in-themselves by looking at it as an account of how we must understand what befalls the *victim* of morally wrongful behavior.” On this basis, he continues, “morality itself becomes relational, entailing that the primary meaning of the notion of an action being morally wrong is that it *wrongs someone*.” (129) His second move is to fill out the account of what is harmed in moral injury, which again accords with my suggestion in Chapter 3 that rape is a crime that injures by unpersonning. Again following Hampton he argues that moral injury is “an injury to an individual in her standing, worth, or value; it is discounting or ignoring her value,” (129) an inference which is grounded on the premise that “[p]ersons are values; their being a person is synonymous with their being intrinsically valuable.” (130)

His third move is to recognize that “[t]hings can be said to be of a certain value...only if their being of that value accords them particular kinds of treatment.” (130) “Actions” he continues, “are evaluations of their objects,” (134) and because they have “*recognizable social meanings*” they “*legislate the value of their objects.*” (132) This notion, which he terms “expressive universalism,” powerfully accounts for why it is entirely fatuous to suggest that the harm of rape can be undone by reframing it as not-harm, or that the harm of rape is somehow caused by feminists making a fuss about it being harmful.⁹ To be treated as if one is not a person with value, it to be subject to an act of social legislation that one is not a person with value. And *because values are social legislations*, because, as Bernstein notes, in “our standing as persons, as ends-in-themselves, we are dependent beings,” (137) *to be treated as without value is to experience oneself as such*. It is to lose confidence and trust that one is of value, and that one will be treated with the respect socially accorded to persons of value, and is therefore an assault on the sense of self-worth that is a fundament of human flourishing. This is the moral force of respect for the dignity of the person.

Before we go on the question of bodily integrity, I’d like to pause here for a moment to reflect that in giving such a convincing account of moral injury, Bernstein has also provided a means of understanding why most feminists concerned with sexual violence

⁹ Revealingly, anti-feminist detractors often characterize feminist insistence on the harm of rape as ‘rape hysteria.’ Hysteria, as a psychophysical phenomenon was, and in its modern variants, still is, the bodily expression of trauma that has not, or cannot, be processed. The first condition of processing trauma is being able to express it in a way that is legible, and can be witnessed, by another. And the most important way of doing that is to speak it. Unprocessed trauma *is the strangling of the possibility of speech*, it is a stealing of the voice, a stealing which is enacted by refusing the legibility of what needs to be expressed (by, say, characterizing it as hysterical), or by social conditions which perpetuate the (convenient) belief that the injury too terrible to be spoken, and hence prevent the possibility of compassionate witness. To this extent then, the feminist insistence on ‘Breaking the Silence’ is exactly the opposite of hysteria. It is the refusal of the silencing that is the condition of hysteria.

prevention advocate for a model of affirmative consent. The crime of rape should match the harm of rape. And the harm does not inhere in force, or coercion, or violent aggravation, but in the injury of unpersoning, in not being treated as a person of value with one's own ends. The injury of rape is enacted by being subjected to a profoundly intimate, embodied experience that is unwanted, by someone who either recklessly or maliciously¹⁰ has no interest in the fact that you are a person, and that that you therefore have your own wants. Sexual intercourse¹¹ thus constitutes a moral harm not only in cases where a woman says no, but in all cases where she doesn't say yes.

I do not, like the infamous Antioch sexual assault policy, consider that 'yes' must be verbal, nor that "each new level of sexual activity" requires a verbal yes. There are plenty of non-verbal ways of unambiguously demonstrating enthusiastic consent. But in any instances in which enthusiastic non-verbal consent is not evident, in the transition from any kind of foreplay to intercourse, or in the introduction of any unusual sex act, it is incumbent on both parties to make sure they are certain that their partner is happy and

¹⁰ There is a variety of opinion on what constitutes the *mens rea* of rape, the most conservative view being that an act is only rape when a man has definite belief that a woman is not consenting, irrespective of how reasonable or otherwise is his belief in her consent. Many jurisdictions however determine that the man's belief in consent must be reasonable. However, given the prevalence of the understanding of heterosexual interaction according to a seduction-possession model, this raises the issue of whether 'reasonable' belief should be understood according to widely held assumptions that it is reasonable for men to engage in sexual interaction with a persistent and singular focus on 'getting what they want,' and that it is therefore incumbent on the women to exhibit resistance. With respect to the principle that the crime is determined by the injury, I would here follow Lois Pineau's model of 'communicative sexuality,' which is congruent with framing the crime in terms of affirmative consent. That is, unless a man engages in the practice of communicative sexuality he has no reasonable basis for believing that his partner is consenting, where consent is understood as the presence of a yes, rather than the absence of a no. On this basis it is possible for a man to commit rape recklessly, and ensuring that men understand this is the rationale for consent-education, not only because such understanding would prevent them being criminally liable, but most importantly because the widespread dissemination of this understanding would reduce the incidence of sexual violence, much of which is the result of reckless, rather than malicious, disregard.

¹¹ Some legal jurisdictions limit the definition of rape to penetration of the vagina with a penis, whereas others allow for penetration of other bodily orifices and/or the use of other objects. Given our principle that the crime should be determined on the basis of the moral injury, the more expansive definition would seem more just.

willing. All the many protestations about why this is an unworkable definition of rape are no more than obfuscations laid over the social assumption that men should be able to try their hand, and push their luck, because doing otherwise might reduce their chances of getting laid. It is not hard to make sure that you don't accidentally have sex with someone who doesn't want to have sex with you.¹² You just make sure you are certain that they want to have sex with you. And if you are not certain, then you don't have sex. The majority of men go their whole lives without finding this unfathomably complicated.

So, to return to our guiding concern. Bernstein has established, quite correctly, that the valuation of persons as end-in-themselves depends on their being treated as such. He then goes on to suggest, also quite correctly, that “the precise moral harm of rape” requires an understanding of the “fusion of body and meaning, flesh and value” (40) in such a way that value “normatively saturates the body, giving it its standing and status, human dignity.” (61) This is then followed with the specification that a “value-saturated body” is one which is “integrally and rightfully mine, my body as the corporeal realization of my being an end-in-itself, my body as me.” (141) It is here that we run into problems, and these problems inhere in the fact that the concept of ‘my body as mine’ and ‘my body as me,’ are far from identical. The first concept, the ‘body as mine’ – which, as we will see

¹² In *The Myth of Mars and Venus*, Deborah Cameron applies her characteristic incision to the wide-spread conviction that men and women communicate differently, and that men are somehow congenitally unable to understand women's wants, and in particular, women's communications of disinclination to engage in sex. That rape is, therefore, a legitimate incidence of miscommunication, or men ‘getting their signals mixed up.’ Cameron's linguistic analysis demonstrates that humans are acutely sensitive to other people expressing disinclination, to the extent that we can tell when an offer is going to be refused merely from the longer pause that precedes a refusal. And yet somehow, when it comes to women's expressions of disinclination to have sex, all this subtly of human communication is no longer operative. What this suggests, as Cameron notes, is that, in the vast majority of cases, “‘misunderstandings’ are tactical rather than real. Pretending not to understand what someone wants you to do is one way to avoid doing it,” (2009:89) or, in the case of rape, pretending to misunderstand that someone doesn't want you to do something, is a way of doing it anyway.

in Chapter 3, descends via Locke – is based on the notion of property in the body, and as such, is animated by an ontology of mind-body dualism in which the immaterial ‘owner’ of the material property of the body is the true site of personhood. The concept of the body embedded in this account is thus one of the body *qua* territorial possession, it functions by analogical relation to the notion of the sovereign lord’s jurisdiction over his domain. And, as we will explore more fully in the subsequent chapters, it carries with it, therefore, the understanding of personhood *qua* sovereignty as adequate control over, and defense of, the boundaries of a territorial integrity. This facilitates the understanding of rape as a crime against property, or an act of inadvertent trespass, rather than a crime against the dignity of the person, and opens up women to the consistent charge that they have been assaulted because they were irresponsible custodians of their bodily property. Moreover, the image of the person *qua* territorial integrity, as a being that is defined by the impenetrability of its borders, makes it impossible to distinguish between rape and sex, and undermines the very personhood of women as beings who are penetrable.

Given the historic dominance of the thinking of personhood as sovereign integrity, to Bernstein’s mind, as for many people, it follows that the “*natural* expression of this conception of the moral mineness of a body” is, as Jane Larson elaborated, “some right to maintain ‘secure physical boundaries.’” (144; my emphasis) Rape thus becomes an “act of invasion” which “effectuates a dispossession, and thereby a violation” and without which “there would be no wrong of rape,” (141) a characterization which immediately raises the question of how we are to distinguish the penetrative ‘invasion’ of sex, from the penetrative ‘invasion’ of rape. As suggested above, it also posits rape, as in

Bernstein's citation of Judith Jarvis Thomson, as an act of "trespass," a "good metaphorical name for all claim infringement," or a "claim-infringing bodily intrusion or invasion." (*The Realm of Rights*, 205: Cited 145) This particular formulation demonstrably suggests that, if we are to distinguish rape from sex, the pertinent issue is *not* literal boundary crossing, but the fact that the boundary crossing is claim-infringing. The only difference between 'trespass' and 'paying someone a visit' is that someone asked you to come round and opened the door when you arrived. Rape is not determined by the penetration of the space of someone's bodily integrity, it is determined by penetration that is *unwanted* and *unwelcome*. And talking about women's wants in terms that collapse those wants into notions of physical impenetrability, is, when it comes to an act that involves physical penetration, the very opposite of clarifying.

The confusion that this causes can be seen in the variety of interpretations of the *Kunarac* judgment. For Kirsten Campbell, the tribunal's decision "rests upon a conception of the material integrity of the body," and understands "the criminal act as a trauma to the physical integrity of the body," where trauma is understood in its original medical sense of "a rupture of the skin or protective envelope of the body" or a "breaching" of the "corporeal body." (Campbell 2003:508-509) This concept of material integrity, Campbell continues, "in turn rests upon a notion of integrity of the self," and the crime of rape is thus "*not only* of a breach of bodily integrity but also of sexual autonomy" (my emphasis) which consists of "physical penetration *and* the absence of consent." (509) Campbell thus completely collapses the notion of physical penetration with the notion of violation of consent, or rather, she is guided into that collapse by the notion of bodily integrity itself.

As she writes, “a breach of physical integrity also functions as a breach of personal autonomy...this conception of the crime posits a nexus between bodily and subjective integrity, between integrity of the body and of the self.” (509)

Insofar as she is merely unpacking the confusion that inheres in the concept of bodily integrity, Campbell’s reading is correct. However, this *cannot* be what is meant by bodily integrity, because, as we have determined, the moral injury of rape pertains only to the abnegation of personhood effected by disregarding someone’s sexual wants, and not the act of penetration itself. Were it the case that this is what the tribunal intended, then Ruth Miller’s Foucauldian reading of the judgment would be correct, and the court would, by “bringing together consent and bodily integrity,” have effectively collapsed the distinction between sex and rape, and enacted a “new, biopolitical understanding” of sex (R. A. Miller 2007:112) as “an assault on politically defined biological boundaries.”

(114) In the manner of a good Foucauldian, Miller considers this maneuver on the part of the ICTY to constitute a “complete transformation in the role of political structures in incorporating, defining, and regulating sexual and biological behavior,” (113) before reaching the absurd Godwinesque conclusion that, “[f]ar more so than early twentieth century fascist and quasi-fascist legislature, contemporary international law has thus mobilized the ‘right’ implied by integrity...to turn sex into something in need of constant regulation.” (114) As we will see in more detail in the course of our methodological discussion, where this whole-hearted embrace of biopolitical logic takes us is to the inevitable – if less than honestly articulated – conclusion, that when it comes to the ‘regulation’ of sexual crimes like rape, we’d be better off doing nothing at all.

But Miller's conclusion depends on an obtuse failure to recognize that the collapse of sex and rape that issues from the invocation of the right to bodily integrity is not part of a nefarious plan by an International Criminal Tribunal to inaugurate a new era of biopolitical control. It is an artifact of a problem inherent in the concept. We can talk about the patriarchal underpinnings of that concept, and how these create the kind of ill-effects I have already indicated, and we will indeed spend the rest of this study doing just that. Having read the *Kunarac* judgment however, it is evident that the tribunal does distinguish between sex and rape, and that what the court was doing was using the juridical and moral concepts they had to hand, and which had precedent, in order to articulate their understanding of the rapes in Foča as a substantial moral harm. That these concepts are not fit for purpose is evidence of only that.

The rendering of the judgment given by Debra Bergoffen gets closest to my interpretation, although she is required, I think, to grant too much elasticity to the concept of 'bodily integrity' in order to make her reading stick. Bergoffen attempts to cleave the notion of 'bodily integrity *qua* sexual self-determination' from 'bodily integrity *qua* territorial integrity,' and suggest that the *Kunarac* verdict redefined the concept of bodily integrity to mean "vulnerable bodies – bodies already open to the world." (2012:2) Before the judgment, she argues, "bodily integrity and human dignity were understood in terms of the autonomous body" and when "the boundaries of this self-enclosed body were pierced, its dignity was said to be violated...when its borders were breached...its imaginary invulnerability was shattered." (1) From this elaboration it becomes clearer that what Bergoffen means here by 'vulnerable' is 'penetrable.' Although, as we will

examine later, invulnerability is a defining property, and indeed the motive for, determining personhood according to the logic of sovereign integrity, the argument with respect to bodily integrity is much clearer if it is evident that what we are talking about is the conflation of *physical* penetration of the body with the violation of self-determination.

Bergoffen then argues that “criminalizing the violence that rendered the invulnerable body vulnerable” – which I will gloss as ‘criminalizing as violence those acts which convert an impenetrable body into a penetrable body – led “human rights protocols” to “unreflectively reinforce the ideas that the vulnerable [penetrable] body, traditionally gendered as feminine, is a degraded body and as such possesses neither dignity nor integrity.” (1) This is right, and resonates with the argument I will elaborate in Chapter 3 that by understanding violence through the thought of integrity, law has posited women as always already violated, and hence as incapable of demonstrating that they have been harmed. Bergoffen is also right that by clearly distinguishing penetration from unwanted penetration, and according the Foča victims’ suffering the status of an assault on the dignity of the person, the *Kunarac* judges made significant strides towards a juridical articulation of rape that does the crime justice. However, to express that articulation in the language of sovereign integrity, Bergoffen is forced into all sorts of semantic contortions, such as the claim that “the rapes violated the integrity of the woman’s vulnerable bodies.” (2)

When we remember that ‘violated’ denotes ‘to be harmed by boundary crossing,’ ‘integrity’ carries the connotation of ‘secure physical boundaries,’ and ‘vulnerable’

means, by Bergoffen's own definition, 'without self-enclosed boundaries,' it becomes clear we're in a conceptual quagmire. We are dealing here with an act that merits the description of a crime against humanity. We need to do better than 'an act which harms by crossing the secure physical boundaries of a being that lacks secure physical boundaries (but is still worthy of respect, even though it doesn't have the boundaries by which a harm against it is defined (apart from all the instances where the lack of boundaries by which a harm against it is defined means we fail (or refuse (conveniently)) to recognize that a harm has been committed)).'

My question is simply this: given this conceptual conflagration, and the deleterious effects of thinking personhood as sovereign integrity, is there anything added to our capacity to articulate the harm of rape which we cannot get at with 'the right to sexual self-determination?' If so, what is it, and is it so significant as to merit holding onto a concept that is such a comprehensive concatenation of miasmatic imprecision and ethical ill-effect? My contention is that it is not. We do not need the concept of the body as mine. We do not need the concept of physical boundary crossing. The only thing we need is the concept of the body as me. And the understanding that *as my body*, I am worthy of being treated as a person with my own ends, and that *because I am my body*, any appropriation of my body, any reckless or malicious disregard of what you do to my body, any act which ignores my own desires about the ends to which I put my body, or uses my body as an instrument only of your own desires, is a serious assault on (the material facet of the being that is) me. It is a failure to treat me with the respect due to my emplaced and embodied being-towards-ends. It is an attack on my dignity as a person. It is a violation

of the bonds of relation by which I experience myself as valuable and valued. And it is the infliction, of the most grievous sort, of moral injury.

§

Outline of Chapters

Before turning to the groundwork of the main argument, the introductory explorations of *Section I* will conclude with *Some Methodological Considerations*, a chapter that reviews and critiques the Foucauldian feminist literature on rape and its juridical articulation.

Given the visibility and impact of some Foucauldian feminism, and the Derridean/Irigarayan frame of this study, this chapter will allow me to distinguish this enquiry from the thinking of sexual violence generated by its post-structuralist cousin, a gesture made particularly necessary by the tendency of Foucauldian feminism to efface the harms of rape under the auspices of anti-normativity.

The first of *Section II*'s two chapters of groundwork, *Figuring Sovereign Integrity* is dedicated to mapping the imaginary circular topology of sovereignty with attention to its history as a principal of political organization and its onto-theological impulses and expressions. Using Derrida's designation of 'ipseity in general' as a guide, *Chapter 1* examines six figures in-formed by the logic of sovereign ipseity, including Parmenidean Being, the Platonic *idea*, the Cartesian *cogito*, property, and the grounding of political jurisdiction in territory and the fictive communion of the body politic. *Chapter 2* then goes on to explore the extent to which ipseity is impelled by *The Imperative of Sovereign Invulnerability*, opening with an overview of deconstructive critiques of the conceit of sovereign integrity. It then turns to the animating role of the obviation of vulnerability in

the construction of sovereign integrity, taking its cue from the Derridean figure of ‘*The Unscathed*,’ before unfolding an analysis of the violence and appropriation which issues from the impulse towards invulnerability.

Section III constitutes the main argument and opens with *Chapter 3, On the Possibility of Penetrable Being*, an exploration of the implications of the logic of sovereign integrity on the possibility of sexuate female personhood and the prosecution of rape. Beginning with a reading of Andrea Dworkin’s *Intercourse*, this chapter analyses feminist notions of ‘objectification’ and ‘instrumentalization’ in order to sharpen our understanding of the harms to women’s personhood incurred in sexual interaction. It considers what notion of personhood must be retained in order to make sense of the idea of sexual harms and how we might understand these harms as an act of abnegating ‘unpersonning,’ suggesting, contra Dworkin, that ‘unpersonning’ is produced by penetration performed ‘under the sign of sovereign integrity’ rather than being inherent to the act itself. It concludes by examining the way such undermining of women’s sexuate personhood by sovereign logic is implicated in problematic formulations of the heterosexual dyad and consent, and the impact of these formulations on rape prosecution.

Chapters 4 through 6 are dedicated to unfolding an account of the role of masculine sovereign invulnerability in the generation of sexual aggression and the perpetuation of rape culture. *Chapter 4, The Dilemma of Desire*, starts with an analysis of Thornhill and Palmer’s *A Natural History of Rape* in order to expose at the outset the untenable elision of culture in evolutionary accounts of sexual violence, and, by turning briefly to the role

of sociobiology in the reification of capitalist economy, the history of evolutionary psychology as an ideological tool. The argument proper then departs from Beauvoir's thought of the importance of 'existential infrastructure' to the creation of human custom, and in particular, her famous deployment of the master-slave dialectic in the account of sovereign transcendence as the engine of gendered domination. We will question the extent to which Beauvoir assumes the necessity of 'transcendence in the modality of sovereignty,' and thus makes of domination another kind of nature, exploring the tension between Beauvoir's 'dominant' existentialist voice and the account of intersubjectivity elaborated by her 'muted' voice. Contra recent recuperations, I argue that Beauvoir's existentialist commitments blind her to the extent to which masculinity *qua* sovereign self-positing is always already impelled by the obviation of constitutive vulnerability, and is implicated in the conversion of Woman into appropriable resource.

Chapter 4 then concludes by exploring how this gesture of appropriation functions as an alleged resolution to the tension generated between sovereign invulnerability and the experience of desire. I examine the Kantian positing of desire as a heteronomous inclination that assaults the self as if from outside and threatens its sovereign self-sufficiency. I then consider how the construction of heterosexual intercourse as possession functions to obviate the masculine subject's recognition of vulnerability in sex, providing a purported negotiation of the dilemma of desire that secures satisfaction while still retaining sovereignty. *Chapter 5, Spec(tac)ular Rage* then moves on to explore the role of the heteronomy of desire in the generation of narcissistic misogynist violence. Using a variety of literary, ethnographic, historical and popular sources I examine the

recurrent tropes of misogynist rage, and locate its source in the masculine subject's inability to tolerate the vulnerability of his own desires.

Chapter 5 then turns to an opening consideration of primary narcissism's role in the reification of the imperative of sovereign invulnerability, examining the way classical psychoanalytic theories of subject formation posit the Oedipal repudiation of the feminine as a necessary stage of individuation that inevitably gives rise to masculine hostility towards the regressive merging represented by women. The chapter concludes by exploring cultural narratives that have enshrined Oedipal repudiation as the necessary basis of civilization, with particular attention to the *Oresteia* and Christopher Lasch's *The Culture of Narcissism*. *Chapter 6*, on *Narcissism and Rape*, then turns to feminist psychoanalysis in order to unsettle the classical account of Oedipal individuation, arguing that the imposition of the imperative of sovereign invulnerability, informed by a logic of spatialized integrity, is itself responsible for producing the image of primary narcissistic merger as both overwhelming seduction and threat. On this reading, the Oedipal injunction misconceives the nature of individuation as repudiation and thus constructs identity as narcissistic self-sufficiency. In this sense, we do indeed live in a culture of narcissism, but one that derives, not from the failure to impose paternal law on primary narcissistic gratification, but from paternal law itself.

The final sections of *Chapter 6* then pull together the threads of the argument in order to explore the idea that a culture of narcissistic masculine self-sufficiency would also be a rape culture. Given that rape is an empirical phenomenon that has been empirically

studied, it is important to examine the extent to which our theoretical analysis of the relationship between cultural masculinity, narcissism and rape is supported by the findings of empirical psychology. Not only does this literature emphatically underline that acts of sexual violence are impacted by cultural beliefs, it also provides significant support for the suggestion that such violence is mediated by misogynist hostility towards women and the rape-supportive attitudes such hostility animates. Moreover, this misogynist hostility, as our analysis indicates it should be, is most prevalent among men who identify with dominant notions of masculinity, and has been found to correlate with indices of narcissism, and in particular, a sense of entitlement. That is, there is empirical support for the suggestion that cultural masculinity fosters misogynist narcissistic entitlement, and that such ‘aggrieved entitlement’ is implicated in the commission of sexual violence. The argument then concludes by considering how this analysis sheds light on the vexed feminist question of whether rape should be understood as an act of sex or an act of violence. I suggest that understanding rape as the product of the collision of desire and the imperative of sovereign invulnerability clarifies how sexual violence is both and at the same time, sexual, and, unequivocally, a culturally mediated and punitive act of domination.

Some Methodological Considerations

While the case of *The Prosecutor vs. Kunarac, Kovac and Vukovic* was widely hailed as a progressive development in the juridical articulation of the harm of rape, the judgment also evoked considerable critique, both from women who thought it didn't go far enough, and from those who thought it went too far. The criticisms leveled at the judgment – that it presented women as passive victims, reinscribed the patriarchal gender binary, reified the harm of rape, and colluded with the carceral state – are exemplary of the types of criticism addressed to anti-rape theory and practice by predominantly Foucauldian/queer feminists from the early 1990s onwards. Reading these critiques and considering their theoretical bases thus provides an entry-point into the Foucauldian feminist literature on rape; a literature which so far constitutes the most extensive application of post-structuralist thinking to the question of sexual violence and its juridical articulation.

In addition to its influence on both academic and popular feminism, my concern with this literature is two-fold. Firstly, an excessively totalizing application of the analytic of productive power, and concomitantly totalizing suspicion of all normativity, is implicated in a more-or-less explicit effacement of the existence of sexual harms, and is predicated on a blindness to – or erasure of – the patriarchal socio-political conditions which foster such harms. Such effacement cannot, therefore, serve as the basis for a just account of sexual wrongs, or a just accounting of how we are to respond to such wrongs. Secondly, while this study is informed by a deconstructive analysis of the metaphors of sovereignty, and has taken its point of departure from an interrogation of the juridical discourse of bodily integrity, such discourse is not simply constitutive or disciplinary but

is, rather, a *site of the surfacing* of an implicit ontology that, as I have already indicated, underwrites a thoroughgoing existential infrastructure. Contra Foucauldian feminist interventions, it is therefore inadequate to think that sexual harms are merely discursively constituted, and can thus be discursively reconstituted, where ‘discourse’ is taken to mean ‘constitutive linguistic and cultural representations or practices.’ An existential infrastructure will produce cultural representations and practices, and will reproduce itself through such representations and practices, but it is also, above all, an embodied psycho-ontological structure through which individuals live the negotiation of their needs, dependencies and vulnerabilities. Any challenge to this existential infrastructure must necessarily account for the work it does in negotiating – or disavowing – the experience of lived vulnerability. To leave the structure intact, but stipulate that we will not speak of its operation or effects, is to do more harm than good.

The Analytic of Productive Power, Antinormativity and the Effacement of Harm

The Foucauldian innovation that has exerted most influence on accounts of rape, and judicial responses to rape, is the suggestion that discursive regimes – as regimes of power/knowledge – produce the subjects they purport to describe. According to Foucault, the movements of history express no underlying structural principles, and genealogical attention to the discontinuity of these movements reveals, he argues, that “truth or being do not lie at the root of what we know and what we are.” Given the absence of any ‘truth’ about ‘what we are’ the “forms operating in history” are hence “not controlled by destiny or regulative mechanisms,” but arise rather through “the exteriority of accidents” in response to “haphazard conflicts.” (Foucault 1988:153) The claims to expertise exercised

by various discursive regimes which style themselves authorities on the patterns of history are hence no more than illegitimate arrogations of power, impelled by a pure Nietzschean imperative. The function of such discourses is not to describe or diagnose, they do not deal in politically or therapeutically effective interventions and cures, rather, they *produce subjects*, either by direct action – as in the case of the clinic and the prison – or by informing the proliferation of subjectivizing technologies of self.

The core of this claim is that discursive regimes subjectivize by installing stable identities in place of discontinuous behaviors. Thus, in Foucault's most famous example, a man who occasionally or exclusively has sex with other men becomes 'the homosexual,' or, most pertinently for our purposes, the individuals involved in an instance of sexual violence become 'the rapist' and 'the victim.' Subjectivization thus functions by fostering the repeated performance of behaviors in accordance with an ascribed identity, and in this sense is both productive and disciplinary. On this account then, the analytic of productive power is evidently half-right; we all spend a good deal of time doing things we understand to be the sort of things done by whatever kind of person we identify ourselves as, and this type of analysis has been useful for accounting for the way gender is accreted through the microphysics of power and daily acts of performance. By this reckoning then, all discursive regimes, and the norms they propagate, are no more than instruments of ascription by which individuals are disciplined into certain sets of behaviour.

In order to justify the type of totalizing claims made by Foucauldians however, it is necessary to think that a person is *nothing other* than an accretion of performance in

accordance with an ascribed identity and its associated norms. Just as there are no underlying structural principles informing the movement of history, there are no underlying psychophysical structures informing the unfolding of persons. We have neither dispositions nor particular potentials, and it is meaningless to concern ourselves with how human flourishing is disrupted by the neglect of critical needs, or traumatic injuries to self-worth. To the Foucauldian's mind, normativity is necessarily expressive of a prescriptive and disciplinary will to power, because there is no basis on which we might understand norms as supportive of the conditions of a flourishing life. Surely the Foucauldian is right to be leery of norms given the extent to which sexual, juridical, clinical, and educational regimes function as apparatus of pernicious prejudice, pointless Judeo-Christian moralism, and exploitative intent. It is, however, absurd to extrapolate from this evident truth to an obdurate suspicion of all normativity, as if there were no basis by which we might meaningfully say that some conditions are better for people, or that other experiences tend to be harmful. It is absurd to erase the possibility of any distinction between deleterious disciplinary norms, and the attentive practices of care. And it is absurd, and politically reprehensible, to efface the injury inflicted by certain types of experience in favor of asserting that the only harm which merits attention is that perpetrated by normativity itself.

In addition to the antinormative effacement of harm, the Foucauldian privileging of genealogical discontinuity constitutes a near-willful ignorance of the historical patterns produced by persistent patriarchal domination. And, when this obviation intersects with Foucault's singular focus on the ill-effects of disciplinary discursivity, it can issue in a

passage both breathtaking in its obfuscation and gut-punching in its callous disregard for the sexual harms experienced by women and girls. In the middle of Part Two of *The History of Sexuality Vol. I*, as Foucault is forensically refuting ‘The Repressive Hypothesis,’ we come across this passage:

One day in 1867, a farm hand from the village of Lapcourt, who was somewhat simple-minded, employed here then there, depending on the season, living hand-to-mouth from a little charity or in exchange for the worst sort of labor, sleeping in barns and stables, was turned in to the authorities. At the border of a field, he had obtained a few caresses from a little girl, just as he had done before and seen done by the village urchins round about him; for, at the edge of the wood, or in the ditch by the road leading to Saint-Nicolas, they would play the familiar game called ‘curdled milk.’ So he was pointed out by the girl's parents to the mayor of the village, reported by the mayor to the gendarmes, led by the gendarmes to the judge, who indicted him and turned him over first to a doctor, then to two other experts who not only wrote their report but also had it published. What is the significant thing about this story? The pettiness of it all; the fact that this everyday occurrence in the life of village sexuality, these inconsequential bucolic pleasures, could become, from a certain time, the object not only of a collective intolerance but of a judicial action, a medical intervention, a careful clinical examination, and an entire theoretical elaboration (Foucault 1978:31)

In case is not abundantly clear what’s wrong here, allow me to enumerate: 1. The detailed attention given to establishing the person of the farm hand, intended to elicit sympathy for his hardship. 2. The absence of any similar personification of the victim, a mere ‘little girl’ without history. 3. The obfuscatory use of the passive to avoid naming the farm hand as the agent of the action, and deflect attention from how the non-specific ‘caresses’ were ‘obtained.’ 4. The exculpation of this action by appeal to its normality, noting that it had

been done before and that other ‘urchins’ had also done it. 5. The attempt to make the action picaresque by relaying a purportedly charming pastoral term for that type of caress that produces ‘curdled milk.’ 6. The further exculpation of the action by noting that this purportedly charming pastoral activity was ‘familiar’ and a ‘game.’ 7. The inattention to the fact that the parents’ reporting of the incident might suggest that it was more than just that. 8. The attention given to the disciplinary response aimed at the farm hand. 9. The total absence of concern for the consequences for the victim. 10. The claim that the story’s significance is its ‘pettiness.’ 11. The minimization of sexual abuse as an “everyday occurrence in the life of village sexuality.” 12. The claim that such acts are “inconsequential.” 13. The claim that they are “bucolic.” 14. The suggestion that what is most outrageous about this story is the “collective intolerance” directed at the poor unfortunate farm hand as opposed to the apologia for the molestation of children.

All this would be damning enough, but Foucault is not quite finished. On the next page we learn this case is important because it is “doubtless the first in history” to assemble “a whole machinery for speechifying, analyzing, and investigating” in response to these “timeless gestures,” “this everyday bit of theater” or these “barely furtive pleasures between simple-minded adults and alert children.” (32) With the publication of *Abnormal* – the 1974-75 lectures at the College de France – we now know that Foucault’s treatment of the case in *The History of Sexuality* was not his first. On this occasion he gives more detail about the ‘obtained caresses’ than he was willing to put into print, while nonetheless retaining his stance of steadfast obfuscation and assuring his audience that the matter “you will see...is extremely banal.” (Foucault 2003:291-292). The farm hand named –

amusingly Foucault imagines – Jouy, was, we learn, “denounced...by the parents of a little girl he had almost, partly, or more or less raped.” The assault occurred on “the day of the village festival” when “Jouy dragged young Sophie Adam (unless it was Sophie Adam who dragged Charles Jouy) into the ditch alongside the road to Nancy. There, something happened: almost rape, perhaps.” But this is nothing to trouble ourselves about. Jouy, you will be reassured, “very decently gives four *sous* to the little girl” who entirely unperturbed “immediately runs to the fair to buy some roasted almonds.” (292)

Of all the terrible things I’ve read while researching this study, this is the one that wounded the deepest. The implacable, complacent contempt for the harm to victims, when taken with Foucault’s towering intellectual authority, the endless reverent citation, and the near-total academic evasion of this unconscionable erasure, recreates almost perfectly the conditions which now, and have always, pushed women to paroxysms of illegible horror; bedraggled and tongueless Philomelas sewing tapestries only other women will read. Here, at what many of us know as the edge of hysteria, one has to gather one’s words, and perform – according to the logos of legibility – a creditable accounting, one that can never do the damage justice. Look here, we will calmly say, at an ‘almost,’ ‘perhaps’ or ‘more-or-less’ rape, or over there, at the easy shifting of responsibility from the ‘simple-minded’ adult to the ‘alert’ and precocious Lolita of a girl. Consider the suggestion that giving pennies to someone you have just assaulted is indicative of ‘decency,’ or the final attempt to erase all harm by zooming out on an image of a child gamboling innocently towards the fair in search of sweet treats. Sometimes indeed it is hard to speak smoothly over the sound of the screaming Furies.

And beyond this unspeakable recoiling, the simple observation that it is remarkable (or is it, *really?*) to find here this arch-critic of normativity invoking the normality of this incident, and hence, so many thousands like it, to buttress his dismissive assurance of its ‘pettiness’ and ‘banality.’ In the mind of Foucault there is evidently more than just one type of normativity. There are the ‘bad’ disciplinary norms of the clinician or the judge – the kind that ruins lives by taking harmless pastoral pleasures and making them a pretext to subject hapless individuals to a terrifying panoply of discursive ‘machinery.’ And then there are the ‘timeless gestures,’ ‘everyday occurrences’ and cutesy ‘familiar games’ – acts which just happen to involve the use of female bodies for the gratification of men’s pleasure, but have, we must understand, nothing whatsoever to do with underlying historical structures and should be left well alone as the inconsequential acts they so evidently are.

My intellectual and emotional response to this is an obdurate ‘No.’ No, I will not be discursively disciplined into sympathizing with an ‘unlucky’ farm hand over against the little girl he dragged into a ditch. No, I will not be convinced by pastoral conceit that the norms of patriarchal appropriation are ‘petty’ and ‘banal’ while those of discursive machination are diabolical and disciplinary. No, I will not be persuaded by rhetorical evasion that the sexual abuse of children is ‘harmless’ and ‘inconsequential’ and no, I won’t be prevailed upon to choose men’s pleasure¹ over women and girl’s personhood. No, I do not assent to a regime of truth that stipulates that discourse only ever produces,

¹ As Linda Alcoff notes, in one of the few extensive feminist discussions of Foucault’s position on pedophilia, Foucault, “does not engage in, and in fact argues against, the practice of doing a political and/or moral evaluation of various forms of pleasure,” and hence “demonstrates a . . . blindspot by exempting his own favored entity from his theory of discursive constitution and flux: pleasure.” (1996:109) See also n.18.

and never describes, harms. No, I don't think our accounts of sexual injury should defer to a man who clearly cared nothing about them. No, I don't believe this obfuscation is an 'exteriority of accidents.' And no, I don't think the academic evasion of this passage is 'accidental' either.²

This staggering refusal to recognize the existence and impact of sexual harms is reproduced, with more or less explicit sleight-of-hand, throughout the Foucauldian feminist literature on rape. We will turn to this now, taking responses to the *Kunarac* judgment and gender mainstreaming in international law to guide us through a somewhat unwieldy corpus, and beginning with the critique of the disciplinary discourses of 'governance' and 'carceral' feminism.

I: Feminist Normativity: Governance Feminism and the Carceral State

*a) Governance Feminism and Janet Halley's 'Queer Thought.'*³

In 2006, Harvard Law Professor Janet Halley coined the term 'Governance Feminism' (GF) to refer to "the incremental but by now quite noticeable installation of feminists and feminist ideas in actual legal-institutional power." (Halley, et al. 2006:340) The feminist regime of truth had reached the halls of power, but while Halley chose 'governance' to echo "Foucault's distinction between sovereigntist and governmental...forms of power," feminist governance projects she noted, show a "strong trend to advocate" for "very state-

² There is small body of feminist literature on the Jouy passage - the evasion I am concerned with is that Foucault's attitude to sexual violence against girls is not widely known within the academic community at large, in the same way, say, as it is common knowledge that Heidegger was Nazi.

³ See Halley 2006, p.165

centered, top-down, sovereigntist feminist rule preferences,” which “emphasize[s] criminal enforcement” and “speak[s] the language of total prohibition.” (341)

Within her Foucauldian frame Halley deems it unnecessary to argue for exactly why we should regard prohibiting rape as an evidently sinister objective. She appeals rather to her realist sensibilities, the fact that we should better concern ourselves with how “violence will be channeled, legitimated...or diffused,” given that we “surely...know it will not be stopped.” (423) She documents in detail feminist involvement at the ICTY as evidence of the “fascinating infiltration of specifically feminist activism into generalist forms of power-wielding,” (343) and notes that the “structuralist thesis” of “GFeminism” is “controversial within feminist discussions” and should be “rejected as magical realism.” (Halley 2008:121) Feminist legal activists are involved, she suggests, in a “trans-valuation” of the meaning of interest, claiming to work in the “interests of justice” when they are instead, a “politically self-interested group” (33) which has illegitimately arrogated itself authority on “the badness of rape.” Radical feminism has “learned to walk the halls of power” dressed, Halley cattily notes, “not in...butch street clothes...but in power suits from Nieman Marcus,” (6) and discovered it can take its seat at the table, providing it speaks “with the voice of sweet reason and especially of *expertise*.”⁴ (20)

⁴ Halley apparently considers it incredible that “the ICTY has actually *held* that experience as a feminist activist in international legal work can be a *qualification* for service as a judge on the court.” In the ICTY prosecution of Anton Furundžija, the defendant moved to disqualify Judge Mumba because she “had been a member of the U.N. Commission on the Status of Women (UNCOSW) during the Yugoslav war...had participated...in the United Nations fourth World Conference on Women in Beijing” and “had also...produced recommendations to the United Nations to ensure that rape be prosecuted under IHL as a war crime.” However, the ICTY “rejected this challenge, citing Judge Mumba’s experiences on the UNCOSW as positive ‘qualifications...which, by their very nature, play an integral role in satisfying the eligibility requirements’ for ICT judges.” (Halley 2008:35)

What interests me most about Halley, however, is not her by-the-book worrying of feminist regimes of ‘governance,’ but the palpable animus which animates it. In her semi-autobiographical *Split Decisions: How and Why to Take a Break from Feminism* (2006), we learn more about the concerns behind her couched legal critique. She reiterates her antipathy to a feminism framed “not as a raw preference or as the self-interest of women, but as a matter of justice or emancipation,” (Halley 2006:18) adding a more explicitly Nietzschean twist. Feminism is guilty of disavowing its own will to power and the way in which its governance project has “blood on its hands,” (33) and it hence arouses Halley’s “deep distrust of slave-moralistic pretensions to identity-political ‘powerlessness.’” (15) This question – which I would reframe as whether all normativity can be assimilated to a singular masculinist modality – is not insignificant, and we will touch on it in our concluding discussion of Butler’s deployment of Foucault’s totalizing analytic. However, more interesting still is Halley’s frank confession that her decision to ‘take a break’ from feminism is motivated by her own “erotic interests” (12) as best represented by “the distinctively queer features” (164) of Leo Bersani’s ‘Is the Rectum a Grave?’

What we find underneath Halley’s suspicion of feminist influence at the ICTY is the erotic concerns of someone who claims that, were she able to click her heels and “become ‘a gay man’” she “would do it in an instant.” (12) When Halley suggests that the problem with feminism is its failure to be “a universal advocacy project for all sexual interests” (11) what she means is that it lacks “affirmations of *male masculinity*,” (65) and that its theories of “sexual harm deletes” the “vital and life-affirming dimensions of men’s bodily immediacy, phallic drive, and aggression.” The problem with feminism is

that it's too concerned with the feminine, whereas Halley prefers Bersani's "love of the cock," (65)⁵ over an intersubjective erotics she imagines to be some wishy-washy touchy-feely "*lesbian sensibility*," an "entirely *feminine* sexual ethics." (66) Halley's evidently masculinist critique is, while ridiculous, also usefully indicative of a conflation that commonly bedevils anti-rape efforts and has long animated the sex-wars between feminists; that is, the inability to distinguish the erotics of intersubjective aggressivity and consensual dissolution from the unilateral assault on personhood that constitutes abuse.

Following Bersani, Halley is right to suggest that much sex is erotically "animated...by a desire for annihilation" (151) and the "thrill of encountering our own metaphysical and experiential dissolution." (154) Existing as an individual awareness can be burdensome, and letting that go in erotic *ekstasis* is a profound element of what makes sex so compelling. There is, however, all the difference in the world between determining to temporarily relinquish one's determination, and having one's determination aggressively ignored, overridden or erased. For Halley, citing Bersani, this distinction is entirely obscured by the fact that "[t]o be penetrated is to abdicate power," (Cited Halley:152) and, as such, stands as an invariant index of "degradation and human erasure in sex." (155) What, we might ask, could be more normative, and less queer, than conceiving penetration as a humiliating annihilation of personhood? This is indeed a 'timeless gesture,' and one we will devote Chapter 3 to exploring at length. Bersani and Halley's

⁵ "If worship of the phallus is central to phallogocratic culture, then gay men, by and large, are more like ardent priests than infidels, and the gay rights movement may be the fundamentalism of the global religion which is Patriarchy. In this matter, the congruence of gay male culture with straight male culture and the chasm between these and women's cultures are great indeed...It is among women, especially feminists and lesbians, that the unbelievers are to be found. We and gay men are on opposite sides of this part of phallogophilic orthodoxy." (Marilyn Frye 1983:133-4)

analysis thus suffers from exactly the same defect of patriarchal ontology that also, we will see, holds Dworkin in its grip; if penetration is a degrading abnegation of the integrity of the person, then what is the real difference between the temporary and pleasurable dissolution of personhood in erotic *ekstasis* and the enduring and damaging injury to personhood inflicted in rape? If, the argument goes, sexual pleasure inheres in “self-shattering,” (159) then it follows that ‘shattering-selves’ is just what sexuality does, as if the traumatic injury to dignity through being treated as a non-person is extensive with the abnegation of personhood our culture wrongly attributes to penetration *and* the determined relinquishment of determination which comprises erotic *ekstasis*.⁶ It is akin to Halley’s ‘magical realism,’ Bersani seems to suggest, to think that sexuality could remain erotic while being “less disturbing...less violent, more respectful of ‘personhood’” than it is under the current conditions of “male-dominated, phallo-centric culture.” (Cited: 159)

For Halley, Bersani’s “willingness to affirm sexuality as carrying an appetite for deep threats to integrated selfhood” is thus neatly coterminous with the “willingness to lose touch with propositional ethical logic to do so,” (165) and it should then strike us as little surprise that Halley is so leery of legislative expectations that prospective lovers treat each other as persons. As is the wont of those who cannot conceive sex-positivity as accommodating unequivocal respect for our partner’s desires, in a recent blog for *Signs* Halley sets herself against the feminist push for affirmative consent,⁷ suggesting that it

⁶ The analogy is not precise (as ever), but you may as well argue that those who enjoy losing themselves in the flames of a roaring log fire should be equally enamored of someone setting them alight.

⁷ Halley has also been a vocal opponent of Harvard’s position on Title IX, arguing that the debate about campus sexual assault focuses too much on women as victims and advances “‘an image of women that really forgets the power that women have’ while simultaneously failing to offer necessary protection for the accused.” (Duehren 2015)

would “foster a new, randomly applied moral order that will often be intensely repressive and sex-negative.” The arrival of “[c]riminal unwantedness...in the American legal mainstream” is, to she continues, nothing less than “astonishing,” and as such, she claims – reaching for a trusty Men’s Rights⁸ trope that both willfully misconstrues enthusiastic consent, and invokes the ever-popular specter of the vindictive lying women⁹ – affirmative consent will open the way to the “conviction of people who initiated sexual penetration...with passionately desirous partners who later charge sexual assault.” Moreover, as we will explore in our discussion of ‘victim-feminism,’ such “protective legislation,” Halley continues, “encourages weakness among those they protect” and “will install traditional social norms of male responsibility and female helplessness.”

⁸ According the Southern Poverty Law Center which monitors the activity of Men’s Rights groups under its ‘Hatewatch’ scheme, the “men’s rights movement, also referred to as the fathers’ rights movement, is made up of a number of disparate, often overlapping, types of groups and individuals.” While “[s]ome most certainly do have legitimate grievances, having endured prison, impoverishment or heartrending separations from genuinely loved children,” what “is most remarkable” about the websites that make up the “so-called ‘manosphere,’” is “the misogynistic tone that pervades so many.” Women are “routinely maligned as sluts, gold-diggers, temptresses and worse; overly sympathetic men are dubbed ‘manginas’; and police and other officials are called their armed enablers.” (SPLC 2012a) We will discuss the MRM at length in Chapter 5. It is, however, worth noting at this juncture that Halley’s notion of ‘governance feminism’ has struck a chord with the MRM, and has been embraced as consonant with their theory of ‘gynocentrism,’ or ‘feminist gynocracy.’ Indeed, a 2012 article on leading MRM website ‘A Voice for Men’ was dedicated to exposing ‘Sweden: Empire of Governance Feminism.’ (Canning 2012)

⁹ One of the Men’s Rights Movement most omnipresent concerns is the alleged prevalence of false rape accusations. (Matchar 2014). On this matter the SPLC writes, “This claim, which has gained some credence in recent years, is largely based on a 1994 article in the Archives of Sexual Behavior by Eugene Kanin that found that 41% of rape allegations in his study were ‘false.’ But Kanin’s methodology has been widely criticized, and his results do not accord with most other findings. Kanin researched only one unnamed Midwestern town, and he did not spell out the criteria police used to decide an allegation was false. The town also polygraphed or threatened to polygraph all alleged victims, a now-discredited practice that is known to cause many women to drop their complaint even when it is true. In fact, most studies that suggest high rates of false accusations make a key mistake - equating reports described by police as ‘unfounded’ with those that are false. The truth is that unfounded reports very often include those for which no corroborating evidence could be found or where the victim was deemed an unreliable witness (often because of drug or alcohol use or because of prior sexual contact with the attacker). They also include those cases where women recant their accusations, often because of a fear of reprisal, a distrust of the legal system or embarrassment because drugs or alcohol were involved. The best studies, where the rape allegations have been studied in detail, suggest a rate of false reports of somewhere between 2% and 10%. The most comprehensive study, conducted by the British Home Office in 2005, found a rate of 2.5% for false accusations of rape. The best U.S. investigation, the 2008 “Making a Difference” study, found a 6.8% rate.” (SPLC 2012b)

Lastly, such measures have “their origin in a carceral project that is overcommitted to social control through punishment in a way that seems to me to be social-conservative, not emancipatory.” (Halley 2015)

b) Carceral Feminism

This last point has some substance, although reviewing the literature on ‘carceral feminism’ requires forbearance given how readily its authors engage in ungrounded extrapolations, or reduce all juridical activity to a singularly pernicious exercise in disciplinary normativity. The term is credited to a 2007 article by Elizabeth Bernstein outlining the findings of her ethnographic study of how a “relatively small number of committed feminists and sex-worker activists, has come to occupy the center of an ever spiraling array of faith-based and secular activist agendas, human rights initiatives, and legal instruments.” (E. Bernstein 2007:130) Bernstein’s coining of ‘carceral feminism’ with reference to the “law and order agenda” of American sex-trafficking activists and the “drift...to the carceral state as the enforcement apparatus for feminist goals,” (143) was picked up by Halley in 2008 and folded under the rubric of governance feminism. In an article on feminist influence on the *Rome Statutes* which inaugurated the International Criminal Court, Halley deploys ‘carceral feminism’ to denote, Sune Sandbeck noted in 2012, “a certain mode of feminist justice-seeking within international humanitarian law (IHL) and international criminal law (ICL), which aims to elevate and particularize crimes of sexual violence” with the intent to “move sexual violence up the ladder of criminality and impose tougher sentences on perpetrators, while separating sex crimes out

from among other crimes in order to make it possible for indictment on charges of sexual violence and rape alone.” (Sandbeck 2012:2)

There are a variety of problematizations of this phenomenon, some significant, some spurious, and some sloppy. Firstly, concerns about the intersection of a feminist law and order agenda with the massive inflation of prison population in the US since the mid-seventies are to be taken very seriously. The US locks up its citizens four times more often than the UK, Spain, Argentina, Australia, China, and Saudi Arabia, and eight times more often than the Scandinavian nations, Canada, Japan, Italy, India, and Mozambique. Not even Russia, that once great American icon of unfreedom imprisons its people quite as readily as does the United States. From a 1974 rate of around 100 prisoners per 100,000 head of population – an index that had been relatively stable throughout the twentieth century – the prison population exploded throughout the eighties and nineties, reaching present levels in the region of 750 prisoners per 100,000 residents. (Park, et al. 2013) This situation, which certainly warrants the description of “a new carceral regime,” (Sandbeck 1012:4) has been variously attributed to the economic imperative of a neo-liberal prison-industrial complex, the increase in drug trafficking and the ‘War on Drugs,’ and the conservative law and order agenda advanced by Nixon, Reagan and Bush the elder. It is, unequivocally, a disgrace, especially when taken with the wholly inadequate social safety net the US provides for its citizens, and the fact that, as in other Western nations, but given its specific history, even more so, the carceral regime in the United States is an instrument of racist domination.

One of the major weaknesses of the literature on carceral feminism, however, is the extent to which its – mostly American – authors are so quick to assimilate all judicial activity, especially that which occurs on the international stage, to a critique which originates in the specific context of the United States. There is a great deal of indicting “white, middle-class women” who “helped to facilitate the carceral state” (Taylor 2009:3) for their racial ignorance and “production of racialized...bodies as abject,” (Sandbeck 2012:1) or for involving themselves in conflicts while “being oblivious to political, economic or historical context.” (Kapur 2013:22) And yet, at the same time, there is precious little consideration of whether a US-derived model is so easily applicable to the whole world, or if it might be inappropriate to read a program fostered over fifteen-years of global conferences through a specifically American analytic.

Arguments can of course be made about the extent to which the very foundation of international law as a regime of rights is derived from a Western liberal tradition that is open to a panoply of radical and postcolonial critiques, but the literature on ‘carceral feminism’ largely evades this theoretical work in favor of appealing to an allegedly universal empirical relationship between feminist anti-violence measures and the proliferation of a regime of excessive and excessively retributive incarceration. Had they attended to Marie Gottschalk’s study, *The Prison and the Gallows*, they would have encountered a detailed historical account of the way in which the anti-rape efforts of feminists in the US, intersected with a punitive, right-wing ‘victim’s rights’ movement which, in the absence of the social democratic infrastructure of Europe, was able to exert an enormous effect on the direction of US law and order policy in a way that did not

happen in other Western nations. In Britain, even the punitive impulses of Thatcherite neoliberalism were held in check by consensus among civil servants and law and order professionals about the undesirability of using incarceration as a prime instrument of social policy. Likewise, feminist rape crisis services in the UK were also able, unlike those in the US, to resist having their revenue and professional expertise co-opted by the singular objective of securing more prosecutions. (Gottschalk 2006)

Unlike the harm of rape, which is not, I would contend, historical, the alliance of feminist activists with a particularly punitive carceral system actually is, but the proponents of carceral critique are not wont to let such details derail a good Nietzschean/Foucauldian story about the dire consequence of unleashing the *ressentiment* of women in a “tightening” of “the sexual security regime.” (Kapur 2013:4) There are serious empirical and theoretical questions to be asked about the efficacy, and humanity, of various custodial, non-custodial, and treatment protocols for sexual offenders, and they deserve to be given sustained consideration, not reduced to lazy Foucauldian dismissals about the “disciplining of the body and the regulation of populations” (Sandbeck 2012:5) or the effects of a ‘security discourse’ that aims to “govern sexual conduct,” (Kapur 2013:22) “contain sexual expression,” (29) and “incarcerate people for ‘bad’ behaviour.” (22) Here the Foucauldian’s contempt for sexual harm becomes abundantly clear. Bad behavior is a term we usually reserve for, say, someone standing you up at short notice, or a good friend getting drunk and causing embarrassment or inconvenience. One would assume then that ‘bad’ behaviour is even more inconsequential. I’m fairly certain that ‘grave assaults on someone’s sense of personhood’ aren’t covered by its remit.

Despite all the allegedly impressive bumph about “the fundamental historical shift towards the biopolitical regulation of the species-body” (Sandback 2012:1) and the way “sexual surveillance techniques” (Kapur 2013:29) are implicated in “the market... harnessing gender to advance the project of neoliberal economic processes,” (26) the literature on ‘carceral feminism’ is extended over a two-fold evasion it can’t quite evade. Firstly, what are we to do about ‘men behaving badly’ if all forms of custodial, non-custodial and treatment programs are just so many dubious instruments of ‘sexual security,’ and is the answer to that question really the never-voiced yet ever-echoing ‘even less than we do now?’ And secondly, can feminist calls for adequate juridical articulation really be so easily caricatured as the wailing of a bloodthirsty chorus demanding greater and ever-more punitive retributive measures? Certainly for myself, and for most of the women I know, the issue is not retribution, but impunity, where the concern with impunity is not about the absence of punishment *qua* revenge, but what the absence of punishment communicates to men and women about whose needs matter, and who can be gravely harmed without consequence or restitution. Our hope is directed at what might change in sexual mores if men understood that they would be legally expected to provide a convincing account of how they knew that their partner was consenting, and what would change if women knew that even though they froze, or dissociated, or didn’t understand what was happening until after it was over, the law would still bear witness that what happened to them was wrong. Every time a judge dismisses a case, or suspends a sentence, because a woman was drunk, or a child was precocious, or a man has a shining future in front of him, I – and many women I know – hear just one thing. *You don’t matter.*

In addition to the general critique of feminist normativity, there is also a significant body of Foucauldian-inflected feminism addressed to the implication of anti-rape activism and jurisprudence in the production of women as victims, the reification of the harm of rape, and the reinscription of patriarchal constructs of sex and gender. We will first review this literature before moving onto a consideration of its claims and the extent to which this variant of postmodern feminism is consonant with the politics of anti-feminist backlash.

a) Producing the Victim

Janet Halley's 2006 discussion of the role played by 'governance feminism' at the ICTY "acknowledges particular debt" (Halley, et al. 2006:335) to the 2005 article 'Feminism and Its (Dis)contents: Criminalizing Wartime Rape in Bosnia and Herzegovina,' in which Karen Engle argues that the "international criminalization of rape – as a grave breach, a war crime, and a crime against humanity – is neither as pathbreaking nor as progressive as the doctrinal recognition might suggest." (Engle 2005:780) Her principal objection to the "approach of the United Nations, and particularly the ICTY" is that it "treated women as part of the same concept of 'women and children' that has long been deployed...to provide women with special protection" (780) and failed to consider "what negative effects such criminalization might have on the understanding of women's agency, especially during wartime." (784) Engle's concern with women's agency encompasses both their role as subjects and as objects of violence, as well as their capacity to freely engage in sexual activity with individuals from the 'other' side. The jurisprudence of the ICTY, Engle maintains, "tended to treat most women as victims of the war," (794) to

“diminish women's capacity to engage in sexual activity with the ‘enemy’ during the war” and to “downplay the extent to which any but extraordinary women could be perpetrators in war.” (784)

As we will explore more fully in our discussion, Engle’s argument here consists largely of repeated appeals to the uncontested good represented by ‘agency’ and ‘power.’ The *Kunarac* judgment’s decision that the coercive situation in Foča vitiated meaningful consent is indicted because it “reinforce[d] an understanding that Bosnian Muslim women had little, if any, sexual agency during the war.” (803) The feminist portrayal of “women as victims of male violence and subordination” and the “very success that feminists now acknowledge...in calling international legal attention to rape...relies at some real level on a denial of women's power.” (813) Alexandra Stiglmayer’s detailed and harrowing 1994 report of ‘The Rapes in Bosnia-Herzegovina’ is pulled up by Engle for suggesting that “most rape victims were so powerless that they did not have anything to do with their own children...they were powerless to fight back or to support those who depended on them. They were ‘broken.’” (796) Psychiatrist Vera Fonegovic-Smalc, who “worked with twenty-nine rape victims in a clinic in Zagreb,” is equally reprimanded for the pathologizing tendencies of her account of the “[s]uicidal thoughts...evident...in women who have become pregnant as the result of rape,” and for a “telling” in which “women who have been raped have few opportunities for agency.” (796) Such representations are responsible, Engle concludes, for “[p]erpetuating images of women as powerless victims” and thus “function to strip women of many types of power, including the power to resolve or prevent conflict.” (812)

This critique recurs across the literature on the Yugoslav conflict, and on feminist and international humanitarian responses to sexual violence in general. Dianne Otto's 2010 review of 'feminist engagement' with the UN¹⁰ is concerned that a number of recent resolutions give "sexual violence suffered by women...disproportionate attention," (Otto 2010:106) and notes the tendency for "protective stereotypes of women to normatively re-emerge" instead of "more empowered" (106) or "liberating representations...crediting women with agency in the face of sexual violence and questioning the inevitability of their powerlessness." (117) Ratna Kapur's 2002 reflection on 'The Tragedy of Victimization Rhetoric,' likewise characterizes the success of "VAW discourse" as down to its "appeal to the victim subject" (Kapur 2002:5) who, "thoroughly disempowered and helpless... becomes the universal subject of human rights discourse for women." (10) Dubravka Žarkov also sounds a note of alarm about the "overwhelming visibility and presence of women as rape victims in public discourse" on the grounds that "these practices continue to produce women as victims, and as the only victims, denying women both subjectivity and agency and denying men their vulnerability." (Žarkov 2007:178)

The two major sources for this line of argument are Sharon Marcus' 'Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention,'¹¹ from Judith Butler and Joan Scott's 1992 collection, *Feminists Theorize the Political*, and Wendy Brown's *States of Injury* (1995). Marcus' influential intervention set itself against a feminist

¹⁰ *Resolution 1325* (2000) on Women, Peace and Security; *Resolution 1820* (2008) condemning sexual violence as a 'tactic of war' which "clearly fits...the model of 'sexual subordination' feminism, fixated on sexuality as the singular site of women's oppression, that Halley is so concerned about" and was thus "the main cause of my despair about the feminist project in international law." (Otto 2010:102); *Resolution 1888* (2009) on sexual violence in war which "departed from the conservative gender politics of R1820 by treating sexual violence as...an issue of women's structural inequality" rather than "inherent vulnerabilities." (102); *Resolution 1889* (2009) on post-conflict strategy and the reproductive needs of women.

¹¹ Marcus's argument is cited by Halley et al (2006), Žarkov (2007) and Otto (2010).

politics that “designate[s] rape and the raped woman’s body as symbols of the real,” (Marcus 1992:386) and asked us instead to “refuse to recognize rape as the real fact of our lives.” Rather we should “treat it as a linguistic fact,” interrogating “how the violence of rape is enabled by narratives...which derive their strength not from...immutable... force but...from their power to structure our lives as important cultural scripts.” (388-9)

Rape as a ‘linguistic fact’ or ‘cultural script’ refers “to the many images of rape which our culture churns out, representations which often transmit...ideological assumptions” which “can collude in and perpetuate rape.” (389) Marcus includes among these scripts many rape myths feminists would recognize as fostering a rape-prone culture, but the essay’s importance inheres in her suggestion that the most powerful aspect of the ‘rape script’ is the belief that “women are always either already raped or already rapable.” (386) This script, Marcus argues, is propagated by both feminist anti-rape discourse and masculinist culture, and takes “male violence or female vulnerability as the first and last instances in any explanation of rape” serving therefore “to make the identities of rapist and raped preexist the rape itself.” Rape is an interaction that is “not only scripted” but “also scripts,” in which “one person auditions for the role of rapist and strives to maneuver another person into the role of victim.” (391) As such, Marcus argues, rape can be disrupted through changing our narratives, and encouraging women to refuse to play their allotted part. A “feminist discourse on rape” and more effective form of rape prevention, would begin, she suggests, “by displacing the emphasis on what the rape script promotes – male violence against women – and putting into place what the rape script stultifies and excludes – women’s will, agency, and capacity for violence.” (395)

Wendy Brown is equally concerned about the way ostensibly emancipatory political projects, including anti-rape activism, “inadvertently redraw the very configurations and effects of power that they seek to vanquish.” (Brown 1995:ix) “Foucault” she notes, “reminds us that the law produces the subjects it claims to protect or emancipate,” (131) and that “the inscription of gendered, racial, or sexual identity in legal discourse” has “the effect of reaffirming the historical injuries constitutive of those identities” and thus “installing injury as identity in the ahistorical discourse of the law.” (xi) Legal redress for “a certain injury-forming identity” thus “discursively entrenches the injury-identity connection it denounces” or “collude[s] with the conversion of attribute into identity,” thereby codifying “within law the very powerlessness it aims to redress.” (21) The “formulation of women’s civil rights as violated by pornography or sexual harassment” for instance, might then be seen to “produce precisely the figure MacKinnon (1989) complains we have been reduced to by sexism, a figure of woman wholly defined by sexual violation” and “sexual victimization.” (131)

In the “contemporary proliferation of efforts to pursue legal redress for injuries related to social subordination,” (27) Brown discerns not only the ill effects of a Foucauldian ‘injury-identity’ formation, but also “a dissimulated political discourse of recriminations and toxic resentments parading as radical critique” (xi). In “its economy of perpetrator and victim,” political projects such as feminist anti-rape activism, seek, Brown suggests, “not power or emancipation for the injured or subordinated, but the revenge of punishment, making the perpetrator hurt as the sufferer does.” (27) In this respect it is an instance of “a cultural ethos and politics of reproach...the constellation detailed by

Nietzsche's account of *ressentiment*." (26) "Politicized identity" comes to be based on slave-moralistic 'wounded attachments,' an "effect of domination that reiterates impotence," and "reinscribes incapacity, powerlessness" and "rejection" as a "substitute" for a vital Nietzschean performance of "action...power" and "self-affirmation." (69).

Brown considers that "much North Atlantic feminism partakes deeply of both the epistemological spirit and political structure of *ressentiment*," (45) and this, she believes is the reason why feminists are so attached to the purported 'truth' of women's experience, as granted by the theories of standpoint epistemology and the practice of consciousness-raising. "[P]ostfoundational political theory," Brown argues, must reconcile itself to "giving up the ground of specifically *moral* claims against domination" (45) and recognize "moral ideas" as "a complaint against strength, an effort to shame and discredit domination by securing the ground of the true *and* the good from which to negatively judge it." (44) Feminist consciousness-raising "operates," Brown suggests, as "feminism's epistemologically positivist moment," producing material "valued as the hidden truth of women's experience." There is, she argues, a "homology between the epistemological-political operations of consciousness-raising" and those Foucault "assigns" to the type of "confessional discourse" (41) that "produces 'truth' as a secret contained within." (42) Such discursive revelation is "construed as liberation from repression" and "as deliverance from the power that silences" but is rather, "a site and effect of regulatory power," (42) through which truth is produced "as the secret of our souls not by us but by those who would discipline us through that truth." (42)

For Renee Heberle, women's practice of "piecing together our reality as a rape culture through speakouts and detailed descriptions of experience," is likewise implicated in consolidating women's victimization by "setting up the event of sexual violence as a defining moment of women's possibilities for being in the world" and "conferring a monolithic reality onto an otherwise phantasmatic, illegitimate, and therefore fragile edifice of masculinist dominance." (Heberle 1996:65) "[P]articipating in the construction of the spectacle of women's sexual suffering," does not then function as women "intuitively and understandably expected, that is, making men stop raping and beating women," but rather, "may contribute to sustaining the reality of masculinist power." (68) We would do better, Heberle argues, to follow Marcus' encouragement to focus on "stories of resistance which subvert the images of women as vulnerable," (69) and increase our "knowledge about the...fissures in...the rape script" which could "contribute to the general deconstruction of identifications of women with real sexual vulnerability and men with real sexual power." (72)

b) Producing Harm

For many critics informed by a Foucauldian account of the discursive constitution of sexual identity, anti-rape activism and jurisprudence is thus implicated in constructing women as victims, and in doing so producing the harm of rape. For Karen Engle, the *Kunarac* judgment, by "finding that rape per se constituted the harm required for torture...reinforced the understanding that women are not capable of not being victimized by the rapes." (Engle 2005:813) Similarly, for Janet Halley, the judgment was a "huge victory for some feminists – a full-bore legitimation of the idea that rape always causes

intense suffering – at the expense of others...who think...this is not right.” (Halley, et al. 2006:383) Engel is concerned that the “portrayal of the harm of rape itself...perpetuate[s] a diminished sense of women's sexual and political agency,” and suggests “feminist advocates...ask whether rape is really a fate worse than death.” (813) Invoking the same phrase Marcus likewise notes that in “its efforts to convey the horror and iniquity of rape” feminist activism “often concurs with masculinist culture in its designation of rape as a fate worth than, or tantamount to, death.” The “apocalyptic tone...it adopts and the metaphysical status...it assigns to rape” thus serves to disable challenges to patriarchal ‘rape scripts’ and fosters women’s submission to assault by implying that “rape can only be feared, or legally repaired, not fought.” (1992:387)

For Engle, the harm of rape inheres not in traumatic injury, but in a “Victorian idea of the effects of loss of honor” which, she claims, feminist activists involved with the ICTY “projected onto Bosnian Muslim women.” (813) In ‘The Force of Shame’ (2010), Engle and Annelies Lottmann explore the role of stigma in the constitution of the harm of rape, noting that the ICTY viewed “shame and stigma...as inevitable,” whereas it “might not be” and “feminists and humanitarians” would do better to not “assume that women who have been raped in wartime are necessarily stigmatized by their... communities or that they are emotionally destroyed.” (Engle and Lottmann 2010:77) They assimilate the harm and shame of rape to stigma, defining it – according to a definition culled from the OED – as the ““painful emotion arising from the consciousness of something dishonouring, ridiculous, or indecorous in one’s own conduct...or of being in a situation which offends one’s sense of modesty or decency’ (OED 1989).” (76-7) They then suggest – citing

Silvan Tomkins – that shame is “a theoretical construct, rather than an entity...defined by the word ‘shame.’” (Cited 77) The argument here is that if the harm of rape resides in shame *qua* stigma, and shame *qua* stigma is a ‘theoretical construct,’ then the harm can be unconstructed by not attributing stigma to victims. “[H]umanitarians and prosecutors who blame communities and cultures...for the shame and stigmatization of rape victims sometimes make it so,” (87) and can thus, it is surmised, make it un-so. Accordingly, without “the harm of shame...rape would lose a degree of its legal force as rape” and “sexual violence might not constitute genocide or even a crime against humanity.” (88)

In her 2009 essay ‘Foucault, Feminism and Sex Crimes,’ Chloë Taylor takes a more straightforwardly Foucauldian approach to undermining the harm of rape. Her ‘Fragment of a Genealogy of Rape’ begins by announcing that “[h]istorical studies indicate that, in the Renaissance, sex crimes were considered a consequence of passion” and rape was understood as “an inevitable and more or less acceptable activity of bachelors.” (Taylor 2009:10) The “wedding night of every man” she continues, “was imagined as a rape” and “mythological” depictions, such as “the rape of the Amazon and Sabine women,” were “frequently commissioned to decorate nuptial chambers and trousseau chests.” (10) Furthermore, the Renaissance “practice of marrying women to the men who raped them” implies, she contends, that there “was no Renaissance notion that women were traumatized by rape” and the practice of conceiving “the wedding night” as “a performative rape” rendered “rape normal rather than traumatic in the early modern imaginary.” (11) The prevalence of “references to the rape of the Sabine women within discourses on marriage” underline, Taylor claims, “this trauma-less conception of rape.” (11)



Figure 2: Detail of 'Susanna and the Elders' by Alessandro Allori (1561)

Sexual crimes were not (conceived as) traumatic, Taylor argues, prior to the modern codification of sexuality *qua* identity, and hence, when “women are raped in the modern West...one reason that rape is so terribly traumatic is that it undermines and determines their very sense of who they are. A woman who is raped is henceforth a rape victim, with all the symptoms that this entails, and if she is lucky, a survivor.” On this basis, Taylor notes that for Foucault, even “violent and non-consensual sex will be less likely to be repeated by the offender, and less permanently traumatic to the victim” if it does not get “caught up in the identities of both, constructing one person as a rapist, bound to re-

offend, and the other as a rape victim, bound to be scarred sexually” and “in our age of sex as identity, to the core of her very being.” (13) Foucault thus proposed that, when “approaching sex-crime legislation reform...that we cease to submit sexual offenders to the disciplinary practices of the prison and its experts,” (14) and while, Taylor does admit, Foucault was more “concerned about so-called perverts, including the agents of sex crimes,” his notion of “the discursive constitution of sexualities” nonetheless, she maintains, applies equally to “the passive victims of such agents.” (13)



Figure 3: Detail of 'Susanna and the Elders' by Artemisia Gentileschi (1610)

c) *Producing Gender*

Foucault's approach to sex-crime legislation was famously exhibited in a 1977 round-table discussion in which he called for the complete desexualization of rape, arguing:

[T]here is no difference, in principle, between sticking one's fist into someone's face or one's penis into their sex... It isn't a matter of sexuality, it's the physical violence that would be punished, without bringing in the fact that sexuality was involved... sexuality can in no circumstances be the object of punishment."

(Foucault 1988:200-202)

As Ann Cahill has noted, at "first glance, it would appear that Foucault's suggestion was remarkably in keeping with the current feminist wisdom, which sought to define rape solely as a violent crime," such as Susan Brownmiller's call in *Against Our Will* for "a 'gender-free, non-activity-specific' law." (Brownmiller 1975:378; Cited Cahill 2000:44) However, as Foucault was aware at the time – noting that he was "not at all sure that women would agree" (Foucault 1988: 200) – the response from feminists was swift¹² and trenchant. In her magisterial excoriation, 'Our Damages and their Compensations, Rape: The Will Not to Know of Michel Foucault,' Monique Plaza responded sharply, "Michel Foucault, you know very well that we *do* not *at all* agree." (29) As Cahill notes, Foucault had unsurprisingly "forgotten to ask the question of the bodily significance of the experience of being raped," or to attend to rape's "role in the production of the sexual hierarchy through the inscription of individual bodies." (Cahill 2000:60) Rape, Plaza, wrote, is "sexual...above all in the sense that it opposes men and women: it *is social sexing*" which "rests on the *very social* difference between the sexes." Men, she

¹² Monique Plaza's response to Foucault, translated into English in 1981, was originally published in French in May 1978.

continued, “rape women insofar as they belong to the class ...which has appropriated the bodies of women. They rape that which they have learned to consider as their property, that is to say, individuals of the other sex class.” (Plaza 1981:29) Were it the case that rape was simply “an aggression *like others*,” Plaza dryly notes, then “men would have a much more persistent experience of it as a reality that they have suffered.” (30)

Within a social structure supportive of the sexual appropriation of women’s bodies, and which marks bodies as those of women precisely insofar as it marks them also as appropriable, to desexualize rape and “speak against sexual penalization and repression” is, Teresa de Lauretis argues, “to uphold the sexual oppression of women.” (Lauretis 1987:37) This oversight is explicable in terms of Foucault’s failure to grant any attention to the existing patterns and structures of patriarchal power, the “tremendous irony” that, Annie Bunting notes, in the course of “a three volume treatise devoted to the history of sexuality...Foucault barely acknowledges the gendered nature of Western discourse about sexuality and that he himself is participating in that long tradition of male dominated discourses.” (Cited Hengehold 1994:92) The whole roundtable discussion following Foucault’s proposal is conducted, Plaza observes, “from the point of view of the rapist, of what men want to have the right to do with complete impunity.” (30) Indeed, one of Foucault’s interlocutors interjects to note that while “in the name of women's liberation, one is on the antirape side” in “the name of antirepression” it might be “the reverse” (Cited Plaza 1981:30) – an opposition which illuminates how far the discourse of ‘antirepression’ is concerned with male sexual entitlement and cares little or nothing for the fact that it here signifies, as Plaza spells out, “the maintenance of the

oppression-repression” that men “exercise over women.” (31) That Michel Foucault, “he who denounced the postulate of sexual repression for 159 pages in his book” has nothing to say about this “masking” of “the oppression of women by men” constitutes, Plaza maintains, “something here like a will not to know.” (31)

What is most fascinating about Plaza’s riposte to Foucault is, however, its prescience. Foucault’s claim is that by determining rape as sexual one is saying that “sexuality as such has, in the body, a preponderant place; the sexual organ is not a hand, it is not a hair, it is not the nose. It must be protected, surrounded...vested with legislation which” is not “valid for the rest of the body.” (1988:201-202) Plaza’s correct rejoinder is to note that Foucault seems to be suggesting that it will be “the fault of women” who, by noting the sexual nature of rape, are “going to” endow sexuality with its “preponderant place” while he has evidently “forgotten that this has *already* been done.” (32) Feminists would, Plaza suggests, welcome the “destruction of the ‘difference between the sexes,’” which is enforced through the “deployment of sexuality.” It is, she emphasizes, “*exactly this that we are demanding.*” But while it is “certainly not we who wish that the sexual organ not be a hair,” it is crucial to understand that “we cannot function in an ideal state and act as if – here and now – the sexual organ was a hair!” Foucault’s “line of argument” rubs out any possible distinction between describing the gendering operations of sexual violence under patriarchal power, and the production of those operations, and it is, therefore, Plaza prophesies, “dangerous in that it risks making us, women, guilty.” The phenomena that men “situated in a patriarchal power relationship – persist in creating and perpetuating (the oppression of women, the ‘difference between the sexes,’ the primacy of sex)” they

then “impute to us as wanting to create and perpetuate,” suggesting it is feminist women who “want to make rape something else than aggression” and that by wanting “to punish rapists for raping you – therefore, you are repressive.” (32)

This observation, from 1978, neatly sums up the trajectory of Foucauldian feminist critique we have been surveying. And with respect to the role of rape in the gendering of women, Plaza’s predictions were equally apposite. In her study of the engendering of sexual subjects during the Yugoslav Wars, Dubravka Žarkov notes that the “rapes of women in violent conflict...gain meanings through intersections of the dominant... notions of gender and norms of sexuality...relations of race, ethnicity and religion...and through a very specific political context.” All “these elements,” she continues, “inform both the particular acts of violence and the visibility of the female and male victim, indicating that both violence and its representations are produced through the same discursive practices” and are “mutually constructive.” This “further means” that for “violence or its representation to be effective...dominant notions of femininity and masculinity, and norms of sexuality” must be “shared by victims and perpetrators.” (2007:174) Žarkov thus correctly observes that both rapist and victim draw on the same cultural resources to interpret the event and ‘construct identities,’ and that “a woman’s experience of rape cannot be abstracted from her experience of the world in which she learns what it means to be raped.” But she then makes the common error of thinking that because x is indissociable from y, x is identical to y, and is persuaded by Marcus’ “groundbreaking criticism” (179) that “strategic intervention” should focus on ‘what women learn about rape,’ and that by “subverting practices through which the meanings

of power and violability becomes productive of specific masculinities and femininities,” we could come to “dissociate femininity from sexual vulnerability.” Importantly, she underlines that by ‘practice’ she means not only “the practice of violence” but also practices of “representation” and particularly “identity politics within feminism.” (180)

Likewise, Ratna Kapur’s discussion of UN Resolution 1325 notes its deployment of “[g]ender categories” that “remain intact and fixed,” (Kapur 2013:24) as an instance of the way “a stable and normalised understanding of gender continues to be performed within the international legal arena.” These non-‘counter-hegemonic’ measures align gender with women’s vulnerability, which is “primarily addressed within the context of sexual violence, inviting interventions that conform to the normative gender script.” These “normative arrangements,” Kapur suggests, “produce[s] ahistorical and universal accounts of gender and sexuality” and “close[s] down the possibilities of change in existing gender and sexual arrangements.” (26) As such, this “overwhelming focus on violence against women” which has “been an integral feature of international law” (4) has “contributed to the reaffirmation of the categories of gender...and strengthened the border policing of these categories. (4-5) It is responsible for the “reproduction of the idea that sex is a stable, natural category” and is “the primary site for female subordination.” (10) This “dominant narrative” on “sex and sexuality as a biological category” has been “launched into crisis by...Judith Butler, who focused on sex as discursively... produced ...through gender rather than a naturalised pre-existing body.” (10) “Queer theory thus rebukes” this “dominant understanding of sex as stable” (12) and inter-

national “gender mainstreaming” for reproducing “an essentialised...understanding of the category ‘woman’” and leaving “gender itself... unproblematised.” (25)

Interlude on (an) Ontological Confusion

The power of the performative should neither be under nor overstated. We can do things with words, and we can do things with our hands. But while we can make things happen, we do not bring the whole world into existence. Not with a ‘Let there be’ (as in the first story) or by getting our hands dirty (as in the second). That *with*-which we make a world has also a life of its own, and if it lacked its own obdurance, we would never grasp it at all. We can in-form matter, but we cannot make it take just any form. Wood makes lousy sheets or shirts, and cotton terrible tables. Some things will not conform; they have their own ideas. The body is not the prison of the soul, but neither, as Foucault maintained, is the soul the body’s prison. (Cf. Foucault 1977:30)

The type of post-structuralism we have been surveying tends to arrogate itself an unimpeachable theoretical sophistication and to treat (that which it conceives of as) belief in the bodily or natural or psychic ‘pre-discursive’ as a quaintly naïve realism. But the opposition between ‘discourse all the way down’ and the ‘pre-discursive’ is false, and we have Karen Barad’s ‘agential realism’ to thank for a thinking of the intra-action of discursivity and matter that moves us past the intellectual dead end of the realist/idealist opposition. There is no phenomenon that is not a happening of both matter and idea, an assemblage of environment and unfolding potentiality. One can never be abstracted from the other, as Aristotle, against Plato, knew of the relation of form to matter. But the

inextricable interpenetration of the one with the other is not the same as their identity. To think otherwise is to be confused about con-fusion.

To assimilate the observation that phenomena are discursively constituted to the proposition that phenomena are nothing but discursive¹³ is to commit an error of impermeability thinking. Two bodies cannot occupy the same space at the same time. Something must be *either* this *or* that. And if it is entirely this, then it cannot be all that as well. Culture or Nature. Discursive or Pre-discursive. One or Two. Never *both-and-at-the-same-time*. Never *Yes and No*. Never *the-same-and-also-different*.

The fact that any happening is always permeated by discourse becomes then the belief that any happening is only ever discourse, a singular, solid mass inscribed against its 'pre-discursive' exterior¹⁴— some canonical blank-slate — which, of course, does not exist. But the relation of one to the other, of the ideal to the material, is one of permeability, not exteriority. And permeability is not colonization, or assimilation, or erasure;¹⁵ not exclusion, or othering, or abjection. It is, rather, *co-existence*. It is being-*with*.

¹³ "If gender consists of the social meanings that sex assumes, then sex does not *accrue* social meanings...but rather, *is replaced* by the social meanings it takes on; sex is relinquished...and gender emerges...as the term which absorbs and displaces 'sex'" (Butler 1993:5)

¹⁴ "The moderate critic might concede that some part of 'sex' is constructed, but some other is certainly not, and then, of course, find...herself not only under some obligation to draw the line between what is and is not constructed, but to explain how it is that 'sex' comes in parts...But as that line of demarcation between such ostensible parts gets drawn, the 'unconstructed' becomes bounded once again...This delimitation...marks a boundary that includes and excludes...What will and will not be included within the boundaries of 'sex' will be set by a more or less tacit operation of exclusion." (Butler 1993:11)

¹⁵ "If gender is the social construction of sex, and if there is no access to this 'sex' except by means of its construction, then it appears not only that sex is absorbed by gender, but that 'sex' becomes something like ...a fantasy, retroactively installed at a prelinguistic site to which there is no direct access." (Butler 1993:5)

An animating premise of this study is that impermeability thinking is an original and repetitive error, and one that is, moreover, a mark – perhaps *the* mark – of the masculine. Entirely anti-foundational forms of post-structuralism remain committed, by dialectical reversal, to a masculinist metaphysics of solids and unstriated space. If there is no ground, then there must be only chasm, and, having discovered that the liberal subject is a lie – that he is not an atom, or an island, or an autochthonic city-state – it is decided that there is no one there at all. As if people without clear edges must also have no heart.

What I have always taken from Jacques Derrida – who remained, unlike Michel Foucault, ever attentive to the phallogocentric gendering of thought – is the ontological impossibility of this either/or. Everything is suspended inside the aporetic tension of the ‘both’ and the ‘and.’ The task is to think within this tension, not to replace ‘the real’ with ‘the script,’ or ‘the descriptive’ with ‘the performative,’ or the ‘idea of injury’ with the ‘idea of injury-as-idea.’ If there is always both, then we cannot abstract our descriptions from our prescriptions, or believe an object is untouched by observation, but neither will we think that our observation *is* the object, or that we have the power to describe anything into existence, and can just as easily, if we choose, describe it out again. We, as all things, are being-in-the-world, and as such we are both world-making and made by the world. We, just like the world *with*-which we are, are both matter and idea. And world-making is not just a matter of ideas, but of being-at-work with what matters in the world, working out which ideas work, and where to make a mark that will matter.

For Shame

There is, however, much more going on here than an ontological confusion about confusion. As observed by Alison Convery in her excellent 2011 thesis, 'Feminist Theory and Discursive Intersections,' the "particular mode of referencing victimhood" now usual "in academic feminist writing," depends on a "feminist rhetorical practice" that assumes in the reader a "certain knowledge" corresponding to "a readily recognisable set of derogatory connotations around concepts of 'victimhood.'" (Convery 2011:3) Indeed, as we have seen, it is, Convery continues, "now commonplace for feminist theorists to repudiate victimhood as a viable ontology of women's experience of gendered subordination, preferring instead to highlight the ways women exercise agency... within the constraints of that subordination." (15) In another recent article, Rebecca Stringer similarly notes that "across these critiques the broad message emerges that to represent women as vulnerable victims is disabling....regressive, and harmful, whereas to recognize women as agents is enabling, progressive, and liberating," a tendency she terms "the 'victim-bad/agent-good' formulation." (Stringer 2013:152)

A large part of this literature, Convery observes, establishes itself in opposition to a presumed feminist practice of emphasizing women's passivity, vulnerability and powerlessness, often designated, following Naomi Wolf's *Fire with Fire* (1993), as "so called 'victim feminism.'" (Convery 2011:137) However, Convery's survey of academic discussions of 'victim feminism' across recent decades "reveals that the evidence provided for the existence of this feminism is thin...and that the historiographies of its emergence are replete with contradictions." (137) The reader is very often "asked to

accept as common wisdom,” that a “depressingly large body of literature on the female ‘victim’” exists, and that “an alternative to it is currently lacking and sorely needed,” whereas, Convery’s survey suggests, quite the reverse is true. (156) “[F]ocusing on resistance is well-established as the normative framework for feminist theory,” she notes, and moreover, “feminists are rhetorically disciplined towards that norm,”¹⁶ while the “literature that privileges agency...and denigrates victimhood far outweighs that which tries to revalue victim terminology.”¹⁷ (158)

In the field of feminist activism, there is equally a dearth of evidence for the prevalence of a ‘victim-mentality.’ In her 2002 critique of Marcus and Brown, Carine Mardorossian notes that the “focus on the psychological effects of power” initiated by the second wave and still characteristic of sexual violence advocacy and support services, has always been allied to an active feminist politics in which “being a victim” does not signify “being incapacitated and powerless,” but rather “being a determined and angry (although not a pathologically resentful) agent of change.” (Mardorossian 2002:767) Questions can

¹⁶ Reading practice, Convery suggests, requires that a reader “collude with the text in recognising the knowledge objects pointed to by the text, and which are presumed to be recognisable by all such readers,” and thus “texts operate coercively to repress aberrant data and to consolidate certain forms of knowledge as commonly accepted by participants in particular social spheres”. (2011:15-16) With respect to “the interpretation of references to victimhood...readers are often required to subscribe to the devaluation of victimhood and to excise alternative views “ and such “manoeuvres are not optional – if the reader does not have the skills to accomplish them, she will literally not understand the text.” (16)

¹⁷ Notably, this tendency to posit ‘victim-feminism’ as normatively dominant is also evident in the feminist literature on the Jouy passage. In a 2013 article for *Hypatia*, Shelly Tremain claims that the Jouy account has been “consistently and vehemently subjected to the charges of masculinism and male bias.” (2013:801) The account is apparently so normative, that Tremain considers it warrants its own governmentalesque acronym - the AFI or ‘Accepted Feminist Interpretation’ (a rhetorical trick also evident in Halley’s work.) Yet Tremain only provides three sources for the ‘AFI’ – one of which is Alcoff’s well-known 1996 ‘Dangerous Pleasures’ (cited above n.1), a lesser known 2011 *Hypatia* article by Johann Oksala, and a 2005 review of *Abnormal* by Jana Sawicki for *Notre Dame Philosophical Reviews*. There are at least as many discussions disputing the ‘AFI’, including Tremain’s own, the Chloë Taylor article cited above which, Tremain claims, demonstrates that how sex crimes “are experienced” is “historically and culturally specific,” (813) and a 2013 *philoSOPHIA* article by Kelly H.Ball which likewise claims that “feminists have been over-whelmingly critical” of the Jouy passage. (Ball 2013:53)

furthermore be asked about the Foucauldian-inflected claim that, as Stringer notes of Marcus, “rape law reform efforts are counter-productive, because...they merely reinscribe patriarchal constructions of femininity as embodied vulnerability, perpetuating a sexist linking of femininity with victimhood rather than agency.” (Stringer 2013:152) However, as we will explore throughout this study rape culture is not animated by images of women’s passivity, but by resentment of their seductive power, their conniving schemes, and their role as gatekeepers of sexual goods that men think themselves entitled to. Moreover, the prosecution of rape hinges entirely on whether a woman adequately exhibited her lack of consent. Women who were too passive *are not victims* in the eyes of the law. As Stringer notes, “rape law typically figures femininity not as embodied vulnerability but as responsible agency,” (149) and “mobilizes constructions of women as agents in order to *withhold* victim recognition from certain...rape complainants.” (153)

The construction of women as ‘passive victims’ is then not normative in feminist academia, and nor is it normative in feminist activism, in the prosecution of rape, or in the rape-supportive attitudes that animate patriarchal culture. And we are then compelled to ask, what on earth is going on here? My intuition is that what is going on here is shame; time-honored woman-denigrating shame now given a shiny new neoliberal twist. Let’s look at the language. In her survey of articles published between 1987 and 2007 in solid scholarly journals like *Hypatia*, *differences*, *Signs*, and *Feminist Review*, Convery found nine associations of victimhood with “helplessness,” seven associations with “diminished rationality,” eight attributions of a “lack of complex subjectivity,” six of “false innocence,” seven of “entrapment,” and two of “being pathetic or object.” (2011:

182-3) The “semantics of victimhood” she uncovered documented a “cluster of supposedly repellent characteristics,” (182) and the extent to which these attributions were intended to “signify diminishment is evident from the frequent...images of women” described as being “‘merely’, ‘simply’ or ‘just’ ‘passive victims.’” “As readers recognising these named objects,” Convery observes, “we must agree to be repulsed.” (201)

Being re-pulsed – being ‘driven back’ by an object of disgust – is the phenomenological manifestation of a self in flight from shame; an experience in which not only the body, but also the mind, recoils. Shame, I would argue, is one of – if not *the* – most painful human emotion. It is not a potentially morally useful sense of wrong-doing, but a singularly eviscerating sense of *wrong-being*. A vertiginous caving-in at the center of oneself we will do almost anything to escape. A person shamed in public will fold in on themselves, as if to disappear, and, when we are alone, the conscious mind will, almost always, tie itself in knots to avoid any kind of reckoning with a thought, or memory, that makes us feel a stab of gut-slicing shame. We treat our own shame, usually, just like we treat the shame of others. We push it very quickly, and very forcibly, away.

When Karen Engle’s assimilated shame to stigma, she was not quite wrong, but she was very far from right. As Sandra Lee Bartsky notes, the “structure of shame” is “inter-subjective,” (Bartsky 1990:86) and there is, therefore, an aspect of the experience which is inflected by social mores about what is shameful. But, to return to our opening discussion of moral injury, we are not merely, or even primarily, shamed by things we have been a told are shameful. Rather, we are shamed by being treated as if we are

worthless. Shame is, writes Kelly Oliver, citing Helen Block Lewis, the “‘destruction of self in acute self-denigration’ that comes from ‘the...experience of the other’s negative evaluation’ of oneself.” (Oliver 2004:115) As I suggested in the introduction, this is why it is facile to claim we can make rape uninjurious by removing the stigma around rape. The ‘negative evaluation’ that harms rape victims is not reducible to the ‘negative evaluation’ embedded in social stigma or conventions. Being raped is, in itself, a profound ‘negative evaluation,’ and the effects of this evaluation pertain, I would argue, whether or not the victim admits to herself, or to those around her, that she has been assaulted. Rape victims still experience the effects of rape even when they do not identify themselves as rape victims, and even when they are not subject to the social consequences of being identified as a rape victim – whether that includes ‘stigma,’ or the alleged patriarchal conviction that rape is a ‘fate worse than death,’ or the equally alleged (but contradictory) historical belief that rape was not traumatic at all. Genealogical accounts that attempt to efface the harm of rape by appealing to patriarchal representations that were themselves committed to that effacement, or by locating harm in the identification of harm, are thus based on a fundamental misconception of the way rape functions as moral injury.

It is not, however, facile to suggest that the social stigma around rape is an important aspect of the social conditions that amplify the injury. Despite the mind’s recoiling inclination, shame has to be reckoned with, or rather, it has to be held, compassionately, in a manner that enables the evacuation of its lacerating power. To be bearable, shame has to be sublimated, the affect attenuated by being discharged through signifying practices, and, most often, by being spoken. To speak shame requires, as Kelly Oliver

notes, “not only social acceptance and support but also social forgiveness.” (91) It requires compassionate witness; that which not only facilitates the sublimation of shame, but also the repair of intersubjective trust rent by the experience of moral injury. It is compassionate witness which is denied in situations of social stigmatization and which leads to the phenomena Oliver calls the ‘colonization of psychic space,’ whereby “experiences of humiliation” are “covered over and denied... through the double movement... which operates first as a form of social... exclusion and second as a form of silencing.” (88) Under such circumstances, when “bodily... affects become cut off from words, the result is depression” in which, at its most extreme, “the depressive becomes cut off from others and enters a catatonic state.” Very often, Oliver notes, “the depressive has given up on words and society because they have given up on her.” (90)

Given this, it is incredible and unconscionable that the Foucauldian feminist idea of what to do about the harm of rape is – bluntly – to tell women to shut up about it; a suggestion which amounts to the withdrawal of compassionate witness *within* feminism. This withdrawal is aligned with the misconstrual of the function of consciousness-raising, which is not, as Renee Heberle seems to think, a mass exhibition of suffering intended to persuade men to stop raping women, or, as Wendy Brown would have it, ‘a site of regulatory power’ constituted by ‘those who would discipline us’ and which produces the truth of our victimhood ‘as the secret of our souls.’ The accounts of consciousness-raising produced early in the second-wave understood it as a form of “political therapy” which functioned by “getting rid of self-blame” and enabling women to “discover... that personal problems are political problems.” (Hanisch 1970:76) As Mardorossian suggests,

it was – and as practiced within networks of feminist women, remains – “a site of collective enunciation,” through which shame is sublimated and women are freed to examine their painful experience and “come to understand” that they don’t have to continue shouldering responsibility for their own abuse; abuse which issues not from their own wrong-being, but is rather “rooted in historical and social relations.” (2002: 764) What I hear – or rather, what strikes my stomach when Foucauldian feminists try to rhetorically discipline me into ‘agreeing to be repulsed’ – is the projection of women who have been unable to speak their shame, who are stuck, still, at the stage of shoving it away, hard and fast, over there, onto the others – onto *the victims*.

I suspect this shame comes from multiple sources. Individual trauma perhaps, quite-possibly an over-identification with the masculine ideal of invulnerability, but also, as Oliver explores in *The Colonization of Psychic Space*, being a being-in-a-world in a world that thinks you’re not quite a proper being takes its toll on women’s self-worth. It is not uncommon for people to evade their own shame by projection, just as it is not uncommon for women to hold rape victims responsible for their own assaults, and in so doing reassure themselves that they are immune. But, as Mardorossian, Convery and Stringer all note, this tendency to ascribe responsibility to victims, increasingly evident in academic feminism over the last three decades, has also occurred within a particular historical context; one marked by the rise of neoliberal individualism, the shredding of social structure and structural accounts of the social, the privatization of suffering, the denigration of the vulnerable, and the popular dissemination of a brand of feminism named by more radical women as ‘choicy-choice’ or ‘empowerfulment’ feminism.

According to Stringer, who is “[m]indful of David Harvey’s warning that ‘Any political movement that holds individual freedoms as sacrosanct is vulnerable to incorporation into the neoliberal fold,’” the “post-structuralist feminist critiques of victim feminism are incorporated into the neoliberal fold through their participation in the ‘victim-bad/agent-good’ formulation.” (2013:154) Moreover, facile invocations of ‘agency,’ and critiques such as Marcus’ that exhort women to take responsibility for interrupting ‘rape scripts,’ serve, as Mardorossian notes, to “locate[s] the source of male violence in the female subject’s failure to reinvent the self.” (2002:757) Not only does inciting women to take responsibility for their own abuse amplify the conditions of their shame, it also colludes with a neoliberal agenda that is “more than ever invested in transforming...social problem[s] into a personal trans-action[s]” (753) and has consequently spawned “a proliferation of victim-blaming discourses.” (Stringer 2013:150)

There is, moreover, according to Convery’s account, a line of continuity from the early nineties right-wing backlash against ‘victim-politics,’ through the work of feminism’s ‘prodigal daughters,’ to the present feminist preoccupation with the opposition of agency and victimhood. The “‘political correctness’ code” emerged, Convery notes, as part of the backlash to “minority challenges to the status quo” and functioned by “discursively collapsing all claims of disadvantage as being about victimhood...and then by devaluing victimhood as a morally, and not just a practically, reduced state.” Early nineties best-sellers such as Katie Roiphe’s *The Morning After* (1993) and Wolf’s *Fire with Fire* (1993), then developed, Convery suggests, as “part of these general attacks on feminism within the discourse of ‘political correctness.’” (2011: 6) These accounts, Convery

continues, “establish a climate that severely restricts the valid criteria for claiming victim status in feminist terms” in which “the definition of sexual coercion is pared back; there is no evidence on which to base a theory of structural inequalities; articulating victimisation ‘creates’ victims; and lack of effective resistance to oppression is interpreted as weakness of individual will, not imposed constraint.” (115) In deploying the “binary opposition of victimhood and agency,” feminists are thus invoking “interpretive frameworks that were automated outside feminism,” and “oversee[ing] a normative structuring of feminist approaches and modes of argument...supported at its origins by the meanings encoded in a hostile discourse.” (ii)

Indeed, as Convery’s narrative suggests, there is a great deal of resonance between the backlash writings of Roiphe and Wolf and the tropes we have encountered in our survey of Foucauldian feminist responses to rape. These include “a general scepticism in regard to concepts like patriarchy,” the belief that “[p]atriarchal theory...promotes a view of women as powerless victims” (2011:110), Roiphe’s claim that radical analyses deploy “a ‘Victorian’ version of female virtue” which “den[ies] female sexual agency and infantilize[s] women,” (Mardorossian 2002:748) and both Wolf and Roiphe’s contention that women’s victimization is tied up with their “identifying as a victim.” Indeed, for Roiphe – who was notoriously dismissive about rates of sexual assault on college campuses – feminism was singularly responsible for fuelling the ‘rape epidemic’ by furnishing women with “stock plots” that “implant the idea that women are victimised,” and then “encourage” them “to play out the role of the victim.” (Stringer 2001)

Naming the Problem

“Is this symbolic order...we are talking about primarily or paradigmatically masculine?”
(Butler 1998:27)

This all sounds very familiar, all these ‘stock plots’ and ‘rape scripts,’ all this acting-out and playing a part, all this *performing* the victim. And so at last, after a winding, tortuous, and shame-soaked approach, we finally find ourselves at Butler’s door. *Gender Trouble* (1990) was, of course, what started a lot of this trouble, but after forty-some pages, time and space preclude an extensive engagement with Butler’s influential thoughts on the performativity of sex and gender, beyond the allusions already made in the interlude. There is however, one final exploration I cannot forgo.

At first glance, the account of subject formation – of subjectivization or ‘*assujettissement*’ – presented by Butler on the opening pages of *Gender Trouble*, strikes us as straightforwardly Foucauldian. “Foucault points out,” we are told, “that juridical systems of power *produce* the subjects they subsequently come to represent,” (Butler 1990:2) that “subjects regulated by such structures are, by virtue of being subjected to them, formed, defined, and reproduced in accordance with the requirements of those structures,” and that “[i]f this analysis is right, then the juridical formation of language and politics that represents women as ‘the subject’ of feminism is itself a discursive formation and effect of a given version of representational politics.” (3)

On closer inspection, however, something is slightly off. Foucault famously distinguished between the historical regimes of ‘juridical’ and ‘disciplinary’ power, where ‘juridical’

refers to the representation of law authorized by the sovereign right to violence, the issuing of interdiction, and the practice of spectacular punishment, and ‘disciplinary’ denotes the micropolitical regulation of subjects through the creation of norms, discourses of expertise, and the propagation of technologies of self. Foucault’s argument against ‘the repressive hypothesis,’ is, essentially, that by granting excessive prominence to the interdictions of juridical power, we misunderstand the diffuse dissemination of distinctively modern forms of disciplinary power, which not only repress, but also *produce* subjects.

It would seem then, that when Butler claims that Foucault ‘points out’ that ‘*juridical* systems of power *produce*...subjects,’ she is mistaken, and indeed, Moya Lloyd has argued that there is “evidence of conceptual confusion in how Butler uses the term ‘juridical,’” which she attributes to the fact that Foucault “also conceptualizes power, in general, as productive” and terms this power, ‘juridico-discursive.’ Lloyd thus explains Butler’s apparent ‘conceptual confusion’ as issuing from a kind of short-hand, concluding that, “[w]hen Butler uses the terms ‘juridical, it seems she actually means juridico-discursive.” (M. Lloyd 2007:162-163) But Butler is not an imprecise thinker, and I would suggest her deployment of ‘juridical’ in place of ‘disciplinary’ is both more deliberate and philosophically significant than that. Just after her opening account of productive power, we encounter a clue, a Foucauldian phrase with a distinctively Derridean ring pops off the page; the “question of women as the subject of feminism” writes Butler, “raises the possibility that there may not be a subject who stands ‘*before*’ the law,” and is thus “awaiting representation in or by the law.” (1990:4; my emphasis)

Butler's 'juridical' is actually serving, I would argue, as the site of the insertion of the critique of what I am calling here 'the logic of sovereign integrity'¹⁸ into a Foucauldian account of totalizing disciplinary productive power. Hence, the explicitly "*juridical structures* of language and politics" (7; my emphasis) by which "subjects *are invariably produced* through certain exclusionary practices" (3; my emphasis) "constitute the contemporary field of power" such that "there is *no position outside this field.*" (7; my emphasis) I have no argument here, of course, with the idea that juridical – or sovereign – structures inform subject constitution according to a spatialized logic, or "prevailing assumption" of "ontological integrity," (4) accompanied by 'exclusionary practices.' That would, indeed, be one version of the premise of this study. However, what Butler achieves by inserting this idea into the Foucauldian analytic of productive power is the proposition that 'juridical structures' constitute the totality of 'the field of power,' and that the logic of sovereign integrity thus delineates the 'invariable' mechanism of subject constitution.

Indeed, in *Bodies that Matter* (1993), Butler maintains that the "sexed subject, grounded as that subject is in a repudiation," is "constituted through the force of exclusion and abjection, one which produces a constitutive...abjected outside, which is, after all, 'inside' the subject as its own founding repudiation." (Butler 1993:3) As will become familiar in the course of our engagement with Jessica Benjamin, this claim about a 'founding repudiation' is central to the feminist psychoanalytic account of the way masculinity *qua* sovereign integrity is enacted through the violent disavowal of the

¹⁸ The formulation Butler is deploying has most resonance with what Derrida calls 'subjects-in-law.' Hence, "this exclusionary matrix by which subjects are formed thus requires the simultaneous production of a domain of abject beings...who form the constitutive outside to the domain of the subject." (1993:3)

feminine, and the dependency and vulnerability that ‘woman’ connotes. But in Butler’s hands, this account, and its consonance with the Derridean critique of phallogocentric sovereign logic, is radically de-gendered. The universal subject that difference feminists have painstakingly unmasked as masculine turns out to be universal after all, and as such, the mechanism by which hegemonic masculinity wreaks its violence on women is, once again, invisibilized. Indeed, incredibly for a thinker who professes a commitment to feminism, in the preface of *Gender Trouble* Butler recalls that she learnt – from Beauvoir it is implied – about the way in which the “radical dependency of the masculine subject on the female ‘Other’ suddenly exposes his autonomy as illusory.” But then breezily adds that “[t]hat particular dialectical reversal of power... couldn’t quite hold my attention.” (1990:xxx) It’s hard to know how to read this other than as a matter-of-fact admission that Butler just isn’t very interested in the oppression of women. And that would be fine from most theorists – we all have our interests – but it’s more than just troubling coming from the most influential thinker in the field of contemporary feminism.

And yet, it makes sense. Butler’s political concern is not with the abjection of women as the constitutive outside of masculinist sovereign integrity, but with the abjection of those who fall outside the “heterosexual matrix.” (xxx) To this end, she is invested in demonstrating that sexual dimorphism is a discursive constitution, and that the construction of sexed subjects within the heterosexual matrix functions according to an identical logic of sovereign exclusion. Her interest is in how “power” appears “to operate in the production of” the “very binary frame for thinking about gender.” (xxx) By this logic, any discussion – such as this study – which deploys a ‘binary frame’ of sex and/or

gender (the distinction between which Butler has collapsed), to describe or explain the mechanism of women's oppression becomes itself an 'operation of power.' The designation of women as a sex-class, and the analysis of the way in which women are oppressed *because they are women*, thus becomes inexpressible. Men's dependency on women – the dependency that couldn't quite hold Butler's attention – occurs *within the heterosexual matrix*, and is borne not only of emotional dependency, but also of men's need for access to women's bodies as both a sexual and reproductive resource. The way in which this dependency is disavowed by the structure of sovereign integrity – and the violence that attends the impossibility of this disavowal – is the driving mechanism of patriarchal appropriation.

But, according to Butler's account, we can neither think the material nature of this dependency, nor describe the fact that it issues in particular appropriations and violence, which flow overwhelmingly in one direction, from male persons to female persons. In fact, as with so many accounts we surveyed, simply describing this structure makes us, as Plaza predicted, 'guilty,' and, in Kapur's words, in need of 'rebuke.' The most egregious 'operation of power' in play when women identify female persons as particularly subject to certain types of sexed and sexual violence is the 'stabilization of sex.' Feminism has itself elected to make masculine-pattern violence unspeakable. And it is, I suspect, entirely non-coincidental that this is the form of feminism – a form that disavows a discourse of male violence in its very fundamentals – that has, uniquely, escaped the academic feminist ghetto to be embraced across the disciplines.

Given that there are few other phenomena that so starkly exhibit the sexed structure of patriarchal appropriation, the attempt to efface the harm of rape becomes then, not so much a side effect, as a theoretical necessity. Moreover, by Butler's account, there is no mechanism by which the sexed and gendered nature of rape could be explicable. There is neither sexed-based material dependency, nor a structure of sovereign masculine invulnerability contorted by its own impossibility. By degendering the logic of sovereign integrity Butler has disallowed the most powerful explanatory framework we have to explain the structure and function of patriarchal domination. And while such domination doesn't seem to interest her much, such an explanation is in the interest of the hundreds of thousands of women whose lives are blighted by patriarchal violence. For those women, the absurd Foucauldian suggestion that patriarchal violence is 'spoken' into existence and that it can be 'spoken' out again, is not a mere academic irritation, but the disallowal of the practice by which their injuries are repaired. When sex based violence fades from history, we will, by all means, stop speaking it. Until then, we will continue doing what works. And what works, for individual women, steadily, pulling each other up, one after another, are the techniques of compassionate witness and political therapy developed by the second wave, and still used by victim support practitioners today. What works is 'Break the Silence,' 'I Believe Her,' and 'Name the Problem.'

Lastly, unless one considers the masculinist logic of sovereign integrity to be, in fact, the mode of constitution of all sexed subjects, there is no reason to suppose that 'woman' as 'the subject of feminism' is necessarily formed by abjection. Butler – or at least early Butler – does not believe in that which Derrida might call the otherwise, or Irigaray

denotes as ‘the feminine.’¹⁹ To her mind, “the ‘I’ emerges upon the condition that it deny its formation in dependency, the conditions of its own possibility,” (1993:10) and there is, therefore, no space in her thinking for a subject who exists in an acceptant, aporetic awareness of their constitutive relational vulnerability. Despite the fact that, according to sovereign logic, women’s bodies prevent them *a priori* from incarnating invulnerability, female subjects are, to Butler’s mind, constructed by precisely the same existential infrastructure as are men. And it cannot be *otherwise*.

Were this the case, there would be little point in the critique of sovereign integrity I am about to advance, or the account I will give of its role in undermining women’s personhood, and in generating the appropriative sexual violence the discourse of bodily integrity is intended to resist. But I do not think this is so. The critique of phallogocentrism, the Irigarayan account of the male imaginary, feminist psychoanalysis, the ethics of care, the structure of misogyny, the preponderance of male violence, the mechanics of rape culture – all this convinces me that sovereign integrity is a gendered phenomenon, that it is animated by a foundational repudiation of vulnerability and the feminine, and that,

¹⁹ I would, in fact, go further than the suggestion that Butler’s rejection of the existence of the feminine is merely a matter of propositional belief, and return to the ideas I raised in our preceding discussion of the role of the shame circulating in Foucauldian feminism. In a 1998 discussion on Irigaray and sexual difference, in response to questioning by Elizabeth Grosz and Pheng Cheah, Butler notes, “The first thing I would say is that I just can’t talk about the feminine [Laughs]...I *can’t go there*.” (1998:24; my emphasis) When pushed on the question of her engagement with Irigaray, she observes that Irigaray’s texts exhibit an “eros of a certain kind” a “certain masochistic-sadistic erotic engagement with the philosophers,” (19-20) the “really aggressive” nature of which she later attributes to “part of a certain heterosexual trauma as well.” (28) This, Butler seems to suggest, is linked to the fact that she is “probably too frightened” to “engage” Irigaray’s texts “that closely.” “I find it frightening” she says, “to be in that particular knot” and “*can’t stay there* for a prolonged period of time.” (20: my emphasis) This ‘not being able to go there’ is redolent, I would suggest, of the psychic movement away from a source of shame that I described in the previous section. There is something about the way Irigaray’s texts invoke a ‘certain heterosexual trauma’ that Butler ‘cannot stay’ with. And there is, therefore, I would argue, a significant issue with interventions into a field requiring the compassionate holding of women’s sexual trauma being theoretically indebted to someone who that holding eludes.

moreover, while it is anchored by deep historical, psychic, ontological and cultural roots, it is not inevitable. This conviction – that we are dealing not with a universal, but with a gendered principal of patriarchal domination – is then, that which distinguishes this study from the evasion of male violence, and effacement of sexual harms, presaged by Butler’s Foucauldian intervention. It is my hope that this contribution, while informed by post-structuralism, is also, therefore, still consonant with the values and theory that informs the practice of women who dedicate their lives to supporting and advocating for the victims of sexual violence. They are the experts.

SECTION II

Chapter 1: Figuring Sovereign Integrity

History and Concept

Since “its first recorded usage in the thirteenth century,” writes political theorist Daniel Philpott, sovereignty has undergone a “tortuous evolution,” suffering a “troubled intellectual history” in which “philosophers have continually disputed its definition” and “international lawyers” have more recently “exhausted themselves...delineating, demarcating, explicating, and making distinctions.” (Philpott 2001:16) However, despite the apparently “quixotic” nature of the “attempt to find a single, specific, historically valid formulation,” Philpott proposes that there is one “broad enough to encompass much of the diversity, but discrete enough to be useful.” His definition, now widely adopted throughout the humanities,¹ is that sovereignty names the principal of “supreme authority within a territory.” (16)

Philpott’s formulation has the virtue of succinctly drawing our attention to the two enmeshed elements of political sovereignty; on the one hand, the preeminent and legitimate *nature* of authority, and on the other, the *territorial* jurisdiction over which that authority is exercised. In contrast to the organization of political power in the Middle Ages, specifically modern forms of national sovereignty are usually traced to the 1648 Peace of Westphalia, which, Philpott notes, citing a 1948 article by international lawyer Leo Gross, marks “the majestic portal which leads from the old world into the new world.” (Cited 76) The deployment of Westphalia as the “best historical reference point

¹ Notably, Philpott is the author of the entry on ‘Sovereignty’ in the *Stanford Encyclopedia of Philosophy*, which may partially account for the wide dissemination of this formulation.

for symbolizing that momentous turn in European history,” is, Robert Jackson claims, the product of “an ‘ex post facto’ analysis.” (Jackson 2007:50-51) Indeed, Europe was, Philpott agrees, “substantially modern before Westphalia and persistently medieval thereafter.” (2001:76) Nonetheless, Westphalia serves, he argues, as the political moment at which the “long, slow death” of the Middle Ages was effectively “consolidated.” (11)

Medieval Europe was characterized, Jackson notes, by a series of *regna*, “islands of local political authority scattered across the western part of the former Roman Empire,” (2007:25) in which it was “unusual for a king’s realm to be concentrated and consolidated at one place” and a “ruler’s territory would often resemble an archipelago.” Within this series of “overlapping and constantly shifting lordships,” (27) there were often individual fiefdoms inside the territorial domains of other rulers, and a leader’s supremacy was constantly contested both internally and externally. Moreover, every ruler was subject to the higher authority of the Roman Church. The *regna* of Europe were mutable elements within the overarching stasis of Latin Christendom, presided over by the pope, a situation that endured for over a millennia until European monarchs, abetted by political theorists, began to assert their authority in the early sixteenth century. In Italy, Machiavelli “envisioned a new, secular politics in which princes held authority within their city-states and were free from papal and imperial interference,” (Phillpott 2001:75) advancing a doctrine of *raison d’etat* that maintained that “political life sometimes necessitated disobedience to the moral teachings of the church.” (Jackson 2007:42) Similarly, in late sixteenth century France, Jean Bodin’s *Les Six Livres de la*

Republique (1576) provided “a theoretical treatise and book of advice on the French monarchical state as a free-standing and self-regarding political system.” (47)

Significantly, just two years after the 1532 publication of *Il Principe*, the English Parliament passed the first Act of Supremacy, affirming that Henry VIII, “our sovereign lord” and “his heirs and successors, kings of this realm,” were to be “taken, accepted, and reputed” as “the only supreme head in earth of the Church of England...and shall have and enjoy, annexed and united to the imperial crown of this realm...all honors, dignities, preeminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of the supreme head of the same Church.” Yet it was not, Philpott maintains, until the Peace of Westphalia over a hundred years later that “virtually all of Europe’s rulers enjoyed the sovereignty of Shakespeare’s English kings and recognized this sovereignty in one another.” (2001:75) Westphalia thus serves as the historical marker of the European-wide inauguration of modern political authority, the “destruction of the *respublica Christiana* and the transformation of the *ecclesium* into a national church and the *regnum* into what Machiavelli referred to as the *stato*.” (Jackson 2007:38) In the “generations after Westphalia,” Philpott concurs, “only the state would effectively command political loyalty in Europe. Not only the ideal, but any substantive reality, of united Christendom was gone.” (2001:75)

Westphalia signaled not only the death-knell of papal authority, but also, Duncan Ivison notes, the emergence of the notion that “the collection of people over whom supreme authority is exercised was to be thought of as defined in virtue of their location within

borders.” (Iverson 2002:221) Sovereignty is a fundamentally territorial concept, and “[t]erritoriality is,” Philpott suggests, “so deeply enmeshed in virtually all contemporary authority that it is difficult to imagine authority otherwise.” (2001:17) This territorial dimension issues in the frequent characterization of sovereignty as ‘Janus-faced.’ “Sovereign states,” Jackson notes, “simultaneously face *inward* at the population of the country, and *outward* at other countries,” (2007:11; my emphasis) or, in Philpott’s formulation, they “star[e] *inward* at their ruled subjects, and *outward* beyond the polity’s walls.” (2001:18; my emphasis) Sovereignty thus consists of two spatially organized facets; “state supremacy *within* its borders and independence from *outside* interference.” (19; my emphasis) These two qualities of “supremacy and independence” are not, Jackson maintains, “two characteristics” but are, rather, “two facets of one overall characteristic: sovereignty,” which functions “like two sides of the ship’s hull, *inside and outside.*” (2007: 11-12: my emphasis) Indeed, the condition of supremacy *within* a state, is, evidently, immunity from the authority of all that is *outside*. As Jackson maintains, the “most essential element of state sovereignty is independence,” for, without this, “there could be no final word” and “the government would be answerable to an *external* authority.” (13; my emphasis)

‘Ipseity in general’

The notion of supreme authority is thus implacably enmeshed with that of the bordered territory within which that authority is exercised. Sovereignty is a principal of both power, and the incision of space. As Wendy Brown writes in *Walled States, Waning Sovereignty*, “[t]here is first the enclosure and then the sovereign...it is through the

walling off of space from the common that sovereignty is born.” (Brown 2010:45)

Sovereignty is inaugurated through delineation, the drawing of a border between the inside and the outside, a boundary that circumscribes the sphere of authority, and, crucially, makes the difference between the same and the different, between ‘us’ and ‘them,’ Greeks and ‘*barboroi*,’ a line bisecting the sphere of the home, homeland and domestic or internal affairs from the *unfamiliar* – and hence ‘*unheimlich*’ – territory of the foreign and the foreigner. The existence of national sovereignty as a principal of political organization may be historically located in the transition from the middle to the modern age, and, under the ever-increasing globalizing pressure of transnational flows of data, people, capital and culture, it may, as Brown indicates, be ‘waning’ as we transition out of the modern period. But sovereignty as a principal of political organization is only one instantiation of an ontological infrastructure that has had a far longer history, and one suspects, will prove far more enduring, than accounts of the development and demise of the modern nation state might suggest.

Following *Rogues* – Derrida’s meditation on sovereignty and democracy in the wake of 9/11 – the rest of this chapter will lay the groundwork for my argument by exploring the ontological infrastructure of sovereign integrity under the rubric of what Derrida there names “*ipseity* in general.” (Derrida 2005/2002:11) As noted by Michael Naas – the translator of *Rogues* – ‘*ipseity*’ is the first and foremost the principal of the “conjunction of self and sovereignty,” (Naas 2006:19) from the Latin ‘*ipse*’ used to render the Greek ‘*autos*.’ ‘*Ipseity*’ thus concerns not only the self-as-subject, but the understanding of the subject-as-sovereign, according to the principal of the sovereign-as-self-same. Thus,

Derrida tells us, “each time I say *ipse*...I...wish to suggest the self, the one-self, being properly oneself, indeed being a person...the self-same...the rotary motion of some quasi-circular return...toward the self.” (2005: 10-11)

As suggested here, to speak of sovereignty-as-*ipseity*, Derrida indicates in the free-wheeling opening of *Rogues*, is “to speak in round terms.” (11) Sovereignty as self-sameness has a spatial topology and a curved trajectory which arcs back, ouroborically referring the self to itself and disclaiming any relation to an-other that exists outside, an immemorial gesture Irigaray describes as the “autologic closure of the circle of the same.” (Irigaray 1989:197) This circular figure is bounded by a line that limns the limit between self and other, same and different, being and non-being, sacred and profane, domestic and foreign, legitimate and illegitimate, original and duplicitous, the pure and the corrupt. It is a figure Derrida will call ‘the unscathed’ and which gathers within itself the impossible hope of the immunity of a healthy, whole and pure body or body politic, infinitely protected against the threat of all external interference or contamination. And as we will see, the form of this figure surfaces at the very start of the philosophical tradition, working its way from the Parmenidean conception of being as a “well-rounded sphere,” (8.43) through the Platonic account of the Demiurge’s creation of a spherical cosmos as that which is the “most perfect and self-similar... ageless and unailing” (*Timaeus* 33a-b) to arrive at Heidegger’s re-imagining of Parmenides’ “*eukukleos*² *alētheiē*” as the *Lichtung* (Heidegger 1993/1964:449), the “perfect roundness” (Irigaray 1999/1983:1) of the clearing in which the truth of being is unconcealed.

² Interestingly, the definition of ‘*eukuklos*’ as “well-rounded, round, of a shield,” already suggests the defensive function of the circle. Unless otherwise stated, all Greek definitions are taken from Liddell and Scott, and/or Middle Liddell, as given at the Perseus Digital Library.

Following Irigaray, this dream of ‘perfect roundness’ is, I would suggest, one of the two principal topologies of the imaginary,³ that specular sphere of pre-linguistic gestalt, which – both imagistic, and phantastical – subtends so many symbolic representations. For Lacan, the infant is “caught up in the lure of spatial identification” (Lacan 1977:4) with the “integrative power” (Lacan 1988:18) of his⁴ reflection, the “drama” of the mirror stage inaugurating the “succession of phantasies that extends from fragmented body-image to a form of totality I shall call orthopedic...the assumption of the armour...which will mark with its rigid structure the subject’s entire mental development.” (1977:4) The Lacanian imaginary is an elaboration of the Freudian conviction that “the ego is first and foremost a bodily ego...a mental projection of the surface of the body,” (Freud 2001a/1923:26) a corporeal identification which comes, Lacan suggests, to be “symbolized in dreams by a fortress, or a stadium.” (1977:5)

This defensive structure’s “inner arena and enclosure” is “surrounded” by a wasteland of “marshes and rubbish tips,” (1977:5) and, Margaret Whitford indicates, the imaginary ego’s relation to this surrounding territory remains throughout the ‘subject’s entire mental development’ indebted to a “very primitive type of thinking in which everything is perceived/conceived on the model of the body.” (Whitford 1991:64) The most significant of these are the oral impulses of ingestion and expulsion that undergird the psychic processes of introjection and projection, coming to inform even the mechanism of

³ The other principal imaginary topology is that of vertical, erect, or ascending line; “the stability of the standing posture, the prestige of stature, the impressiveness of statues” which, Lacan argues, sets “the style for the identification in which the ego finds its starting point and leave their imprint for ever.” (Lacan 1953:15) For an extensive treatment of (e)rectitude in the Western tradition see Adriana Cavarero’s *Inclinazioni: Critica della rettitudine* (2013).

⁴ Not inconsequentially, given the Irigarayan analysis of the gendered nature of the imaginary, Lacan discusses the child in the masculine.

developmentally sophisticated capacities such as the faculty of judgment. Discernments of truth and falsehood, or normative evaluations, are, according to Freud, patterned on “the oldest...instinctual impulses” in whose language the judgment is simply “‘I should like to eat this,’ or ‘I should like to spit it out’” which “is to say: ‘It shall be inside me’ or ‘it shall be outside me.’” (Freud 2001b/1925:236-237)

Not dissimilarly, Lakoff and Johnson famous account of the “fundamentally metaphorical...nature” of our “ordinary conceptual system,” (Lakoff and Johnson 1980:3) also gives prominence to ‘ontological container metaphors’ patterned on the body. The section of *Metaphors We Live By* devoted – pertinently for our purposes – to the discussion of ‘Land Areas,’ opens with the observation that:

We are physical beings, bounded and set off from the rest of the world by the surface of our skins, and we experience the rest of the world as outside us. Each of us is a container, with a bounding surface and an in-out orientation. (29)

According to Lakoff and Johnson we perceive/conceive much of our environment according to this metaphor of body-*qua*-container. “We project our own in-out orientation onto other physical objects that are bounded by surfaces” and also “view them as containers,” with “[r]ooms and houses” being two “obvious” examples. Moreover, “even where there is no natural physical boundary that can be viewed as defining a container, we impose boundaries – marking off territory so that it has an inside and a bounding surface – whether a wall, a fence, or an abstract line.” Notably however, while Lakoff and Johnson’s study is motivated by the observation that our conceptual system is structured by predominantly spatialized metaphors, they do not imagine that this repeated

gesture of delineation requires any further interrogation beyond the bald assertion that there “are few human instincts more basic than territoriality.” (29)

Jennifer Nedelsky is troubled by this, observing that despite their conviction that “[o]ntological metaphors are...so natural and so pervasive in our thought that they are usually taken as self-evident, direct descriptions of mental phenomena,” (28) Lakoff and Johnson “treat the experience of the body as a ‘container’ to be exactly such a self-evident, direct description of ‘our’ experience of the body.” (Nedelsky 2011:110) This experience, however, Nedelsky suggests, is not all of ours. Conceiving the body as bounded by an impermeable membrane that enacts a simple ‘in-out orientation’ is far from self-evident to the type of beings who can create life *inside* of them, and who nourish that life by passing oxygen and nutrients across their bodily surfaces. For beings who feed, comfort and contain other beings with their bodies, it is far from obvious that the skin is a site of separation and defensive exclusion rather than one of connection. And it is far from insignificant that the corporeal paradigm Freud selected to undergird the ego’s psychic processes were the voluntary oral impulses of swallowing and spitting, rather than the body’s autonomic dependence on breathing in and breathing out. Indeed, as Irigaray might observe, one way to characterize our culture’s fixation on the ‘autologic closure’ of the *ipse* is as ‘the forgetting of air.’

There is then a question about the gendered nature of this allegedly ‘natural and pervasive’ experience of the body as ontological enclosure, and hence also about its status as a universal “kind of primal experience, unmediated by concepts.” (Nedelsky

2011:111) And we must ask, therefore, whether our intellectual processes are patterned on a pre-linguistic corporeal gestalt, or if, rather, the account of this triumph of specular integration is not itself *in-formed* by the conceptual and metaphoric architecture of sovereign *ipseity*? One suspects that the answer to this question, as to almost all questions of this form, is some variant of ‘both.’ As we will explore more fully in Chapter 5, psychic development is necessarily, to an important degree, a process of integration, although the tendency to conceive this integration in a relation of exteriority to connection and dependence is, I would argue, itself a product of the ontological infrastructure of sovereign *ipseity*. Moreover, as my comments on the harm of self-shattering enacted through the trauma of sexual violence might suggest, I am entirely unconvinced by reductive invocations of the liberatory potential of egoic or bodily fragmentation. Such prescriptions remain, furthermore, wedded by dialectical reversal to that which, following Bergson, we will understand as a metaphysics of impermeability, a conceptual apparatus “formed on the model of solids” (Bergson 2005/1907:xix) and the intellectual apprehension of the “impenetrability of matter.” (Bergson 2002:54)

For Bergson, spatialized conceptualization is not simply a projection of primal corporeal experience or a basic human instinct toward territoriality, but is rather the product of the ontologico-epistemic ‘order’ which, in *Creative Evolution*, he names ‘the geometric.’ The term ‘order’ denotes, Bergson tells us, “a certain agreement between subject and object,” the co-implication of intellect and matter through which the “mind find[s] itself...in things,” and “reality is ordered exactly to the degree in which it satisfies our thought.” (2005: 244) The faculty of the intellect is, he explains, “an appendage to the faculty of

acting,” (xix) and functions by “cutting” objects “out of reality according to lines that must be followed in order to act conveniently upon it.” (Bergson 1965/1923:36)

This movement by which the intellect “brings matter to break itself into objects excluding each other” is, moreover, for Bergson, “the same movement by which the mind is brought to form itself...into distinct concepts.” (2005:207) The “flux” (204) of experience, the way objects exist in a “state of reciprocal implication and inter-penetration,” is then, excised by the delineating, hypostasizing action of the intellect and the “more consciousness is *intellectualized, the more is matter spatialized.*” (207) In this way, the intellect performs its function of “making us masters of matter,” producing determinate objects and concepts that recommend themselves by “the solidity of the grip that they give us upon reality.” (1965:38)

This spatializing intellectualization is, I would suggest, a critical facet of what we might understand as ‘impermeability thinking,’ the conceptual aspect of the infrastructure of sovereign integrity that functions to maintain the “purity of the inside” by “keep[ing] the outside out,” and which, according to Derrida, “is the inaugural gesture of ‘logic’ itself.” (Derrida 2004/1968:131) Far from being simply a projection of a primal corporeal gestalt, the ontologization of the body as constituted by an ‘in-out orientation’ would then itself be imbricated with the “latent geometrism” and “natural logic” (Bergson 2005:214) of the intellect, as would, crucially, the faculty of judgment Freud traced to instinctual orality. Indeed, as Derrida suggests in a passage that has longed served as a touchstone of my own thinking, not only individual judgment, but also the vast edifice of metaphysical

polarity that so frequently informs judgment, is itself indebted to the thinking of relation according to the logic of exteriorizing impermeability, viz.:

In order for these contrary values (good/evil, true/false...etc.) to be in opposition, each of the terms must be simply *external* to the other, which means that...the *opposition between inside and outside...must already be accredited as the matrix of all possible opposition.* (2004:106; my emphasis)

However, as Bergson was aware, the exteriorizing geometrism of the intellect is far from the only form of human apprehension, and, while it may elude our solid conceptual grasp, we nonetheless have the capacity to perceive, experience, and indeed, theorize about, durational and relational interpenetration and flux. The cultural dominance of the logic of sovereign integrity thus requires some explanation beyond it merely being an artifact of the intellect, and, as we will explore in the next chapter, and throughout this study, that explanation is to be found in the psychic process by which the *ipse* strives to establish itself as a self-sufficient invulnerability, to disavow its dependency, and to externalize all risk, danger, and emotional threat by projecting it onto an outside it imagines it can defend itself eternally against.

The infrastructure of sovereign integrity, or ‘*ipseity* in general,’ issues then from a dense weave of psychic process, both intellectual and imagistic, conceptual and emotional, informed by the imbrication of mechanisms of cognitive delineation, spatial ontologization, imaginary integration, affective projection, metaphysical hierarchization, and a proliferating chain of metaphoric association. When speaking of the *ipse*, Derrida is invoking, he suggests, “so many figures and movements,” including “power, potency,

sovereignty, or possibility...referring always, through a complicated set of relations...to possession, property, and...the authority of the lord or seignior...the master of the house or the husband.” (Derrida 2005/2002:11) He is indicating the “the power and ipseity of the people,” (13) the “gathering...in the simultaneity of an assemblage or assembly,” (11) the “power that gives itself its own law,” (13) and the “autos of autonomy...homogeneity, the same, the like...and even, finally, God.” The “ipseity of the One” (14) is further embedded, he tells us, in “a long cycle of political theology that is at once paternalistic and patriarchal...in the filiation father-son-brother,” (17) and in the conceits of independent origination expressed by the cyclical *energeia* of Aristotle’s Unmoved Mover, (15) and the “Greek *eidos* or... *idea*” which “also designates the turn of a contour, the limit surrounding a visible form.” (18)

We will soon turn ourselves to the task of sketching some of these many figures, but before doing so, will momentarily step off the merry-go-round to note the extent to which this dizzying proliferation of ‘circles of the same’ casts doubt over any rigid delineation between the imaginary and the symbolic. As Margaret Whitford, following Irigaray, suggests, we are dealing here with the “imaginary of the ruling symbolic,” (Whitford 1991:66) with a cultural or social imaginary which “compared with individual imaginary signification” is, Cornelius Castoriadis writes “infinitely vaster than a phantasy,” and constitutes the “underlying schema of what is referred to as the Jewish, Greek, or Western ‘world picture.’” (Cited Whitford 1991:66) As Susan James notes, this “radical imaginary, as Castoriadis calls it...grounds the actual imaginary (the symbols that are actually imagined) whether in the individual psyche or in society.” (James 2002:180-181)

According to Castoriadis' reading, James writes, Lacan's "mirror metaphor" is then to be understood as itself "a byproduct of Platonic onto-logy," and is "profoundly indebted to the social imaginary of the West." And as such, while Lacan perhaps considered his contribution original, he failed, James argues, to provide an account of imaginary origins "prior to and distinct from the social imaginary," offering instead a "narrative which is *part of the social imaginary*," (182-183) and which was topologically informed by the social imaginary's production of the "symbols that construct and individuate societies." (181)

A Sketch of Six Figures

As Derrida suggests above, the 'well-rounded' form of the *ipse* is expressed in many figures, while, animated by the attempt to enclose the self within itself, it exhibits across its iterations recurrent family features. Insofar as these are inextricably co-implicated, describing their distinction is a somewhat artificial exercise, but such are all attempts to ascribe definition to that which is, in fact, enmeshed. The primary feature of the *ipse* – as its derivation from the '*autos*' would suggest – is spatial and temporal *self-identity*. For the purposes of this study, the attempt to excise the *ipse* from the durational ravage of time and fix being '*sub specie aeternitatis*' is of secondary importance to our analysis, although temporal and spatial self-identity are necessarily con-fused, and, moreover, the animating lure of immortality remains a critical component of the fantasy of invulnerability we will discuss in the next chapter under the sign of 'the unscathed.' As suggested by the focus on territoriality, my principal concern here is with the spatial dimension of self-sameness, the features of which I will schematize as follows:

a) Bounded. (Bordered, de-lineated, de-scribed, de-finite, discrete, distinct, separate, enclosed, encircled, circumscribed). As we have seen, sovereign *ipseity* is determined on the basis of the incision of space. The *ipse* is inscribed by a line that clearly distinguishes the inside from the outside, and is conceived ‘on the model of solids’ under a rubric of impermeability that allows only for relations of identity or exteriority. Something is either inside the line (in which case it is the same), or it is outside the line (in which case it is different). Thus, the boundedness of sovereign *ipseity* implies:

b) Internal self-sameness. (One, singular, identical, integrated, whole, unified, coherent, proper, simple, homogenous, undifferentiated, indivisible). Everything inside the line is exactly the same, and the *ipse* must therefore not admit anything outside itself – and thus different, other or foreign to itself – into the inside, where it would contaminate, pollute or infect its internal integrity. Hence, internal self-sameness implies:

c) External exclusion. (Pure, perfect, absolute, unadulterated, uncontaminated, immune, inviolate, private, secure, impregnable, unassailable, impenetrable, unsullied, chaste, virginal). “The purity of the inside” writes Derrida, can “only be restored if charges are *brought home* against exteriority...that *ought* never...to be added to the untouched plenitude of the inside...To keep the outside out. This is the inaugural gesture of ‘logic’ itself...insofar as it accords with the self-identity *of that which is*.” (2004/1968:131)

d) Self-sufficiency. (In-dependent, free, autonomous, autarchic, original, self-authorizing, complete, invulnerable, uninfluenced). In order to maintain the self-identical purity of the

inside, the *ipse* must not only defend itself against intrusion by external contaminants or the interference of outside authorities, but also ensure that it is not dependent on the outside for the fulfillment of any of its needs or requirements. As we will see, this demand for self-sufficiency surfaces in a number of forms, but can be collectively understood as a ‘conceit of self-origination’ through which the *ipse* disavows its present and past dependencies and constructs itself as its own origin. This is the respect in which Irigaray characterizes a culture committed to an ideal of *ipseity* as founded on a gesture of ‘symbolic matricide,’ as she writes in ‘Le Corps-à-corps avec la mère,’ “toute notre culture occidentale repose sur le meurtre de la mère.” (Irigaray 1981:81)

Using this schema we will now turn to six of the *ipse*’s most significant configurations.

i) Being

“[B]eing is what it is, the outside is outside and the inside inside.”
(Derrida, ‘Plato’s Pharmacy’: 131)

At the inception of the Western tradition, in the early fifth century B.C. poem reputedly entitled *On Nature*, Parmenides of Elea outlined an image of the ‘well-rounded sphere’ of Being as that which “must either be completely or not at all.” (8.11; Gallop 1984)

According to the goddess, who, anticipating Socrates’ famous distinction, instructs Parmenides’ initiate on the difference between the “still heart” of *aletheia* and the way of mortal *doxa*, (1.29-33: Lombardo 1989) Being is con-fined by a triumvirate of female deities. ‘What-is,’ she tells us, is ‘shackled’ (8.14; 8.37) “whole and changeless” (8.38) by the goddesses Justice (*Dikē*) and Necessity (*Ananke*), while Fate (*Moirā*) “holds [it]

fast in the chains of a limit, which fences⁵ it about.” (8.31: Gallop) Like the Demiurge’s cosmos, which is “equidistant in all directions from the centre to the extremities,” (*Timaeus*: 33b) Parmenides’ Being is “[e]verywhere from the centre equally matched.” (8.44; Gallop) The significance of the sphere thus arises not only from the propensity to conceive the boundary as an encircling inscription, but also because its dimensions from center to limit are, at all points, the same. The round is thus uniquely suited to the representation of the *ipse*’s founding principle of self-identity, for, as the goddess informs us “[it] must not be any larger/Or any smaller here or there.” (8.44-5) Such differences would introduce “what-is-not,” (8.46) into the unified plenitude of Being and could hence “stop it reaching/[Its] like” (8.46-7: Gallop) or, more poetically, “fracture its wholeness.” (8.46-7: Lombardo) Being, “equal to itself in every direction” is “uniformly present within bounds,” and therefore, we are given to understand, “inviolably *is*.”⁶ (8.48-9: Gallop)

For Parmenides’ goddess, Being and non-Being are to be properly conceived in a relation of contradiction or strict exteriority in which the thought of the void, of absence or the ‘is

⁵ The verb here is from ‘*ergō*’ (not to be confused with ‘*ergōn*’) meaning to ‘shut up’ or ‘enclose.’

⁶ “*estin asylon*” (8.48) The word ‘*asylon*,’ translated here as ‘inviolable’ derives from the Greek ‘*sylē*’ meaning ‘the right of seizing the ship or cargo of a foreign merchant’ or, more generally, the ‘right of seizure...of goods.’ ‘*A-sylos*,’ therefore denotes being free from the threat of such seizure, and the nominal form ‘*asylon*,’ a *place* in which one is thus free. Hence, a place which is ‘safe from violence,’ a ‘refuge’ or ‘inviolable place.’ The modern English ‘asylum’ is derived from Greek via the Latin, ‘*asylum*’ denoting a ‘sanctuary,’ the sense of ‘safe or secure place’ is recorded in English from the mid seventeenth century, while the specific meaning of ‘giving shelter to some class of persons’ is from the late eighteenth century. Given the history of the development of national sovereignty, the sense of providing such protection under the rubric of citizenship, would, one suspects, be specifically modern, although the mechanism of incorporating the foreigner into the body politic as what Derrida calls a ‘subject-in-law’ in undoubtedly much older (I am thinking here of Derrida’s discussion of the Athenian Court’s requirement that Socrates “ask for hospitality in a language which by definition is not his own,” and is “imposed on him by... the master of the house, the host, the king, the lord, the authorities, the nation” or “the State.” (2000:15)) Notably also, the Greek ‘*asylos*’ arrives at the sense of ‘freedom from violence’ via the notion of protection from property crime, while the root of the Latin ‘*violāre*’ is ‘*vis*,’ meaning ‘strength, power, or energy,’ and thus invokes the *force* of the threat (for a fuller etymology of ‘violate’ please see Chapter 3 n.1). ‘*Violāre*,’ however, also carries the specific sense of the defilement of the sacred, and in this respect, as with *asylum*-*qua*-sanctuary, it refers us to the theological infrastructure of the whole or the holy in the figure of ‘the unscathed.’

not,’ is both literally and figuratively ‘beyond the pale.’ Or more accurately, to speak momentarily from *inside* the goddesses’ conceit, there is no relation at all between presence and absence, no ‘beyond’ beyond the pale, because the absence of exteriority is so absolute that the outside of Being simply *is not*. Still, having ruled it out of court, the goddess nonetheless deems it necessary to relentlessly remind the philosophical initiate of the impossibility of this thought. When confronting “the decision...Is [it] or is [it] not?” (8.15-6: Gallop) there is, she instructs, in fact no choice to be made, “as it is necessary/To let go the one as unthinkable, unnameable.” (8.16-7) The idea that “*it isn’t* and that *it isn’t* must be” (2.5: Lombardo) is impossible because the ‘*is not*’ cannot be indicated or pointed to (‘*phrasais*’⁷); 2.8), known (‘*gnoiēs*’; 2.7) or thought (‘*noein*’; 8.8) and “*chrē to legein te noein t’ eon emmenai*” (6.1) that is, ‘that which is there to be spoken [‘*legein*’] or thought [‘*noein*’] necessarily exists.’

Thus we arrive at the famous Parmenidean maxim, “*to gar auto noein estin te kai einai*” (Fragment 3), described by Irigaray as the “proposition at the beginning of metaphysics: to be – to think – the same,”⁸ and which, she notes, functions as “a tautological circle that protects” being “from fissure.” (Irigaray 1999/1983:123) The purported impossibility of thinking ‘otherwise than Being,’ and thus, of thinking Being’s relation to – or inter-

⁷ From ‘*phrazo*’ to ‘show forth, tell or declare.’

⁸ I would suggest that there are three principal traditions of interpretation of this much-debated fragment, which I would classify as ‘epistemic,’ ‘unitive’ and ‘critical.’ The epistemic interpretation, as represented by Karl Popper’s suggestion that “the questions which the Presocratics tried to answer were...questions of the theory of knowledge,” (Popper 1998:7) reads the fragments as articulating something akin to a correspondence theory of truth, based, Heidegger notes, on a “well worn schema” (2000:144) which posits a relation of identity between being as the object and thinking as the subject, “in such a way that Being is represented to thinking.” (123) Heidegger’s interpretation, which, along with that of Peter Kingsley could be characterized as ‘unitive,’ reads ‘*to auto*’ not as an index of identity between subject and object, but as the mutual “belonging together of being and apprehension” (144) in the process of the unconcealment or presencing of Being as ‘*phusis*.’ (148) By contrast, the dominant critical reading of the fragment in post-Heideggerian French thought conceives it as testament to an epistemic imperialism intent on demonstrating the sovereign authority of human knowledge by denying the impossibility of that which escapes thought.

penetration *with* – its absent other, is the condition of guaranteeing that “what-is is in contact” only “with what-is,” (8.25: Gallop) is “all full of what-is,” (8.24) and, with no part “lacking” (8.34) or “incomplete,” (8.33) is hence “all together/One, continuous.” (8.05-6) According to Thomas McEvelley, the logic of exteriority informing the structure of Parmenides’ argument – his insistence on the absolute non-implication of Being and non-Being – “contains...the principles that Aristotle would later formulate as the three Laws of Thought,” (Identity, Contradiction and the Excluded Middle) and thus, he argues, “Western logic,” and its endless refusal of the possibility of the permeable both/and, “flowed out of it like a vine growing from a seed.” (McEvelley 2002:53-54) In *Philosophy Without Women*, Vigdis Songe-Møller agrees, figuring Parmenides’ argument as an exemplar of “the consequences of making radical deductions from the principle of contradiction.” (Songe-Møller 2002:38) And indeed, unlike the way of truth, mortal *doxa* is, for Parmenides, characterized by exactly the kind of muddled ‘two-headedness’ (*‘dikranoi’*; 6.5) for which “being and non-being have been thought both the same/And not the same.” (6.8-9: Gallop)

Parmenidean Being thus axiomatically exhibits the *ipse*’s key characteristics of boundedness, internal self-sameness signified by the circle, and the absolute exclusion of exteriority, an exclusion which, as we will explore more fully shortly, makes manifest the annihilating implications of the erection of sovereign identity. In order to sustain Being’s spatial self-integrity, Parmenides’ goddess must moreover insist on the impossibility of the becoming of Being, for just as the perfectly self-same cannot be ‘more or less here or there,’ so also it cannot incorporate the difference between the before and after and is

“changeless” or “unmoving.” (*akineton*; 8.26, 8.38) For the purpose of this argument, the importance of the assertion of the unchanging nature of Being is located in the way in which it is allied, and perhaps indeed impelled, by the attempt to excise existence from the mortal processes of generation and decay; the ‘being of Being’ being both “unbeginning” (*anarchon*) and “unceasing,” (ON: 8.27) “ungenerated” (*agenēton*) and “imperishable.” (ON: 8.03) As already intimated, we will explore the significance of the imperishability of existence more fully in our discussion of ‘the unscathed,’ but my concern here is particularly with the way Parmenidean Being sets the stage for the Western tradition’s effacement of constitutive relation with specific regard to the denial of dependent origination, or primitive conjunction.

The principle of sufficient reason, famously formalized by Leibniz some two millennia after the composition of *On Nature*, was, nonetheless, (perhaps) originally inscribed in Parmenides’ poem, before circulating for centuries in Latin Christendom under the axiom ‘*ex nihilo nihil fit*,’ where it would come to play a crucial role in cosmological arguments for the existence of God as a necessary being. The requirement that the origination of any entity have an antecedent cause would, Parmenides was evidently well aware, pose a perilous threat to the establishment of Being as a perfect self-identity incised from all relation to, or dependence on, its outside. But, rather than arguing for the logical and material improbability of creation *ex nihilo*, Parmenides solution to this vexed problem was the equally improbable assertion – reperformed by the Platonic *eidos* and the Aristotelian Unmoved Mover – that Being had no origin at all. Indeed, according to the annihilating logic of Parmenides’ thesis, Being *could have no origin*, for “[w]hat genesis

could you find for what-is,” and from “what origin” could it have “grown,” (8.06-7: Lombardo) given that that nothing “could have impelled it to grow...if it began from nothing” (8.09-10: Gallop) and “[n]either from what-is-not I shall allow/You to say and think; for it is not to be said or thought/That *[it] is not.*” (8.07-8)

In the ambiguity of this deduction/injunction we begin to grasp what Irigaray diagnoses as the ‘tautological’ infrastructure instated by Parmenides in order to protect Being ‘from fissure.’ Parleying the principle that ‘nothing (be)comes from nothing’ into the assertion that Being *does not become*, and hence “*genesis men apesbestai kai apystos olethros*” (‘genesis is extinguished and perishing’⁹ unpersuasive [*‘apystos’*]: 8.21), depends on the assumption – or, rather, the goddess’ injunction – that the ‘what-is-not’ is ‘not allowed.’ This injunction is itself in-formed by the spatial architecture of ipsocentric logic, the understanding that the plenitude of Being can only be what-it-is on the condition that its outside *is not*, and moreover, that the non-existence of this exterior is the condition of the self-sameness of that which would otherwise, according to the principle of sufficient reason, have arisen in dependence on what is not itself. The purported deduction that Being is ‘*anarchon*’ thus depends on the injunction against the existence of Being’s exterior, a premise which is itself unfolded from the tautological assertion of the *ipseity* of the ‘it is’ and impelled by the need to insure the self-identity of Being against the fissuring represented by dependent origination, the “hateful birth” which issues from the “union of all things” (12.04: Gallop) and the “mingl[ing] the seeds of love” between

⁹ Notably, in place of the more usual ‘*thanatos*,’ Parmenides uses here ‘*olethros*,’ meaning ‘ruin, destruction or death,’ especially by ‘destruction of property’ or ‘that which causes...pest or plague,’ that is, he invokes not death in general, but the specific type of ruin caused by violations of sovereign *ipseity*, in the form of property and immunity.

“man and woman.” (18.01) The maintenance of Being’s sovereign integrity via the erasure of original conjunction is then, as Irigaray intimated, both the impulse and outcome of Parmenides’ encircling inscription. The being of *ipseity-as-anarchy* is not deduced from the non-being of what-is-not, rather, the outside *must not be* because if it *is* then that-which-is is not *anarchic*, and hence, *ipseity* is not.

ii) *Iδεια*

“But what if man had eyes to see the *idea* of beauty – pure, spotless, and unalloyed; uninfected with flesh and human colour, and so much other mortal rubbish.” (*Symposium*: 211d-e)¹⁰

It was Plato – Father Parmenides’ spiritual son – who grappled most comprehensively, and, from the perspective of ontological dissemination, successfully, with the fact that securing the self-identity of the *ipse* demanded more than an endless repetition of the injunction against non-Being. The ‘two-headed’ mortals, as Parmenides’ goddess was painfully aware, were wont to “distinguish opposites,” (8.55: Gallop) and establish “two forms in their minds for naming,” (8.53) both perceiving and conceiving themselves to exist in a world “[a]ll... full of light and obscure night together... equally.” (9.03-4) From this perception of co-existent difference came all the erroneous “categories men use, thinking them true” (8.39: Lombardo); the *doxaic* beliefs in multiplicity and mutability, in “birth and destruction, being and non-being, locomotion and change,” and “all the bright shifts of surface.” (8.40-41) The goddess might inveigh against “using the blind eye for instrument,” (7.04) and the misguided mortal habit of naming differences when

¹⁰ Plato citations are rendered by consultation of the translations given in the bibliography, with reference to the Greek. Greek definitions are from Liddell and Scott, as given in the Perseus Digital Library.

“one should not be named,” (8.54) but as long as the Greek concept of Being remained enmeshed, as Heidegger maintained it was, with the generative unfolding of *phusis*,¹¹ the immortal self-identity of the *ipse* would remain at risk of infection by kaleidoscopic difference and decay.

“Plato’s thinking,” Heidegger wrote, was responsible for a “change in what determines the essence of truth,” (Heidegger 1998a/1931-2:155) through which “the word *idea*, *eidon*, ‘idea,’ came to the fore as the decisive and predominant name for being, (*physis*),” and since which “the interpretation of being as *idea* has dominated all Western thinking.” (Heidegger 1959/1953:180) Unfolding Parmenides’ suggestion of the sameness of Being and *noesis*, Plato, following Socrates, famously identified the essence of that-which-is with the universal form that is the same through all particular iterations of a phenomena or entity, and is, as such, responsible for it being what it is. As Derrida writes in *Speech and Phenomena*, “ideality is the very form in which the presence of an object in general may be indefinitely repeated as the *same*.” (Derrida 1973/1967:9) As opposed to the mutable ‘many,’ the *eidos* of justice, piety, beauty or the ‘good in itself’ (‘*auto agathon*’; *Republic*: 507b) is “always the same in all respects,” (484a) and unlike the various ‘*polla*’ which are “seen but not intellected,” the singularity of the *idea* can be apprehended only by the noetic faculty of the mind (‘*ideas noeisthai men*’: 507b), or through a process of abstraction in which “man assembles a universal name [‘*kat eidos legomenon*’] from the many sense impressions [‘*aisthrōpon*’] by using reason to gather them together into one [‘*eis en logismō synairoumenon*’]” (*Phaedrus*: 249b-c). By

¹¹ Unlike the *ipseity* of Parmenidean or Platonic being, Heidegger, following Heraclitus’ Fragment 53, understands the generative power of ‘*phusis*’ to derive from ‘*polemos*,’/‘struggle’ as, Ed Casey writes, a “manifestation of primal ‘dif-ference’” which “is generative and not merely divisive,” (Casey1984: 602-3)

identifying the essence of “that which really is,” (*Republic*: 507a) with the intellectual apprehension of the *eidos*, Plato thus produces a philosophical strategy – succeeding his intellectual father we might say – that wrests Being from its imbrication with the mutable many, and, as Adriana Cavarero notes, directs the “minds-eye away from the things of the world...that bear the mark of mortality and... ‘are and are not,’” to an “above” of “the pure idea ‘that always is,’ unchanging and eternal.” (Cavarero 1995:92)

As Cavarero suggests here, the movement of intellectual apprehension is repeatedly figured as an ascent, in the *Symposium* the philosophical initiate “must for the sake of that highest beauty be ever climbing aloft, as if on the rungs of a ladder,” (211c) while the progression of *paideia* in the *Republic* is, of course, imagined as the liberation from the subterranean darkness of the cave. This “rise toward essence,” as Irigaray characterizes it, is simultaneously a process of dematerialization – a shedding of dark corporeal heaviness as the philosopher moves into the light and the lightness of reason – and is “ensured,” she continues, “by a regression away from the senses.” (Irigaray 1985a/1974:299-300) As we learn in the *Phaedo*, the vision of “absolute beauty and goodness,” (65d) is not given by the eye but by an “absolute [*autē kath autēn*] purified reason [*dianoia*]” (66a) that does not “consort” [*homilōmen*’ – of both social and sexual intercourse] or “conjoin” [*koinōnōmen*’ – share, partake or associate with, and of sexual intercourse] with the body. (67a) This emphatic excision of *dianoia* from imbrication with its corporeal support is, according to Plato’s mind, what makes possible the ascent of reason to the immaterial vision of pure *idea*, and, moreover, mimics the excision of the *idea* itself, that which attains by abstraction to the “[u]nity,” and “totality...of one who...abstains from

any conjunction whatever,” the “completeness of what has not been engendered in an empirical matrix.” (Irigaray 1985a: 312)

Just as with Parmenidean Being, the *ipse* of the *idea* – that which gathers into one what remains the *same* in all variation – is an intellectual artifact immune from permeation by anything *other* to itself. A perfect immaterial identity, it is, Diotima tells us in the *Symposium*, continuous in both time and space, the “ever-existent” *idea* of beauty being one that “neither comes to be nor perishes, neither waxes nor wanes,” and “is not in part beautiful and in part ugly.” (211a) Insured against any intercourse with the outside, the *idea* “exists ever in singularity of form [*monooidos*’], itself in itself [*auto kath auton*’]” and is “influenced by nothing [*paskhein*¹² *mēden*].” (211b) This “indefinitely identical identity,” as Irigaray characterizes it in a subsection of *Speculum* entitled – to gesture at another forthcoming figure – ‘A Question of Property,’ “holds nothing outside itself” and “neither indicates nor indexes anything other than itself.” (1985a: 298) Moreover, as that which exists ‘itself in itself,’ the *eidōs* must necessarily conceive itself as its own origin. The sun, which Derrida would remind us, “seems to be the offspring of the good and most nearly made in its likeness,” (*Republic*: 506e; Derrida 2004:86) is marked, Irigaray

¹² The root here ‘paskhō’ meaning ‘to have something happen to one, of the influence of passion or feeling, to be affected in a certain way, to come to be in a certain state of mind,’ and ‘to be ill treated or unlucky’ is the verbal form of the noun ‘*pathos*,’ denoting ‘that which happens to a person or thing, what one has experienced, good or bad, and especially, in a bad sense, the experience of misfortune or calamity’ and finally ‘of the soul, emotion, passion.’ As indicated by the variety of senses covered by the many modern English descendants of ‘*pathos*,’ the original Greek meaning incorporated both feeling in general (‘empathy,’ ‘sympathy,’ etc.) and negative feeling, or suffering, in particular (‘pathetic,’ ‘path-ology’). For our purposes it is particularly important to note that both senses are connected to the idea of feeling and suffering as that which ‘happens to one,’ as visited on the person from the outside, an *in*-fluence (see Chapter 4) or *affection*. The root of ‘*pathos*’ is thought to be the PIE stem ‘*kenth*,’ – ‘to suffer’ – and is thus a false cognate of the Latin ‘*passio*,’/‘suffering’ (the root of both the modern English ‘passion’ and ‘passive’) by which is was often translated, and which derives instead from the PIE root ‘pē(i)’ – ‘to do harm.’ Given these shades of meaning the phrase ‘*paskhein mēden*’ could be rendered neutrally as ‘influenced or affected by nothing’ or, as in some translations, ‘independent,’ or, with emphasis on the sense of in-fluence as a source of suffering, as ‘invulnerable.’

notes, by “the autarchy of its fire,” (1985a: 267) and “copulates” itself “indefinitely without any alteration.” (347) Just as with the perfect sphere of the cosmos which, she continues, “grants autarchy to him who aspires to have ‘intercourse with himself [d’être union de soi un soi]”¹³...needing no other,” (*Timaeus*: 34b: 321) the *idea* is also an “[a]uto-nomous... index of omnipotence” in which “[e]verything is enclosed...moving in a circle.” (329) This auto-affective-generation serves to protect, Irigaray observes, the “fiction...of a simple, indivisible, idea of origin,” in which the “fission occurring at the beginning, at the time of the primitive conjunction(s) is eliminated in the *unity of the concept*.” (275)

iii) *Father (and Son)*

“The Idea...*conjures up a blindness over origin*. Master and father, God of all good intelligence...he procreates everything without being himself engendered. Permanence, ad infinitum, of him who...projects (himself) into specula...into the immortal semen of light.” (Irigaray, ‘Plato’s Hystera’: 294-295)

Irigaray’s insistence on the self-copulating *idea* might strike some as outlandish, but as all this talk of ‘consorting’ and ‘conjoining’ might suggest, the Platonic “yarns of suns and sons” (Derrida 2004:89) are populated by the *logoi* of generation and genealogy. While the *eidos* is itself *an-* or *autarchic*, the *idea* of the good is nonetheless, Plato tells us, “the cause [‘*aitia*’] of all that is (up)right [‘*orthon*’] and beautiful in everything.” In the visible realm it “gave birth [‘*tekousa*’] to light and its sovereign author [‘*kurion*’],”

¹³ The phrase given here turns on the translation of the Greek word ‘*syggignesthai*’ rendered in French as ‘*union*’ and in the English translation as ‘intercourse’ and denoting ‘to associate, converse with, come together, or have sexual intercourse with.’

while in the *noetic*, where it is “itself sovereign [*‘autē kuria’*]”¹⁴ it “produced truth and wit.” (*Republic*: 517c) Like the Unmoved Mover that would succeed it, the *idea* is an “unbegotten Begetter,” (Irigaray 1995a: 294) the Form of the Good, “in the visible-invisible figure of the father, the sun, or capital, is,” Derrida writes, “the origin of all *onta*, responsible for their appearing and their coming into *logos*.” (2004:87-88) Indeed, the *logoi*, identified by Derrida with the living presence of the *phoneme* – the “absolute proximity of voice and being...of voice and the ideality of meaning,” (Derrida 1974/1967:12) – are the children, or rather we should say, the *sons*, of the *idea*. The “Platonic schema” that “sets up the whole of Western metaphysics in its conceptuality,” he writes, assigns “the origin and power of speech...of *logos*, to the paternal position,” (Derrida 2004: 81-82) to the “figure of the father” which “is also that of the good...*the* chief, *the* capital” (86) and is, he underlines, “the hidden, illuminating and blinding source of the *logos*.” (88)

According to this genealogical model, the pure ideality of meaning is able to ‘give birth’ to *logos* that are a perfect reproduction of their *eidetic* father, without recourse to any material or *maternal* conjunction that would contaminate the offspring’s inheritance of perfect paternal self-sameness. The most famous iteration of this conceit of pure patrilineal descent is, of course, that of the immaculate conception of Christ the Son, ‘the Word [*Logos*] made flesh,’ (John: 1.14) child of *the* Father who “[i]n the beginning [*‘archē’*] was the Word,” (John: 1.1) who “made all things [*‘panta di autou egeneto’*]” (John: 1.3) and “was the light of men.” (John: 1.4) Between Plato and the writing of the

¹⁴ ‘κυριον’ – ‘having power or authority over, legitimacy, lawfulness, lord, master, head of a family, master of a house, also, guardian of a woman, of gods.’

Greek New Testament, Aristotle famously formalized this effacement of the female ‘generative principle’ (*‘geneseōs archas’*) asserting in the *Generation of Animals* that the female role consists only in the contribution of the matter (*‘hylē’*) (716a5-8) that “receives the seed but is unable to formulate or to ejaculate it.” (765b15-16) The “male and the female,” he argued, are distinguished, in the “possession of an ability [*‘dynamēi’*] and in the lack of an ability [*‘adynamia’*],” (765b9-10) with only the male “able to concoct, formulate and... ejaculate the sperm” which alone “contains the origin of the form [*‘tēn archēn tou eidous’*].” (765b10-12)

This strategy still leaves lexical traces in the figuring of semen as seed¹⁵ – that which is actually formed *after* genetic conjunction – as well as in the well-worn associations of women’s bodies with earth, with fields in need of ‘plowing’ and ‘sowing,’ and, of course, in the entire conceptual structure which positions women as a passive re-productive resource which can be appropriated as land or territory. As we will explore more fully in our discussion of the sociobiological reduction of women to resource via the economic Darwinism of ‘parental investment theory,’ the patrilineal production of offspring has long been conceived within a conceptual web which includes, Derrida notes, the “domains of agriculture, of kinship relations, and of fiduciary operations.” (2004:87) ‘Giving birth’ (*‘titkō’*) in Greek – as the *idea* gives birth to the *logos* – denotes not only human engendering, but also the breeding of livestock, and the productive capacity of the earth. The offspring, or ‘*tokos*,’ of men, animals, and the land is also, metaphorically, the

¹⁵ Notably, in the *Phaedrus*, while distinguishing between the written word, and its “legitimate brother... living and animate speech,” Socrates deploys the analogy of casting seed, noting that “the man with real knowledge of right and beauty and good” will “follow the true principle of agriculture and sow his seed [*‘sperma’*] in a befitting place,” rather than “in the black fluid called ink, to produce discourses that cannot defend themselves or give any adequate account of the truth.” (276a-c)

produce of money lent, the interest accrued on a loan, “a *return* or *revenue*.” (87) Within this economy, women are simply part of the means of patrilineal production – the paternal lord expecting a return on his investment in both the soil of his land, and the soil of women’s bodies, appropriated for the task of producing legitimate heirs to secure the family’s dominion – the authority of the father’s name - over his estates. The Platonic *idea* as the ‘unbegotten Begetter,’ singular ‘origin of all form,’ and ‘cause of that is,’ is thus enmeshed with a thinking of production and re-production which is concerned only with an economy of inheritance between fathers and sons, and relegates the female to, Irigaray writes, “nothing but the receptacle that passively receives his product,” the “womb, earth, factory, bank...to which the seed capital is entrusted so that it may germinate, produce, grow fruitful.” (1995a:18)

Derrida’s concern with this denial of originary conjunction was, following the traces of the ‘Platonic schema,’ articulated in the earliest iterations of deconstruction in terms of the opposition between speech and writing, *phoneme* and *grapheme*. The *logos*, word-as-speech, “the articulated unity of sound and sense,” (1974: 29) are the direct descendants of the *eidos*, carried by the immateriality of the breath, the “self-present voice,” and perfectly re-producing the “immediate, natural, and direct signification of meaning (of the signified, of the concept, of the ideal object).” (30) However, while the *phoneme* is thought as having a “relation of essential and immediate proximity with the mind,” (11) and thus as insuring the unblemished re-production of the truth of the *idea*, Derrida demonstrates – in his readings of Plato, Saussure and Husserl among others – that the material inscription of the *grapheme* is, by contrast, conceived as a supplement *external*

to the production of ideal meaning. According to the schema of Platonic re-production, the logos-as-*phoneme* is, in its immateriality, a faithful offspring of its *eidetic* father, while the inscription is merely a corruptible material copy, a duplicitous duplicate of the voice that alone expresses the unity of *idea* and *logos*.

Writing, Derrida recounts, is consistently figured as an external threat to the internal purity of meaning,¹⁶ the falling back into matter of *idea*, a mimicking – and hence *doubling* – of what should only ever be original and unified. The reproductive *technē* of writing allows for the voice to be copied and recopied, removing the *idea* further and further from its origin, which, like a fatherless child, makes its way back into the world of plurality, “[w]andering the streets,” and getting into trouble, while not even knowing “what his father’s name is.” (Derrida 2004:144) As Plato *writes* in the *Phaedrus*, himself miming Socrates’ spoken word, “once a thing is committed to writing it circulates among those...who have no business with it” and “if it is ill-treated or unfairly abused” and “needs its father [*patros*] to come to the rescue,” it finds itself “quite unable to defend itself.” (275e) As such, the *grapheme* is incapable of transmitting the untainted truth of its

¹⁶ ‘Plato’s Pharmacy’ is dedicated to tracing the instability of Plato’s efforts to secure the externality of writing through the figure of writing-as-*pharmakon*, following the passage in the *Phaedrus* where Socrates recounts Theuth’s/Thoth’s presentation of writing to Thamus – “the king, father, and god who speaks... with his sun filled voice” (Derrida 2004: 91) – claiming “I have discovered an elixir of memory and wisdom [*mnēmēs te gar kai sophias pharmakon eūrethē*].” (*Phaedrus*: 274e) The ambiguity of the *pharmakon* as both remedy and poison serves Derrida as an index of the impossibility of Plato’s *ipseic* ambitions, his “attempts to master, to dominate by inserting... definition into simple, clear cut oppositions;” (105) an effect of structural aporetics we will explore further at the beginning of the next chapter. Here my interest is particularly with Derrida’s account of writing-as-*pharmakon* as that “always springing up from without, acting like the outside itself” (104) and which thus “[a]pprehended as...an impurity...acts like an aggressor or housebreaker, threatening some internal purity or security.” (131) This is linked, Derrida suggests, to the *Phaedrus*’ opening reference to the myth of Orithyia, who was carried off by the wind, Boreas, while playing with Pharmacia on the riverbank. This story, Derrida writes, is “a little stitch or mesh (*macula*) woven into the back of the canvas” which “marks out for the entire dialogue the scene where that *virgin* was cast into the abyss, surprised by death *while playing with Pharmacia*.... Pharmacia has dragged down to death a virginal purity and an unpenetrated interior.” (75)

ideal origin, and “steadfast or secure principles and clear and distinct knowledge” cannot be “found in a written speech.” (277d) Indeed, it is only spoken words – “reckoned as the speaker’s legitimate [*geēsious*]¹⁷ children” which “originate within himself” – and delivered for the purposes of “instructing” or “writing on the soul” about “justice, the beautiful and the good,” which alone possess “distinctness, completeness [*teleon*] and serious value.” (278a)

As we will explore more fully at the start of the next chapter, Derrida’s famous, and we might ironically observe, much misread, axiom about there being ‘nothing outside the text,’ is situated inside this opposition of *grapheme* and *phoneme* as a refutation of the possibility of writing’s exteriority to the origin of meaning – the Platonic conceit that the *ipse* of the *eidos* could reproduce itself, or even ever have existed, without generative material conjunction. The “*family* metaphors” that teem within Plato’s accounts of the production and re-production of the *ipseic* ideal, are, Derrida writes in ‘Plato’s Pharmacy’ (1968), “all about fathers and sons, about bastards...and legitimate sons...inheritance, sperm and sterility,” and say, he notes, “[n]othing...of the mother.” However, “if one looks” at these primal scenes “hard enough...a second picture” nonetheless “can be made out,” in which “one might be able to discern her unstable form...upside down in the foliage, at the back of the garden.” (2004:143)

If anyone looked hard enough, it was Luce Irigaray, and in 1974 she published, as the second half of *Speculum*, a hundred-some-page analysis of the analogy of the cave entitled ‘Plato’s Hystera.’ Following her crucial insight that the Lacanian mirror was, in

¹⁷ ‘Belonging to the race, lawfully begotten, born in wedlock,’ generally ‘genuine, legitimate.’

fact, a m/other, Irigaray subjected the simile to a uniquely intense interrogation of “the scenography that makes representation feasible,” her intent to draw attention to “the ‘matter’ from which the speaking subject draws nourishment in order to produce itself,” which she figured as a “mirror, most often hidden, that allows the logos, the subject, to reduplicate itself, to reflect itself by itself.” (Irigaray 1985b/1977:74-75) Her archeological excavation begins by noting that the cave is a “place shaped like...a womb,” (1985a: 243) a camera obscura which is “*ipso facto, a speculum*,” (255) although, she observes, its “screen” which “is not even unsilvered glass” (254) is a “matrix...too material and inchoate to reproduce ideal types without smudges, spots, mess” (311) and can, instead, only conceive “doubles, copies, fakes.” (265) Given that, as we have seen, the Platonic schema judges “images, reflections, reduplications” by their “more or less correct relation to the sameness (of the Idea),” (262) the philosopher’s quest for truth thus requires the effacement of the *hystera* of the cave, and any “man held captive by this excessively ‘natural’ conception of birth” will be thus “uprooted and referred to a more distant, lofty, and noble origin. To an arche-type, a principle, an Author.” (294)

As Heidegger also noted, the process of *paideia* is figured by Plato as a ‘revolution’ (*periagōgē*) a release from the shackles that mean the prisoners can “only look straight ahead and cannot turn their heads,” (*Republic*: 514a) allowing them to “pirouette” (Irigaray 1985a: 261) towards the back of the cave and make their escape, dragged upwards by Socrates’ maieutic method. Effectively, Irigaray’s reading suggests, the entire analogy functions by “pivot[ing] the scene around axes of symmetry,” (259) rotating the maternal *archē* through 180 degrees to be repositioned in the sky, and leading

the philosophical initiate into a similar about-turn, ascending upwards and away from the “repulsive naturalness of that womb,” (311) and ‘cutting’ him “off from any... empirical relation” with his origin. (293) Having been delivered from the cave by a “philosophy tutor” (311) who acts as “some acolyte-obstetrician,” (278) the initiate’s faculty of learning, “together with the whole soul,” can finally be “turned around [‘*periakteon*’] from that which is coming into being [‘*gignomenou*’].” His noetic vision now uncorrupted by the material supports of re-presentation, the aspirant philosopher is at last able to “endure the contemplation of that which *is* and the brightest region of being,” (*Republic*: 518c) to see “the sun, not as a phantasm in water or some foreign location,” but “itself in itself [‘*auton kath auton*’] and in its own [‘*auton*’] place.” (516b)

This ‘itself in itself’ of the *idea* is then, within this matrix of generative and genealogical (dis)associations, equivalent to an *autarchic* gesture of self-copulation. The sun is, Irigaray suggests, an immaculate speculum, the “[b]rilliance of silvered-backing in suspension,” (356) a “mirror that assists the eternal identity with self” (288) in which the Father “reflect[s] (himself) indefinitely.” (308) However, while the simile has done progressively away with all the scenography of representation – “no more magicians... [n]o more instruments...[n]o more fetish-statues” (285) – the speculum’s reflecting surface *is still there*, now enfolded, Irigaray suggests, into the “ocular *membrane-screen*,” or the “projection screen of the soul.” (317) Despite Plato’s elaborate conceit, “*semblance has passed into the definition of the proper*,” and although it “wasn’t seen... it is there” (297) – a moment that marks, Irigaray notes, the “*dehiscence* of an origin that is never recognised as a (product of) copulation.” (274) Nonetheless, the irreducible role of

conjunction in the formation of the *ipseity* of the *idea* will remain, within the “whole - phallic - edifice of representation,” (267) “unnoticed.” (297) This is the “*disavowal of the mirror*” (301) that constitutes the gesture Irigaray names ‘symbolic matricide’ and through which the one who “only provides the materials” will “once again be left to the earth.” (353) This erasure of the mother “secured... by the discourse of Socrates,” (267) must then, like all effective repression, be itself erased. “The Father will seal over the mystery, draping it in the authority of his incontestable law,” (357) a “[f]orgetting” which “*we have forgotten...sealed over at the dawning...of the West.*” (345)

iv) *Cogito*

“[D]ependence is manifestly a defect.” (Descartes, *Discourse on the Method IV*)

According to Heidegger, Plato’s determination of Being-as-*idea* imparts to “‘philosophy’ ...the distinguishing mark of what is later called metaphysics,” (Heidegger 1998a/1931-2:180) a gesture which cleaved Being from its *noetic* apprehension, and through which, Derrida observes, “the essence of what-is” came to be conceived as “an object of representation.” (Derrida 1982:310) Within this “familiar schema,” Heidegger writes, “Being is the objective, the object. Thinking is the subjective, the subject,” and the “relation of thinking to being” is “that of subject to object,” (Heidegger 1959/1953:135) a sundering which marks the eclipse of the Greek notion of *alētheia*¹⁸ – understood by

¹⁸ As already alluded, Heidegger considers ‘*phusis*’ to be one of the archaic Greek names for “being itself,” (1959:14) denoting “the power that emerges...the process of a-rising, of emerging from the hidden.” (14-5) As such, ‘*phusis*’ is intertwined with truth as *alētheia*, denoting the privation of ‘*lēthē*’ or ‘forgetting,’ but more usually rendered by Heidegger as ‘*Verborgenheit*,’ or ‘concealment’/‘hiddenness.’ *Alētheia* is thus the apprehension of the emerging, or presencing, of *phusis* from concealment, and is, crucially for Heidegger, a process in which apprehension is not sundered from its object, but in which being and thinking emerge together in dynamic co-constitution in accordance with that which, in *Being and Time*, is

Heidegger as unconcealment – by the determination of truth as ‘*homoiōsis*.’ For Plato, *noesis* is a matter of “an agreement of the act of knowing with the thing itself,” which “results in a transformation in the essence of truth” whereby it comes to signify “the correctness of apprehending and asserting.” (Heidegger 1931-2:177) The elevation of *idea* thus inaugurates the thinking of truth as correspondence, and, as such, Heidegger suggests, Plato fathers a philosophical lineage running from Aristotle to Nietzsche, united by the thought of truth as “the correctness of...representation,” (178) and due to which, “philosophers have tormented themselves...seeking by every possible and impossible stratagem to explain the relation between statement (thinking) and being.” (1959:190-1)

Were there an obvious contender for the title of ‘most tormented philosopher’ it would doubtless be René Descartes, the man who tortured himself with hyperbolic doubt in order to secure, as Heidegger notes, a “*fundamentum absolutum et inconcussum*.”¹⁹ (Heidegger 1975/1961:28) Descartes project of constructing unshakable epistemic foundations was grounded, Heidegger suggests, on the reduction of all problems to those susceptible to treatment by ‘*mathesis universalis*,’ for, as he writes in *Being and Time*, “[m]athematical knowledge is regarded by Descartes as the one manner of apprehending entities which can always give assurance that their Being has been securely grasped.” (Heidegger 1962/1927:128) Our conventional understanding of mathematics as denoting the fields of arithmetic, geometry and algebra, is, Heidegger contends, “only a particular formulation of the mathematical,” (Heidegger 1968/1962:68) which refers more broadly

understood as the ontological structure of *Dasein* as ‘Being-in-the-world.’ *Dasein* being, for Heidegger, the type of being *through which* Being is disclosed.

¹⁹“Archimedes used to demand just one firm and immovable point in order to shift the entire earth; so I too can hope for great things if I manage to find just one thing...that is certain and unshakable.” (*Second Meditation*: 24)

to those “things...we take cognizance of...as what we already know them to be in advance.” (73) That is, mathematical knowledge is determined by prior – or *a priori* – judgment which proceeds, not on the basis of empirical experience, but on the basis of, Heidegger writes, “anticipating determinations and assertions” that are ‘*axiōmata*.’ (92)

It is in the fixation on the axiomatic as the basis of the “highest and most perfect science,” by which, as Descartes wrote to Mersenne, “one could discover *a priori* all the different forms and essences of terrestrial bodies,” (10 May 1632. Vol. III: 250)²⁰ that the Cartesian invocation of the *ipse* is readily discerned. As Heidegger explains, the absolute certainty of axioms resides in the fact that they are “intuitively evident *in and of themselves*” (1968: 103; my emphasis) and are grounded in their “*own inner* requirements.” (100; my emphasis) For Descartes, knowledge, or ‘science,’ meant “the ability to resolve all questions and discover by *ones’ own means* [par sa propre industrie] everything that the human mind can find,” noting, moreover, that consequently, “the one who possesses science does not expect much of others and because of that, can be *properly called self-sufficient* [peut être proprement appelé *autarchās*].” (AT III 722-3; Trans. Judovitz 1988:81; my emphasis) Indeed, as Heidegger observes, Descartes certain and unshakable foundation was secured and “removed from every threat” by grounding itself in a “basis which no longer depends upon a relation to something else, but...is absolved from the very beginning from this relation, and rests *within itself*.” (1975:26; my emphasis)

²⁰ Unless otherwise stated all citations from Descartes are taken from the three volume *The Philosophical Writings of Descartes*, as listed in the bibliography. Reference numbers are those given in the margins of these volumes from the page numbers of the definitive source material, the twelve volume *Oeuvres de Descartes*, edited by C. Adam and P. Tannery, known as AT (C.N.R.S., 1964-76).

That basis was to be found, of course, in the indubitability of the *ego cogito*, Descartes' realization that "while I was trying...to think everything false, it was necessary that I, who was thinking this, was something," and that accordingly, "while I could pretend that I had no body...I could not for all that pretend that I did not exist." (*Fourth Discourse*: 32) By deploying the 'separability argument' – the claim that because he "can clearly and distinctly understand one thing apart from enough" he is "certain that the two things are distinct" (*Sixth Meditation*: 78) – Descartes formulates the conviction that "the soul by which *I am what I am* – is entirely distinct from the body," and on that basis concludes that he is, therefore, "a *substance* whose whole essence or nature is simply to think, and which does not...depend on any material thing, in order to exist." (*Fourth Discourse*: 33; my emphasis) The determination of the *cogito* as a self-sufficient 'substance' derives via the 'separability argument' because, as Heidegger notes in *Being and Time*, Descartes defines a substance as "an entity... that...needs no other entity in order to be," (Cited Heidegger 1962: 125) the "being of a 'substance'" being that which is, Heidegger glosses, "characterised by not needing anything." (125) The distinct self-sufficiency of the '*res cogitans*' is thus able to furnish Descartes with the type of axiomatic *autarchy* demanded by the 'most perfect' and 'unshakable' science.

Cartesian substance dualism thus evolves in order to bridge the epistemic fissure opened by Plato's determination of being-as-*idea*, and does so by ascribing to the *cogito* another of the words by which, Heidegger suggests, "the Greeks unquestioningly experienced the meaning of being." (1959:61) '*Substantia*,' is, Heidegger notes, the rendering in Latin type of the Greek '*ousia*,' itself synonymous with '*hypokeimenon*,' and understood as

“what of itself lies present.” (1975:27) “*Subjectum* and *substans*,” he asserts, “mean the same thing,”²¹ (27) denoting that which is “not...taken from somewhere else,” and which, like the wax that subtends its many transformations, lies *under* (‘*sub*-stantia’/‘*sub*-jectum’/‘*hypo*-keimenon’) and remains the *same* through an entity’s variations, the unchanging essence that determines its being as what it is. (1968: 103) The inscription of ‘*res cogitans*,’ is, therefore, Heidegger observes, “the *hypokeimenon* transferred to consciousness,” (1993:438) the introjection of the *autarchic* self-sameness of *sub-stantia* as the axiomatic principle of a self-sufficient and hence, self-evident, reason. “In the philosophy of Descartes,” Heidegger writes, “the ego becomes the authoritative *subjectum*,” (Heidegger 1998b/1961:325) and, with the ipsocentric ideal thus internalized, “the ‘I’ has... ever since...been called the...‘subject.’” (1968:105)

v) Property (and Persons)

“The horizon of absolute knowledge is the effacement of writing in the logos... the reappropriation of difference, the accomplishment of what I have...called the metaphysics of the proper [le propre, self-possession, propriety, property, cleanliness].”
(Derrida, *Of Grammatology*: 26)

Turning now, or so it might initially appear, from the subject of metaphysics to that of socio-political organization, we find ourselves inside an enclosure. The connection of the *ipse* to the institution of property might seem, if we take etymology as our opening guide, superficially simple. Property – or *a* property – is that which is proper, or properly belongs, to the self. The Latin root, ‘*proprius*,’ which signifies ‘one’s own, characteristic

²¹ ‘*Subjectum*’ is the traditional Latinization of ‘*hypokeimenon*’ while ‘*substantia*’ is the rendering of ‘*ousia*,’ both of which, as Heidegger rightly intimates, are used interchangeably by Aristotle to denote the essence by which an entity is what it is.

of, or particular to, itself,’ is formed from the prefix ‘*pro*’ – ‘on behalf of, in place of, before, for’ – and the adjective ‘*privo*,’ from ‘*privus*,’ which denotes ‘one’s own, individual.’ Hence ‘*proprius*’ is that which is ‘for the individual,’ or ‘for one’s own’, in the sense of the characteristics (or properties) that distinguish an individual as an individual and determine its being or essence, and/or in the sense of belonging to the individual as that which are its own, or which it owns. Both ‘*pro*’ and ‘*privus*’ descend from the Proto-Indo-European root ‘**per-*’ with the basic sense of ‘forward,’ or ‘through,’ and many extended meanings such as ‘in front of,’ ‘before,’ ‘first,’ ‘chief,’ ‘toward,’ ‘near,’ and ‘around.’ ‘*Privus*’ derives from the suffixed root, ‘**prei-wo-*,’ with the conjectured sense of ‘that which is before’ leading to ‘that which is isolated from others,’ and hence, ‘own, private,’ while the suffixed superlative root ‘**preis-mo-*’ produced the Latin ‘*prīmus*,’ from which we inherited ‘prime,’ ‘primary,’ ‘premier,’ ‘primogeniture,’ as well as ‘prince’ and ‘principal.’

Notably also, the noun ‘*proprietaem*’ from which the English ‘property’ descends via the Old French ‘*propriete*,’ was a common Latin rendering of the Greek ‘*idiōma*,’ or ‘peculiarity, unique feature,’ derived from ‘*idios*,’ ‘one’s own, pertaining to oneself,’ and related to the Greek, ‘*ethnos*,’ a ‘group of people living together, a nation, tribe, or caste,’ and ‘*ethos*,’ the ‘customs or habits of a particular people or place.’ ‘*Idios*’ derived from the PIE ‘**swed-yo*,’ a suffixed form of the reflexive root ‘**s(w)e-*,’ which also gave rise to the Proto-Germanic ‘**selbaz*,’ from which Old English inherited ‘*sylf*,’ ‘*seolf*,’ or ‘self.’ In addition to the Germanic cognates of ‘self,’ the PIE root ‘**s(w)e-*’ also generated the Latin reflexive pronouns ‘*se*’ and ‘*sui*’ (‘him/her/itself’), and hence also

‘*ipse*,’ as well as the prefix ‘*se-*,’ denoting ‘without’ (as in ‘separate,’ ‘sever,’ and ‘secure’), the adjective ‘*sōlus*,’ (‘solitary,’ ‘desolate’) and the verb ‘*solvere*’ (from which, as we will see, we get ‘absolute’). Finally, in the Indo-Iranian branch, the root also gave rise to the Sanskrit ‘*svāmī*,’ or ‘one’s own master, owner, prince,’ and the Old Persian ‘*khvadāta-*’ denoting ‘lord’ and derived from the compound ‘**khvatō-dāta-*,’ meaning ‘created from oneself,’ or ‘self-originating.’

As Derrida suggests above, the semantic web of ‘the proper’ indicates it to be more than just one of several figures through which the *idea* and ideal of *ipseity* expresses itself, and is rather another name – a *proper* name,²² as it were – for *ipseity* itself. The proper speaks of the property of the selfness of the self, that which makes a self *this* rather than an-*other* self, and which hence, because it is proper to it, it would be inappropriate, or improper, to expropriate from the self. When we come to consider the enmeshments between the institution of private property and the *ipseity* of the self, matters immediately, however, become significantly less simple. Firstly, we must consider the question of legal disputes as to what constitutes private property, and the contemporary opinion that property is not a relation between a self and an object possessed, but a ‘bundle of rights’ that specifies one person’s relation to another with respect to a thing. This ‘disaggregated’ notion of property (Grey 1980) is typically considered to be opposed to the traditional view, paradigmatically expressed by the English jurist William Blackstone, who argued in 1766 that property consisted in “that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other

²² Of course, there is really no such thing as a proper name. A *proper* name is not just one of many names, but a unique name by which one individual is distinguished as that individual, the use of other names being regarded, therefore, as an exercise in fakery (*pseudo*-nymity), a gesture of duplication, and duplicity.

individual in the universe.” (Blackstone 1766:2) The notion of *dominium* was bequeathed to the English language from Roman law, denoting a type of absolute and indivisible ownership distinct from the aggregate rights of modern common law proprietorship. It is the authority exercised by the lord and master – the ‘*dominus*’ – over his estates, and which, Margaret Davies notes, “seems to have crystallised from a more generalised concept of...patriarchal power” that “named the control of the male head over his household,” including his “wife, children, slaves, animals,” and “land.” (Davies 2007:53)

With respect to our interest in the *ipseity* of private property it is worth noting that even where property is conceived as a disaggregated bundle of rights, the ‘right to exclude,’ identified by Blackstone as crucial to property-as-dominion, is nonetheless considered central, and by some legal thinkers, determinate, of the existence of property-right. As Thomas W. Merrill argues, while the U.S. Supreme Court is “fond of saying that ‘the right to exclude others’ is ‘one of the most essential sticks in the bundle of rights that are commonly characterized as property,’” if someone is denied “the right to exclude others from a valued resource...they do not have property,” and hence the right of exclusion is “a necessary and sufficient condition of identifying the existence of property” and is “in this sense fundamental to the concept.” (Merrill 1998:730-731) This more or less determinate feature of property right inheres, I would suggest, in the fact that private property is not first and foremost a bundle of common law rights, but a *figure* of the socio-cultural imaginary; an image of the dominion of the *dominus* over a particular *domain*. This domain is archetypally, as Davies suggests above, the house of the household (‘*dominus*’ derives from ‘*domus*’ or ‘house’), and then, by *extension*, the landed

estates of the lord. The notion of property devolves through an architectural and territorial infrastructure, its existence indicated by walls demarcating the domestic interior, or the fenced enclosure of the field, both of which, to return to where we began, ‘keep the inside in, and the outside out.’ Insofar as this image of bounded domain in-forms both historical and current conceptions in popular and legal thought, then the axiomatically *ipseic* effort to ‘keep the outside out’ is indeed determinate of the concept of property.

The question then arises about the interrelation of the infrastructure of the bounded *ipseity* of the self-as-subject and the bounded *ipseity* of the domain of private property. The troubled terrain of what Davies has helpfully termed the ‘property-person nexus’ is, in legal scholarship, significantly under-theorized, and notably, the majority of existing analysis is the work of women; men, as we would suspect, seem largely to take the spatial enclosure of subjectivity as entirely self-evident. In her essay, ‘The Legal Structure of Self-Ownership,’ feminist legal theorist Ngaire Naffine identifies two variants of the ‘property-person nexus,’ one which, following Margaret Jane Radin, she terms ‘property for personhood,’ and the other, ‘persons as property,’ the former corresponding to the idea that property is an extension of the infrastructure of personhood, and the latter the inverse notion that personhood is thought *through* the infrastructure of property.

Developing her early work on the role of private property in the evolution of American constitutionalism, Jennifer Nedelsky’s *Law’s Relations* is an instance of the ‘property for personhood’ approach, her fundamental thesis being that the “centrality of the term ‘boundary’ in the...structure of Anglo-American law” is based on “an underlying

conception of the ‘bounded self.’” (Nedelsky 2011:91) Boundary, or the “notion of rights as limits,” is, she suggests, “a central metaphor in the legal rhetoric of freedom,” which issues from “a deeper phenomenon” that conceives boundary as the “means of securing the basic values of freedom and autonomy,” (92) and for which “property provided an ideal symbol” as “it could both literally and figurative provide the necessary walls.” (97) This notion of “rights as boundaries...rests,” she argues, “on a flawed conception of the individual” as a “bounded or ‘separative’ self,” (96) a “picture of human beings that envisions their freedom and security in terms of bounded spheres,”²³ (92) and which is “captured, amplified and entrenched by its association with property.” (96)

By contrast, Davies and Naffine argue that “the philosophy of self-ownership underpins the notion of the self,” (Davies and Naffine 2001:184) an account of self-proprietorship for which the *locus classicus* is, of course, Locke’s *Second Treatise on Government* (1690). Locke’s famous and influential defense of the appropriation of private property – framed and deployed with regard to the colonization of the lands of the “wild *Indian*, who knows no Inclosure” (§26) – proceeds from the assertion that:

Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands...are properly his.

²³ Notably, the form of the sphere appears repeatedly in the discussions of ‘property for personhood,’ Naffine, giving her gloss on the phrase, notes that for Radin it denotes the fact that “[p]roperty in things other than oneself has been said to enhance personhood because it establishes an extended sphere of non-interference with one’s person.” (1998: 198; Cf. Radin: 1982) Nedelsky likewise observes the dominance of the “sphere metaphor” and the way legal theorists such as Charles Reich think property as a “protective sphere,” arguing, she notes, in ‘The New Property’ that “[p]roperty draws a circle around the activities of each private individual or organization.” (Reich 1964: 733; Nedelsky 2011:97)

Whatsoever then he removes out of the State of Nature hath provided...he hath mixed his *Labour* with...and thereby makes it his *Property*.” (§27)

Here then, as Davies notes, Locke’s “derivation of private property from a subject existing in the state of nature presupposes private property as the structure of the self” and which thereby “separates the self from others making one’s own self an excludable resource.” (Davies 2007:92) According to Naffine, “modern liberal political theory and liberal jurisprudence” are indebted to this Lockean paradigm of the “person as self-proprietor,” (Naffine 1998:193) noting a lineage that runs from the *Second Treatise* to McPherson’s ‘possessive individualism,’ and Nozick’s *Anarchy, State, and Utopia* (1974). Indeed, Naffine suggests, for many modern thinkers, personhood exists as “a category of property,” the “very ‘form of the person’ in Western liberal legal thought,” being “one of ‘self-possession.’” (199)

In her review of Davies and Naffine’s *Are Person Property?*, Nedelsky, while agreeing that “there is an underlying conception of the person which...has historically evolved as integrally connected to property” is, however, “less persuaded of...the exact role of self-ownership.” (Nedelsky 2003:126) Given the fact that the rights we hold over our person do not correspond to the full ‘bundle of rights’ by which property is described – we cannot, for instance, fully alienate ourselves, or freely trade in our body parts – Nedelsky is “not convinced that the notion of self-ownership is as clear, well established and central a component of the person-property nexus” as Davies and Naffine contend. Rather, as we might infer from her analysis of the underlying infrastructure of the ‘bounded self,’ she considers it more likely that ‘self-ownership’ is an expression of “the

basic image of the autonomous subject who enacts his self-determination through property relations.” (127)

However, as suggested by Locke’s circular grounding of private property in a concept of personhood already informed by the spatial infrastructure of private property, neither unidirectional approach to the ‘property-person nexus’ will yield a satisfactory account of a phenomena which evolved through historical co-constitution. *Iipseity* is the principal of the co-incident of the self and sovereignty, and it is, therefore, a thinking of selfhood irrevocably imbricated with the notion of spatial jurisdiction, a very significant historical component of which is, of course, the *idea* of private property as a sphere of inviolable enclosure. As indicated by the goddess that ‘fenced about’ or ‘enclosed’ Parmenidean Being, the thinking of the *ipse* is in-formed by an imaginary in which the ‘itself in itself’ of the Platonic *idea* or the self-sufficient Cartesian *cogito* is always already metonymically enmeshed with the Lacanian ego-as-fortress, the Palladian villa of the *paterfamilias*, and the fence which archetypally encloses cultivated land. Indeed, we can barely express abstract notions of personhood without invoking architectural and territorial metaphors. Nedelsky, while arguing for the derivation of property from autonomous personhood *qua* ‘bounded sphere,’ nonetheless describes autonomy as dependent on a “wall of rights,” (2011: 97) while Locke, like Father Parmenides before him, repeatedly speaks of ‘Inclosure,’ and in the course of the *Second Treatise*, invokes the fence five times. (§17, §93, §136, §222, §226) He is “an Enemy of my Preservation” he writes, who “would desire to *have me in his Absolute Power*” and “would take away that *Freedom*, which is,” he notes, “the Fence to it.” (§17)

vi) *Jurisdiction*

“In the beginning was the fence.”

(Jost Trier cited by Carl Schmitt, *Nomos of the Earth*: 74)

That “[p]roperty and sovereignty...belong to entirely different branches of law” has traditionally, as Morris Cohen observed in 1927, been “regarded as one of the fixed divisions of the jural field.” This distinction between sovereignty as “a concept of political or public law” and property as that which “belongs to civil or private law,” was, Cohen continues, “expressed with...neatness and clarity by Montesquieu, when he said that by political laws we acquire liberty and by civil law property, and that we must not apply the principle of one to the other.” (Cohen 1927:8) Equally, constitutional history, notes Otto Brunner, demands that we should “sharply distinguish between the states’ lordship and the lordship exercised by private persons,” despite the fact that pre-modern notions of governance, he continues, contained “no such distinctions between public and private lordships but only knew diverse kinds of lordship, rulership, justice and authority,” which were, nonetheless, gathered together by “*iurisdictio*” as “the substance of all rights of lordship.” (Brunner 1985/1965:202)

Jurisdiction – the notion of the territory or sphere over which an authority extends – is the idea which speaks the circular structure of sovereign *ipseity* as power over, and that which emanates from power over, a territorial domain. As Brunner intimates, it is, moreover, that which conceptually binds the ‘diverse kinds of lordship’ that underpin our understandings of sovereign authority, personal autonomy, and private property (See Table 1). *Iurisdictio* began life as a Roman law concept which referred to the function of

‘pronouncing the law’ [*ius dicens*] performed by magistrates, and which was distinct both from the right of ‘*dominion*’ held by individual men over their estates and households and the unbounded authority of the Emperor [*imperium*] to “issue commands by decree or edict carrying the full binding statutory force of law.” (Lee 2016:17) As Daniel Lee notes in his recent study of the evolution of modern sovereignty, the rediscovery of the *Iuris Civil* in 11th Century Italy issued in a ‘second life’ of Roman law in which “early modern jurists appropriated the Roman law vocabulary of *iurisdictio* ...to frame the conceptual analysis of sovereignty.” (82) Alongside canon and feudal law, Roman law, as a “living source of timeless legal wisdom,” (16) provided the concepts through which the medieval glossators elaborated the fundamentals of ‘*ius commune*’ and began to thrash out the “constitutive foundations of public authority.” (20)

	<i>Personal Autonomy</i>	<i>Private Property</i>	<i>Political Authority</i>
Subject of Authority	PERSON (Cogito, Subject, Ego, Reason)	LORD (Father, Master, <i>Paterfamilias</i>)	SOVEREIGN (Prince, Monarch, ‘The people,’ Positive law)
Domain of Authority	Body qua domain / land / territory / house	Land / House(hold) / Fief / People defined (as property) by household	Territory / Realm / Nation / A people, or ‘ <i>ethnos</i> ,’ defined by a ‘homeland’.
Mode of Authority	<i>Self-ownership</i>	<i>Lordship</i>	<i>Sovereignty</i>

Figure 4: Table of Types of Jurisdiction

Needing to mold the language of the *Iuris Civil* to the realities of medieval feudalism, it was *iurisdictio*, rather than *imperium*, which “became the conceptual cornerstone for medieval public law,” (88) with *iurisdictio* defined as a ‘genus’ of authority which admitted of various “species of authority inclusive not only of the *imperium* held by emperors, kings, or inferior magistrates, but also the feudal jurisdiction held by a lord, or *dominus*, over his fief.” (82) Having, “a proprietary right of ‘owning’ a feudal territory”

writes Lee, “implied and entailed a corresponding jurisdictional right of ‘ruling’ that territory, and vice versa,” (91) and this conceptual contiguity between *iurisdictio* and *dominium* became, he observes, “one of the hallmarks of feudal thought.” (91) As Brunner also notes, the lord had “the same ‘power, enjoyment, and domain’ over his lordship that the territorial prince had over and in his land,” and “*dominium* in medieval Latin discourse” thus denoted “the rightful possession of not only ‘private’ but also ‘public’ rights and properties.” (1985: 204) It was within this conceptual assimilation of jurisdictional authority with the property rights of dominion that the meaning of ‘territory’ as a domain identified with, and delimited by, the exercise of a particular authority, began also to take shape. While ‘*territorium*’ was also a Roman concept, it was only in medieval Latin, suggests Francesco Somaini, that its appearance became frequent, and that, through the close linkage with *iurisdictio*, its once diverse senses assumed the specific spatial-political-juridical meaning we are familiar with today. (Somaini 2012)

As Lee intimates above, there is something tautological about the relation of *iurisdictio* to *dominium* that presaged their conceptual assimilation. Jurisdiction is both the right of ruling *over* a territory, and is derived from ‘a proprietary right of ‘owning’ that territory,’ and ‘*vice versa*.’ That is, one’s domain is both the object of one’s authority, that over which one’s authority is exercised, and also, and at the same time, one’s domain is the origin of one’s authority, and that authority is derived simply by virtue of the fact that one exercises authority over it to the exclusion of others, and in this sense has property in it. One owns a domain by having jurisdiction over it, and one has jurisdiction over a

domain by owning it. That is, the ground of de jure authority over a territory is de facto authority over a territory, and *vice versa*.

As we have seen, in the European imagination, political authority, or jurisdiction, as that conjoined with land appropriation, or dominion, is signaled by the material marks of proprietorial enclosure and exclusion – the wall, and the fence. “[L]and appropriation,” Carl Schmitt writes in *The Nomos of the Earth*, is “the primeval act in founding law” which, to return to our opening discussion of sovereignty’s Janus-face, “grounds law in two directions: internally and externally.” (Schmitt 2006/1974:45) It is a gesture of “*supreme ownership*,” (45) a “terrestrial fundament,” (47) or, he notes, deploying Kant’s formulation from the *Philosophy of Law*, the “*supreme proprietorship of the soil*,” (46) which creates the “radical title” (48/70) in “which all law is rooted.” (47) According to Schmitt, ‘*nomos*’ derives from the Greek ‘*nemein*,’ which means both ‘to divide’ and ‘to pasture’ (70) and thus signals “the first partition and classification of space...the primeval division and distribution” (67) of land which “turns...part of the earth’s surface into the force-field of a particular order...in the founding of a city or a colony.” (70) *Nomos* as the division and appropriation of land thus “constitutes the original spatial order,” (48) the “immediate form in which the political and social order of a people becomes spatially visible,” (70) the act of political constitution *qua* territorial partition that *grounds* the subsequent juridical order. *Nomos*, Schmitt notes, “can be described as a wall.” (70) It names an order that “originally rested on *enclosures in the spatial sense*,” (74) the linguist Jost Trier having established “beyond a doubt” that *nomos* “is a fence-word.” (75) Every *nomos*, Trier wrote, “consists of what is within its own bounds.” (Cited: 75)

While we are conventionally accustomed to regarding medieval and modern forms of politico-juridical authority as different in kind, the transition from feudal imaginings of political order retained this thought of authority derived from proprietary territorial jurisdiction. As the archipelagoes of feudal dominion began to crumble, and attention turned to the legitimation of increasingly centralized authority, the French legal humanists of the 16th century rejected the glossators notion of *iurisdictio* as a genus admitting multiple species divided and distributed among various lords, and instead “assigned the proprietary right of dominium over jurisdictional authority exclusively to the king.” (Lee 2016:22) As Brunner notes, “[n]ot even...Bodin considered ‘sovereignty’ and ‘seigneurie’ – or ‘majesty’ and ‘dominion’” to be –“two fundamentally different things,” (1985:202) the difference between the late medieval and early modern located in the reassertion of the indivisibility of sovereign authority, the stipulation, as Bodin wrote famously in the *République*, that sovereignty consisted in “the most high, absolute, and perpetuall power over the citizens and subjects in a Commonweale” which “the Latins call *maiestas*” and “the Greeks...*kurion arche*.” (Book I, Chapter 8) For Schmitt, Locke also conceived “the essence of political power” as “first and foremost... jurisdiction over the land,” and “only as a consequence of this, rule over the people who live on it.” While Locke is “often described as a modern rationalist” his thought, Schmitt suggests, “is rooted deeply in the tradition of...feudal land law” and he “understands ‘jurisdiction’ in medieval terms, as sovereignty and dominion in general.” (2006:47)

For Locke of course, legitimate political sovereignty derives not from the proprietary territorial jurisdiction of a prince, but from the consent of men who possess, by natural

right, property in their persons, and, by extension, private property in that which 'he hath mixed his Labour with.' As we saw in with discussion of the 'property-person nexus,' the ground of political authority is thus still thought according to the idea of proprietorial territorial jurisdiction, the innovation of modern political thinking being that the salient 'fence' no longer encloses the domain of the lord or the prince, but is rather that which protects the boundaries, and hence the freedom, of the individual. In place of the *nomos* of a bounded fiefdom or principality, we have the consent to government of the self-governed, the *auto-nomos*, he who has supreme legislative authority within the bounded domain of his own person. But as in the case of the diverse kinds of lordship, this "power that gives itself its own law," which, Derrida suggests, defines "*ipseity*" as the "principle of legitimate sovereignty," (2005:11, 12) rests nonetheless on spatial jurisdiction – the very possibility of supreme authority depending on the proprietorial power to exclude another whose encroachment would shatter a sovereign subject's singular, indivisible supremacy over their territory.

The challenge for modern political thought was to meet the requirement that, as Rousseau writes in the *Social Contract* (1762), "Sovereign authority is simple and single" and "cannot be divided without being destroyed" (III.8) whilst simultaneously grounding that authority on the aggregation of individual autonomies. This transmutation of a natural state populated by multitudinous individual sovereignties into the singular unified sovereignty of the commonweal was to be achieved through the conceit of the body politic – the 'Artificiall man' of Hobbes' 'great Leviathan,' Locke's gathering of the members of the commonweal into "one coherent living body," (§212) and, most

conspicuously, Rousseau's formulation of the "true foundation of society" in the act of association "by which a people is a people" (I.4) and which, "receiv[ing] each member as an indivisible part of the whole," (I.7) produces "a moral and collective body," or "public person," a "Republic or...body politic, which its members call State when it is passive" and "Sovereign when active." (I.6)

Having thought the sovereign autonomy of the person as jurisdiction over his territorial domain – the dominion of the cogito *qua* lord over estates of corporeal *res extensa* – the state's legitimate jurisdiction over its territory can then be thought as an amplified instance of the sovereign autonomy of the person. What distinguishes popular sovereignty, however, from previous formulations of jurisdictional dominion, is the fact that through the body politic's uniting of the multitude, the subject of sovereignty on the one hand, and the object of sovereignty on the other, are (purportedly) brought to coincide in one entity. Where previous forms of lordship inhered in the tautology of proprietorial jurisdiction over tracts of land that happened to be peopled, in the formulations of popular sovereignty, the passivity of territorial domain becomes the activity of Rousseau's 'public person,' an entity that can then be credited with a singular, 'general will' and hence become the bearer of self-legislating sovereignty. When "the whole people enacts a statute for the whole people," writes Rousseau, "a relation is then formed...between the entire object from one point of view and the entire object from another point of view, with no division of the whole." In terms redolent of our discussion of the 'self-present voice' as unmediated ex-pression of the *idea*'s internal origin – Rousseau conceives the unified political body as capable of emanating its general will in

the act of legislative enactment “which I call law.” (II.6) The body politic is thus cast as the subject, object and origin of sovereignty, the unified domain whose singular will emanates law, and the unified domain over which that law has jurisdiction.

So at last we roll back round to *Rogues* (as if we ever really left), Derrida’s timely meditation on popular sovereignty, on *demo-cracy*, as one form in an immemorial line of ipsocentric idea(l)s, the infrastructures of which we have begun to sketch out here. As I write in the run-up to the 2016 US election, Donald Trump is presently leveraging the ‘power and ipseity of the people,’ the intense ‘simultaneity of...assemblage or assembly,’ and whipping up near-tribal crowds by promising to build a 2,000-mile long wall across the nation’s southern border, and, with this archaic gesture of sovereign enclosure, ‘Make America Great Again!’ The Rousseauian “thinking of community” as “*common being*” or “essence” (Nancy 1991/1986:xxxviii) as Jean-Luc Nancy would have it, has descended through repeated appeals to the authority of ‘the American people,’ those who, De Tocqueville famously noted in *Democracy in America*, “reign in the American political world as the Deity does in the universe,” the “cause and...aim of all things” from which “everything arises” and back into which “everything is absorbed.” (I.4) It has evolved from the invocation of government ‘of the people, by the people, for the people,’ through Obama’s affirmation (Yes) of the people’s (We) power (Can), and the Tea-Party’s fetishization of the nation’s mythic constitutional origins, the speaking into being of ‘We, the people’ in ‘perfect union,’ a self-authorizing declaration of politico-juridical jurisdiction. The fantasy of this “perfectly detached, distinct, and closed” community, its authority emanating from the “autarchy” of its “absolute immanence,” (Nancy 1991:4)

now reaches its obdurate apotheosis in the absurd yet symbolic potency of the ‘Great Wall of Trump.’ Just as Derrida observed of the Athenian’s festival of the Thargelia, at which the *pharmakoi* scapegoats were annually sacrificed, the “city’s body proper” will “reconstitute[s] its unity, and “close[d] around the security of its inner courts” by “violently excluding from its territory the representative of an external threat,” the “otherness of the evil that comes to affect or infect the inside by unpredictably breaking into it.” (2004:134) For all our soi-disant modernity and technological sophistication, what little political distance we have really travelled in these last few millennia, and how far indeed we still have left to go.

Chapter 2: The Imperative of Sovereign Invulnerability

The Aporetics of Ipseity

Just as the elliptical infrastructure of sovereign *ipseity* is exhibited in ‘many figures and movements,’ so too is the impossibility of this purportedly original ontological conceit. As Derrida tells us in ‘Force of Law,’ there is but “one aporetic potential that infinitely distributes itself,” (Derrida 2002a/1989:250) a tension fissuring the perfect plenitude of being that issues from the necessity of any entity’s imbrication with its spatiotemporal others, and which is therefore inscribed in all instances of attempted sovereign self-enclosure. It is a now unfortunate fact of the history of philosophy and its dissemination that Derrida’s deployment of ‘text’ as one among several namings of the *ipse*’s condition of im/possibility should have led to deconstruction’s easy assimilation into the canon of postmodern linguistic idealisms. As Martin Häggland suggests in *Radical Atheism*, deconstruction is fundamentally an ontological project, dedicated to demonstrating the ineradicability of spatiotemporal relation (‘text’/‘spacing’/‘*différance*’/‘iterability’ etc.) as an “*absolutely general condition*.” (Häggland 2008:3) And moreover, as Geoffrey Bennington has argued – contra Ricoeur’s contention that deconstruction functions according to an *a priori* deduction of the law – this condition of im/possibility is ‘*quasi-transcendental*.’ That is, the aporetic structure of *ipseity* is demonstrated *a posteriori* by identifying and excavating those sites where the conceit of sovereign integrity has occluded and interred evidence of its necessary spatiotemporal dependencies. This “complication of the empirical and the transcendental marked by the prefix ‘quasi-’,” writes Bennington, “would perhaps...be Derrida’s contribution to the history of philosophy.” (Bennington 1999:206)

As we have already encountered, Derrida's earliest formulations of this demonstration – as proposed in the triumvirate of *Speech and Phenomena* (1967), *Of Grammatology* (1967) and 'Plato's Pharmacy' (1968) – are situated within the opposition between the 'living sign' of the *phoneme* and the 'dead sign' of the *grapheme*. The *phoneme*, we will remember, is posited by Plato as the only legitimate offspring of its eidetic father, a perfect reproduction – or in Husserlian terms – expression, untainted by any material or maternal conjunction. By contrast, the *grapheme* is conceived as merely a supplementary copy of the *phoneme*, and its capacity to repeat itself – to be materially disseminated – and hence to become detached from the pure ideality of its father's original intent, is situated by the Platonic schema as *external* to the process of signification itself. The deconstructive demonstration of the im/possibility of ideal sovereign enclosure – and of the phonetic sign as a perfect copy of the *idea* – is thus first found in the simple observation that repetition is the necessary condition of signification, and is hence, irremediably *internal* to its processes. Indeed, as Socrates himself tells in the *Euthyphro*, the *idea* of piety is that which is "the same as itself in every activity," (5d) revealing that the designation of the '*autos*' is dependent on its instantiation in comparable iterations. As Derrida would have it, the ideality of meaning is not a "pure and primordial presentation ...in the original," (1973:45) nor "an existent that has fallen from the sky," and its "origin" will rather "always be the possible repetition of a productive act." (6) The duplicity of the sign allegedly represented by the *grapheme* is not a secondary inscription but is the condition of possibility of the sign's self-sameness, the "scriptural reference," being "absolutely indispensable at the point at which the principle of difference... must be accounted for as the very condition of signification." (Derrida 2004:160)

The fact that the ideality of meaning – the identification of that which is the same across iterations – depends necessarily on doubling – on the fact of iteration – issues in what we will here, following Derrida, understand as ‘the aporia of original repetition.’ One early formulation of this principle, given in ‘Plato’s Pharmacy’ in the language of *ipseity*-as-presence, reads:

[T]he disappearance of the good-father-sun-capital is thus the precondition of discourse. The disappearance of truth as presence, the withdrawal of the present origin of presence, is the condition of the (manifestation of truth). Nontruth is the truth. Nonpresence is presence. Difference, the disappearance of any originary presence, *is at once the condition of possibility and the condition of impossibility of truth.* (2004: 165-6; my emphasis)

While this aporia distributes itself across all sovereign figures, its general form can be given as, ‘spatiotemporal relation as the condition of possibility of sovereign self-identity is also, and at the same time, the condition of impossibility of sovereign self-identity,’ or, in further reduced terms, ‘the condition of possibility of *ipseity* is the condition of impossibility of *ipseity*.’ It should be momentarily noted here that while this formulation is an affirmation of the impossibility of any perfect sovereign integrity, it is not a simple dialectical valorization of fragmentation over-against identity. Just as Aristotle recognized the coincidence of absolute stasis with the purported Heraclitan doctrine of absolute flux, nothing could or would be under conditions of either absolute identity or absolute difference. Synthetic, integrative movement is as necessary to existence as the fact of spatiotemporal relation that makes such movement possible, the specific inflection of the deconstructive gesture being a requisite intervention within the historic trajectory of patriarchal ipsocentric idealizations. What remains central to the deconstructive

attitude is not simply the desire to underscore the process-relational constitution of being, but rather the willingness to incline oneself into the experience of the oscillating aporia Derrida names ‘the impossible’ – to dwell within without trying to resolve its dynamic, productive, tension in either one direction (closure) or the other (fragmentation). This is of particular importance given that the historic damage to women’s subjectivity has arisen most often, not from excessive closure, but from the assumption of gendered expectations of excessive porosity.

While Derrida’s early formulations are thus situated within considerations of the *ipseity* of the sign, these founding deconstructive texts already indicate an appreciation of the extent of aporetic distribution as an ‘absolutely general condition,’ particularly, as we have seen, with respect to Derrida’s sensitivity to the role of Plato’s ‘family metaphors,’ a sensitivity most fully developed in the work of Irigaray. Original repetition indexes not only the condition of the re/production of the ideality of meaning, but sexual difference as the condition of the re/production of life, and the impossibility of any form of re/productive act devoid of material conjunction. As Derrida writes in ‘Plato’s Pharmacy’ – in terms redolent of Irigaray’s later characterization of her commitment to uncovering “l’oubli qui scelle l’origine de notre tradition” (Irigaray 1997:115) – “‘Platonism’ is both the general *rehearsal* of this family scene and the most powerful effort to master it...to conceal it by drawing the curtains over the dawning of the West.” (2004: 165) That is, the Platonic schema is itself an ideal of the infinitely distributed attempt to excise the *ipse* from its spatiotemporal dependencies, and to occlude and repress the evidence of that excision. As indicated by its precursors in the Parmenidean injunction against generation,

‘hateful birth’ and the ‘mingling’ of ‘the seeds of love,’ this autarchic occlusion was, moreover, always already impelled by the disavowal of materially dependent origination in general, and men’s dependence on the bodies of women in particular.

As we have seen, this matricial/material ‘forgetting’ is represented paradigmatically for Irigaray by the gesture she names the ‘disavowal of the mirror.’ As will be explored in our engagement with Beauvoir, the concatenation of spatiotemporal dependencies is indexed here by the Hegelian-Kojévian-Lacanian thought of the self’s reliance on the other as a (re)source of recognition and reflection. In her reading of Plato, we remember, Irigaray uncovers this specular surface in the wall of the cave – linked explicitly with the maternal material of the *hystera* – and in the ‘ocular membrane-screen’ enfolded inside the conceit of pure philosophical vision; the alleged ability of noetic reason to immediately grasp the truth of the *idea* without any spectacular doubling or corporeal ‘consorting,’ and allegorized, of course, by the materially impossible act of sun-staring.

In her analysis of the unsupportable autarchy of the *res cogitans*, Irigaray’s excavations focus on Descartes’ deployment of “a verb (to think) that, as if by chance – or is it necessity? – can do without an object if need be.” (1985a: 182) Just as with the Unmoved Mover, the *cogito* is an ouroboric (en)circling of pure thought thinking itself, constructed, Irigaray wryly notes, “in ignorance of the fact” that it is “seeking, in simplest terms, to be united with *an image in a mirror*.” (189) This act of narcissistic self-constitution, “like the backing of a mirror that has been introjected” and “‘incorporated,’” (181) is, she continues, a “speculative act of denial” that erases the “genesis and becoming” which

“used to...precede the specific predicates attributed to the substance, the sub-jectum.”
“[A]lone in its chamber,” the Cartesian *cogito*, is “indifferent...to the rest of (its) history”
and “cuts up and reworks the *subject’s links...to his process/trial of engendering.*” (182)
By thus positing itself as “the *matrix* of everything that is thought (within it),” (181) the
“*chain of relationships, the cord,*” is “*severed*” and, in a “stroke of almost incredible
boldness,” (182) the “self-sufficiency of the (self) thinking subject” (183) is “charged”
with “giving birth” to itself and “the universe all over again.” (182)

For Jean-Luc Nancy, “a single being” is similarly “a contradiction in terms.” With
respect to Descartes, the demonstration that a being constructed as “its own foundation,
origin and intimacy, would be incapable of Being,” (Nancy 2000/1996:12) is given,
Nancy suggests, by the fact that the “*ego sum* counts as ‘evident,’ as a first truth, only
because its certainty can be recognized *by anyone.*” (66) The ‘ego sum’ is actually, an
‘ego cum,’ (31) for “one could not even begin to be an other for oneself if one had not
already started from the alterity with – or of the with – others in general.” (67) This “truth
of the ‘with’” is to be understood, he continues, as “the truth of the play of mirrors” and
in “this sense, ‘society’ *is* ‘spectacular.’” (68) Nancy’s choice of terminology here is
indebted to the Heideggerian analytic of *Mitsein*, the magisterial demolition of the
metaphysics of self-sufficient substance that comprises the first division of *Being and
Time*. Anticipating Michael Sandel’s encapsulation of the axiom of liberal individualism
– the conviction that “what separates us” is “epistemologically” and “morally prior” to
“what connects us” and we are “distinct individuals first” who then “form relationships”
(Cited Held 2006:542) – it “is not the case,” writes Heidegger, “that man ‘is’ and then

has, by way of extra, a relationship-of-Being towards the ‘world’.” (Heidegger 1962: 84) Rather, Nancy asserts, “being-with...is not at all accidental, and is in no way the secondary and random dispersion of our primordial essence.” (2000:12) There is, he continues, “[n]othing and nobody” that “can be born without being born to and with others...who are born in their own turn. This ‘together,’ therefore, is an absolutely originary structure. What is not together is in the no-time-no-place of non-Being.” (61)

This originary structure of with-being, moreover, fissures not only the metaphysical fantasies of pure ideality, immaterial re/production, self-sufficient generation, liberal autonomy, and an epistemologically secure all-knowing substance, but equally also applies to the institutions of property and public authority we have examined. While property-right might inhere in the power to exclude, that right – as the machinations of social contract theory evince – is entirely dependent on the social institutions by which it is legitimized, secured and publically recognized. As Jennifer Nedelsky writes, capturing the ever-animating paradox of the vulnerability of proprietorial invulnerability, property-right demarcates “a sphere in which the property owner can act largely unconstrained by collective demands and prohibitions. But the definition and protection of that sphere must reside with the collective itself.” (Nedelsky 2011:95) Similarly, the sovereignty of nations is a product of mutual recognition and international accord, and it is respect for “the law of nations” and “a reciprocal principle of non-interference” that grants states “absolute jurisdiction over a territory.” (Ivison 2002:222) As we see time and again, in the absence of such respect and recognition, there is neither dominion, nor jurisdiction, nor sovereignty, but rather appropriation, colonization, and violence.

The extent to which the authority of law derives from social recognition – or the final ability to enforce that recognition through monopolies of violence – is, of course, obscured by the discourse of sovereign authority itself. Sovereignty is above all the ‘power that gives itself its *own* law,’ and it is hence, writes Derrida, the “law of the law,” (Derrida 1992:191) that laws “cannot by definition rest on anything but themselves.” (Derrida 2002a: 242) In order to be “invested with categorical authority, the law must be without history, genesis, or any possible derivation,” (1992:191) which means of course – following what we might understand as ‘the principle of sufficient authorization’ – that at the moment of the law’s auto-genesis, there could have been “no anterior legitimacy” by which it was authorized, and hence, “in this initial moment, it is neither legal nor illegal...neither just nor unjust.” (2002a: 234) This “performative tautology” (267) which Derrida names, ‘the mystical foundation of authority’ is indeed, another iteration of the aporia of original repetition, the ‘aporia of law’ which may be rendered as: ‘Derivation from an anterior authority (or, on the spatial axis, legitimacy granted by social recognition) is the condition of possibility of sovereignty, but, at the same time, insofar as it must be the self-giving of the law, is the condition of impossibility of sovereignty.’

That no entity within the spatiotemporal matrix of the contingent escapes these aporetic conditions is the truth of Schmitt’s famous dictum that “[a]ll significant concepts of the modern theory of the state are secularized theological concepts.” (Schmitt 1985/1922:36) This is not only the case insofar as modern political sovereignty descends from the explicit theological conceit of the divine right of kings, but also, Schmitt argues, because of its “systematic structure.” (36) As Derrida will also affirm, sovereignty must be “the

highest, legally independent, *underived* power,” (17; my emphasis) the source of law which, in its autarchic origins, precedes the law. Either we consider this moment of law’s auto-genesis – “the decision on the exception” (9) as Schmitt would have it – to be entirely ungrounded and hence, following Derrida, ‘neither legal nor illegal,’ or, to maintain faith in the legitimacy of sovereignty, we must appeal to a being capable of self-authoring and self-authorization. To believe in sovereignty, that is, we must believe in God.

What is true of the problematic of anterior legitimization is true also, in a spatial register, with respect to the purported unity and simplicity of the body politic. Law, Rousseau tells us, is created by the “enacting will” of the people “when the whole people enacts a statute for the whole people...with no division of the whole.” (II.6) At the moment, however, when Rousseau is tasked with explaining quite how the singularity of sovereign law is enacted by the people’s general will, he is forced to invoke the figure of, as Schmitt notes, the “omnipotent lawgiver.” (1986:36) Just as with the sovereign exception, this lofty being is one who “gives the republic its constitution” but “has no place in its constitution,” and, entering the legislative scene from the outside, is able to grasp the “sublime reason which rises beyond the reach of vulgar men,” and transmute the manifold variance of political opinion into a single emanation through which the “Gods speak.” (II.7) Just as Derrida notes in *Rogues* of De Tocqueville’s observation that the “people...reign over the American political world as God rules over the universe,” (Cited Derrida 2005/2002:14) Rousseau may have considered this “trope of a theological figure”

to be “conventional and purely rhetorical.” But on the contrary, Derrida suggests, it’s “necessity... seems to me much more serious and important.” (14)

The Unscathed

The onto-theological infrastructure of sovereign *ipseity* points us towards further appreciation of the motives that animate this time-honored ontological conceit. The drive towards enclosure, signaled for Wendy Brown by the contemporary predilection for wall-building (or, we might add, attempting to secure one’s borders by, say, withdrawing from the European Union), expresses “a wish that recalls the theological dimension of political sovereignty.” (2010: 26) Following the suggestion of “Dostoyevsky, Freud, Feuerbach,” and “Nietzsche” that “the very idea of religious sovereignty...is born of the human experience of smallness and vulnerability in a huge and overwhelming universe,” this wish is impelled, Brown argues, by “a desire for protection, containment and orientation.” (71) While the erection of political walls is a “theatricalized...performance of sovereign power” which serves to “perversely institutionalize the contested...status of the boundaries they limn,” the “popular desire for walling” nonetheless “harbors a wish for the powers of...containment and integration” (26) promised by political sovereignty as a “secularized version of God’s unlimited power...through which human beings are protected.” (79)

In ‘Faith an Knowledge,’ Derrida evokes this thought of the securitizing function of the *ipse* in the figure he calls ‘*l’indemne*’ or ‘the unscathed.’ While ‘indemnification’ now commonly refers to compensation after the fact of damage, ‘to indemnify’ derives from

the Latin ‘*indemnis*,’ signifying ‘unhurt’ or ‘undamaged,’ and originally denoted the capacity to secure something against – and hence *prevent* – harm or loss. For Derrida, the onto-theological figure of ‘*l’indemne*’ thus suggests “both the process of...restitution,” and also “the pure, non-contaminated,” and “untouched,” which is “sacred and holy before all profanation, all wound,” and “all offence.” As suggested here, ‘*l’indemne*’ is, Derrida notes, the word “often...chosen to translate *heilig* ... in Heidegger,” and thus brings with it the semantic complex of the “sacred, safe and sound,” and “intact.” That is, the conceptual cluster of the ‘whole,’ ‘healthy’ and ‘holy,’ derived via the Proto-Germanic roots ‘**hailitho*’ (Old English ‘*hal*,’ ‘hale, whole;’ and ‘*hælan*,’ ‘to heal,’ Old Norse ‘*heill*,’ ‘healthy’ and ‘*helge*,’ ‘holy’) and ‘**hailaga*-’ (Old English ‘*halig*,’ Old German ‘*heilag*,’ Old Norse ‘*heilagr*,’ ‘holy, consecrated’) from the PIE-root ‘**kailo*-’ denoting “wholeness, being whole, uninjured, sound or well.” The passage from ‘the whole’ to ‘the holy’ thus proceeds according to the *ipseic* logic of sovereign integrity, here thought through the rigorous delineation of the sacred and the profane and invested in the inviolability of consecrated space (see Chapter 3, n.1). As such, Derrida asks, “[i]s not the unscathed <‘*l’indemne*’> the very matter – the thing itself – of religion?” (Derrida 2002b/1996:61)

Just as the “theological remainder” (Brown 2010: 26) of political sovereignty serves to evade the necessary aporetics of self-authorizing authority, so the theological dimension of ‘*l’indemne*’ underwrites a fantasy of perfect invulnerability which attempts to evade the necessary existential risks of spatiotemporal openness and dependence. In a spatial register this evasion has two interrelated aspects – the fantasy of immunity (or indemnity

against harm), and the fantasy of self-sufficiency (or indemnity against loss). The first of these corresponds to the conceit that any existing entity could indefinitely ‘keep the outside out,’ and is named, following Derrida, for that aspect of the conceptual cluster of the whole, the healthy, and the holy which represents the idea that life could be inured entirely against injury by wounding or pathogenic invasion. While this indemnifying function of sovereign integrity appears first under the sign of ‘immunity’ around the time of ‘Faith and Knowledge,’ it is articulated as early as ‘Plato’s Pharmacy’ in the observation that “[h]ealth and virtue...of the body and...soul...always proceed from within,” while the “natural illness of the living is defined in its essence as an *allergy*, a reaction to the aggression of an alien element.” That is, Derrida continues, the “perfection of a living being would consist in its having no relation at all with any outside. That is the case with God...God has no allergies.” (Derrida 2004/1968:103-104)

As we have seen, this immunitarian aspect of what we will come to call ‘the imperative of sovereign invulnerability’ is necessarily, given the fact of the dependent origination of contingent beings, accompanied by autarchic fantasies of self-sufficient auto-genesis, the gesture Irigaray names ‘symbolic matricide’ or the ‘disavowal of the mirror.’ This disavowal of dependency refers, moreover, not only to the occlusion of the material conjunction necessary to the reproduction of life, but also to the dependencies necessary to the sustenance of life, the evasion of which Irigaray indicts as ‘the forgetting of air.’ Air, Irigaray notes in the course of her engagement with Heidegger, is “the condition of possibility, the resource, the groundless ground” (Irigaray 1999/1983:5) of “all that becomes present and absent.” (167) The fact that for a being like *Dasein* “to breathe also

means to be,” (62) indicates, she notes, that air – the index of unequivocal material dependence – must be understood as the “*a priori* condition of all...*a prioris*.” (12) The evasion of this dependence, the notion that – as with Plato’s cosmos – the autarchic *ipse* could generate and sustain itself, while “needing no other,” (*Timaeus*: 34b; 1985a: 321) is impelled by the desire to occlude the existential risk implied by dependence on something external to the self – something which is, therefore, capable of being lost. As Irigaray notes, the Cartesian cogito is charged with birthing the universe “after he has brought himself back into the world in a way that avoids the precariousness of existence as it is usually understood.” (1985a:182)

As the Cartesian case suggests, the desire to avoid the existential insecurities of material dependence are frequently enmeshed with the demand for epistemic certainty. As we will recall, Descartes determination of the cogito as a self-sufficient substance was impelled by a commitment to the ‘*fundamentum absolutum et inconcussum*’ provided by axiomatic calculable knowledge, the type of ‘science’ that ‘can properly be called *autarchas*.’ Just as dependent being is vulnerable to harm or loss, dependent knowledge is vulnerable to error. The ever-present allure of universal *ideas* – the clear delineation of objects and concepts Bergson considered characteristic of the geometric – is their absolute imperviousness to spatial relation and temporal flow and hence, the “solidity of the grip that they give us upon reality,” (Bergson 1965:38) their capacity to assure us that the objects of our attention have been “securely grasped.” (Heidegger 1962/1927:128) By contrast, Bergson suggests, the perception of change – and the allied perception of interpenetration – is often accompanied by an “instinctive fear of those difficulties which

the vision of movement as movement would arouse in our thought.” (Bergson 1965:145)
In a manner reminiscent of Descartes’ description of the “deep whirlpool” of his doubt (*Second Meditation*: 16) the “spectacle of...universal mobility,” notes Bergson, leads to the anxiety that “the mind will drown in the torrent-like flow of all things.” (1965:150)

The drive towards *ipseic* invulnerability is thus a product of both epistemic uncertainty and existential fear, a fact that illuminates the affective power of right-wing appeals to sovereign enclosure under conditions of political turmoil and/or increased economic precarity, as we presently see in both the U.S. and Europe in the wake of the 2008 financial crisis, and parallel, many have noted, to the rise of fascist nationalisms in Europe during the depression of the 1930s. Indeed, the contractarian fundamentals of modern political theology were laid down during the extreme political instability of the English Civil War, the affective engine of Hobbes’ particular iteration of sovereign legitimacy being the “continuall fear, and danger of violent death” (Ch. XIII: 62) that confronts the individual in the anarchy of the state of nature. As Wendy Brown has noted, there is a mimetic “circuitry between state and individual sovereignty at the heart of the liberal social contract” through which the secure boundaries of individual selves and their property are identified with the impenetrability of national borders, but which is nonetheless impelled by the vulnerabilities of individual sovereignty. For while in social contract theory “political sovereignty is taken to secure and enlarge the social sovereignty of the subject” the “individual sovereignty...assumed in the state of nature” is so fragile as to be almost “antitheological.” Thus, Brown continues, “[w]ithin a liberal ontology,

the decline of state sovereignty” seems to “threaten[s] a return to an intensely vulnerable and violable condition of existence for subjects.” (2010: 78-79)

The historical relation between political and economic precarity and sovereigntist fantasies raises questions about tolerable levels of vulnerability, reasonable demands for security, and what types of harm juridico-political – or medical-therapeutic – institutions should be expected to circumscribe. From a purely ethical – let alone political – perspective, the present levels of austerity-induced precarity are clearly intolerable, and, as the framing of this enquiry makes evident, individuals do have reasonable expectations of protection from attacks against their person that can devastate their capacity for flourishing. However, as the onto-theological infrastructure of the sovereigntist imperative suggests, the ideal of *ipseic* integrity is animated, not by the demand for tolerable levels of vulnerability, but by the demand for the absolute invulnerability that, it is imagined, will issue from the rigorous refusal of alterity and becoming. As we have seen, on the spatial axis this demand formulates itself as the fantasy of absolute immunity – the ideal of existence as an infinitely impenetrable enclosure – and the fantasy of absolute self-sufficiency – the ideal that there could be an existence freed from the existential insecurities of dependence on that which is outside itself.

While this enquiry is dedicated to unfolding the implications of these spatial dimensions for the question of women’s sexuate personhood (Chapter 3) and the sovereigntist mechanisms of rape culture (Chapter 4-6), it is important here to pause and explore the death drive inherent in the *ipseic* refusal of becoming. As we saw in our encounter with

Parmenides and Plato, the anarchic or autarchic conceit of auto-genesis is tautologically deduced from the determination to disavow the difference implicit in original conjunction, and, we might add, the difference and decay implicit in any process of becoming. Parmenides' indictment of "birth and destruction... locomotion and change," (8.40) and Plato's erection of the *idea* as that which, Cavarero noted, directs the "minds-eye" away from the "things of the world... that bear the mark of mortality" to an "above" of "that always is," (1995:92) remind us also that the drive towards immunity is, at once, a drive towards immortality. The absence of Being against which Parmenides' goddess rails, is, finally, death – that void and "image of dissolution" which, Cavarero emphasizes, is the "destination of becoming." (44) Similarly, the anarchic *idea*, Irigaray notes, knows "no modification of its attributes... no detumescence ever," (1985a: 303) and, remaining "the same... the unalterable, the undecomposable," (262) functions as a "[g]uarantee of immortality." (338) It is, we will recall, "an immortal semen of light," the Father who "[p]rocreates everything without being himself engendered and *thus puts an end to what has been staked in the game of generation.*" (262)

The game of generation and becoming, the game of life, is also, necessarily the game of death. There is no out. The dream of escape is a dream of circumventing the conditions of the living, the conditions Martin Häggland, following Derrida, formalizes as 'constitutive finitude.' As Derrida notes in *Of Grammatology*, "a life without *différance*" (1974: 71) or "pure presence itself" would "only be another name for death." (155) The fantasy of immortality is a death drive, one in which, as Cavarero notes of Parmenides, "the central importance of death... swallows up birth in the annihilation of nothingness." (1995: 46)

To be alive is to be incapable of refusing, as Derrida would have it, the ‘risk and the chance’ that follows from the constitutive relation and durational becoming of existence, the death drive that inheres in this desire to evade death being evinced, Derrida suggests, in the sacrificial economies that frequently accompany the *ipseic* imperative. “The dignity of life,” understood as “transcendence...the religiosity of religion” can only, he writes, “subsist beyond all present living being.” And as such, “life only has absolute value by being worth more than life - more than itself” which “in short, is what opens the space of death.” (Derrida 2002b/1996:87)

On the one hand then, the impossible desire for deathless sovereign *ipseity*, for an immortal life beyond the living, issues in the repeated tendency to sacrifice the living, and the conditions that support the living, in order to secure the circumstances – to placate the God or gods – who alone are capable of granting everlasting peace and plenitude. These processes of ‘sacrificial indemnification’ are most literally exhibited in artifacts such as the Athenian sacrifice of the *pharmakoi*, and, most conspicuously, our inheritance of a long pre-history of sacrificial bartering in the event of the Crucifixion. But they apply equally of course to the blood sacrifice of troops and ‘illegal combatants’ in the service of higher sovereign ideals, whether that be the defense and security of a homeland, or the creation of new, purportedly paradisiacal, utopias or theocracies. The logic of sacrifice, like that of the gift, is itself riven by aporetic tension, and, as Scott Cutler Shershow notes, is structured by “on the one hand, a rational economism of means and ends, and on the other hand, an ideal of incalculable value.” (Shershow 2011) That is, sacrificial economy depends on the logic of calculable exchange, while, at the same time,

the possibility of that exchange depends on the incalculable value of every singular life offered in return for that which is ‘worth more than life,’ which is, paradoxically, the absolute guarantee of the security of the living. Thus, insofar as sacrificial indemnification involves calculating with the incalculable value of life in return for a security worth more than life, it can be understood as a general logic of all sovereign violence justified by appeal to the promise of ipso-theological protection. As we will see in the next section, this would include then not only sacrifices laid down by a sovereign entity in exchange for its own immunity, by those gestures of violent purification and appropriation allegedly authorized by that immunitarian ideal.

On the other hand, however, the ‘space of death’ is not only opened by the (un)holy alliance of sacrificial economy and the *ipseic* imperative of sovereign invulnerability. The very engine of sacrificial economy – the justification for exchanging something as incalculably valuable as individual human lives – resides in the excess of value in the ideal for which that sacrifice is made, an ideal worth more than the incalculable value of life insofar as it exists only beyond life. That is, sacrifice of the living is justified by appeal to the possibility of acquiring something worth more than the incalculable on the basis of its very impossibility, which is also to say that the value of sacrifice is determined by the inability to accommodate the fact that the work of death is irrevocably part of the work of life. This necessary openness of the *ipse* to the spatiotemporal relation which constitutes it, and which, at the same time, threatens its invulnerability, is the logic Derrida names ‘autoimmunity.’ As he writes in *Specters of Marx*, the “living ego is autoimmune,” and to “protect its life, to constitute itself...to relate, as the same, to itself,

it is necessarily led to welcome the other within.” (Derrida 1994/1993:141) In *Rogues*, he similarly observes that it is “not some particular thing that is affected in autoimmunity but the self, the *ipse*, the *autos* that finds itself infected. As soon as it needs heteronomy, the event, time and the other.” (2005:109) As such, he tells us in ‘Faith and Knowledge,’ there is “[n]othing in common, nothing immune, safe and sound, heilig and holy, nothing unscathed in the most autonomous living present without a risk of autoimmunity. As always, the risk charges itself twice...with a menace and with a chance.” (2002b: 83)

In one sense then ‘autoimmunity’ is simply a re-inscription of the aporia of original repetition, but one whose idiom makes clearer the necessary aporetic vulnerability of “the incalculable *perhaps*...of what is living in life.” (Derrida 2005:5) Indeed, Derrida suggests in *Rogues* that he could “inscribe the category of the autoimmune into a series of both older and more recent discourses on the double bind and the aporia. Although...not exactly synonyms, what they have in common...is, an internal-external, nondialectizable antinomy that risks paralyzing and thus calls for the event of the irruptive decision.” (35) This is the respect in which Häggland characterizes the deconstructive diagnosis of the ‘absolutely general condition’ of existence as a non-negotiable autoimmune double-bind of constitutive finitude. In order to be alive one must open oneself to the dangers inherent in letting the outside in, and there is, therefore, writes Derrida, a “death-drive,” or “principle of sacrificial self-destruction” that “is silently at work in...every auto-co-immunity, constituting it as such in its iterability,” and “ruining the principal of self-protection (that of maintaining its self-integrity intact),” but which, nonetheless, is that

“which keeps the auto-immune community alive, which is to say, open to something other and more than itself.” (2002b: 87)

However, what is particularly useful about the idiom of autoimmunity is the extent to which it allows us to think, not only the necessary perils of all openness, but the extent to which those perils are paradoxically amplified by our own defensive mechanisms. While, Derrida writes, the “immunitary reaction protects the ‘indemnity’ of the body proper in producing antibodies against foreign antigens,” autoimmune responses inhere in the breakdown of the body’s ability to distinguish foreign from self-antigens, and “consist for a living organism...of protecting itself against its self-protection by destroying its own immune system.” (80, n. 27) They are then, a defensive response that rebounds against the self’s own body and defenses, that “strange behaviour,” Derrida notes in his reflection on the autoimmunity of the ‘War on Terror,’ in which “a living being, in quasi-suicidal fashion, ‘itself’ works to destroy its own protection, to immunize itself against its own immunity.” (Derrida 2004:94) In the case of the aggression unleashed by the wound to the US body politic incurred on 9/11, the efforts to “attenuate or neutralize the effects of the traumatism,” and reconstitute ‘homeland security’ can thus be read, Derrida argues, as “desperate...autoimmunitary movements” which do little but further “invent and feed the very monstrosity they claim to overcome.” That is, he continues, it is the necessarily “perverse effect of autoimmunitarity itself” that “repression in both its psychoanalytical ...and...political sense...ends up producing, reproducing, and regenerating the very thing it seeks to disarm.” (99)

Violence and Metaphysics

The autoimmune exacerbation of reactive cycles of violence is but one mechanism by which the death drive inherent to the imperative of sovereign invulnerability repeats itself. As Derrida notes in ‘Violence and Metaphysics,’ the “demand that multiplicity be...subjected to the domination of unity” derived from the “Eleatic notion of Being” (Derrida 2001/1967:110) issues in the “Greek domination of the Same and the One” which is the “origin or alibi of all oppression in the world.” (102) Similarly, for his student Nancy, that which is “no longer interested in...co-appearance, but rather has become the desire for Position itself” or “*to give the origin to itself*” is, in fact, “a desire for murder.” Moreover, this desire, Nancy continues, is “not only for murder but also for an increase in cruelty and horror,” for “mutilation, carving up, relentless, meticulous execution,” and for “the massacre, the mass grave...the bookkeeping of the camps.” (Nancy 2000/1996:20-21)

With the possible exception of instances of the restricted sense of sacrificial violence discussed above (specifically the sacrifice of troops), such sovereign bloodletting is, for the most part, or, to Nancy’s mind, “always a matter of expediting the transformation of the other into the Other.” (21) Excavating the rich history of the philosophical Other is beyond the scope of our present concerns (although we will return to it in our discussion of Beauvoir). Rather, what is requisite at this juncture is to simply underline the thought that the logic of sovereign *ipseity* is dependent on the binarism of the self-same and the other, in-group and out-group, the domestic and the foreign. For Derrida, the formation of any juridical community functions through the creation of what he calls ‘subjects-in-law,’

those individuals who are recognized as subjects – and hence accorded rights and responsibilities – on the basis of their fulfillment of a criterion of belonging determined by, as he writes in *Of Hospitality*, submission to the “paternal authority of the logos.” (Derrida 2000/1996:11) This submission is represented axiomatically for Derrida by the demand that the other translate him or herself into the idiom of the politico-linguistic community, a demand for the translation of difference into sameness that corresponds to the requirement that the other make themselves intelligible according to the community’s own conventions. Within the purview of a culture decided by the authority of paternal logos, this is, importantly, a demand not only for linguistic conformity but also for intelligibility according to the historic edifice of metaphysical binarism that underwrites the hierarchy of the more and less human, the sovereign self-same-subject and his unwholesome other. As Irigaray reminds us in *Speculum*:

Being’s domination requires that whatever has been defined - *within the domain of sameness* - as ‘more’ (true, right, clear, reasonable, intelligible, paternal, masculine...) should progressively win out over its ‘other,’ its ‘different’ - its differing - and, when it comes right down to it, over its negative, its ‘less’ (fantastic, harmful, obscure, ‘mad,’ sensible, material, feminine...). (1985a: 275)

For both Derrida and Irigaray there is a violence implicit in this demand for translation, in the need, Derrida writes, reflecting on Socrates’ appearance before the Athenian court, “to ask for hospitality in a language which by definition is not his own, the one imposed on him by the master of the house, the host, the king, the lord, the authorities, the nation” or “the State.” (2000:15) This violence imposes itself, of course, by deploying the threat of another, greater, violence – the power of any particular –cracy to withhold recognition

of an individual as a legitimate subject-in-law, and hence to recognize the socio-political claims made by such subjects, as for example manifested in the refusal to recognize requests for hospitality ('migrants' vs. 'refugees'), legitimate expressions of political violence ('illegal combatants' vs. 'soldiers'; 'terrorists' vs. 'freedom fighters'; 'rioters' vs. 'protestors. '), or the needs of certain sections of the population ('welfare queens' vs. 'hardworking families'). Such gestures both rest on and reinscribe the deeply embedded lexicon of ontological polarity that serves to shore up the boundary between that posited, 'within the domain of sameness,' as the civilized, intelligible, rational, and human, and that which is projected – to return to our discussion of Butler – as its 'abjected outside,' figured as the barbarous, animal, irresponsible, hysterical and primitive.

This process of abjection is an act of emotional and intellectual purification by which the necessary aporetic tension of existence – the vulnerability immanent to each living being – is split and distributed on either side of a nominal or imagined spatial boundary. As the current crisis of the European Union and the rise of Donald Trump evince, the affective power of this crude, evacuative gesture repeats itself apparently without end, in obdurate disregard of any pronouncements about the lessons of history. As suggested by Nancy's powerful comments on the consequence of the 'desire for Position itself,' the tradition of post-Heideggerian ipso-centric critique has been animated by the conviction that a direct line can be drawn from the affective idea of sovereign purification to the cold ashes of the chambers and the mass graves of Eastern Europe, the Balkans, and Rwanda. It takes only the transformation of the immunitarian ideal into a political objective shared by those with the will, power and opportunity to enact it. And, as our introductory discussion of

India and the Former Yugoslavia indicated, such gratuitous explosions of the indemnificatory intent to “reconstitute[s] purity intact,” (Derrida 2002b/1996:61) are frequently accompanied by a “reactive savagery that would like to attack the body proper directly” (89) in which “women in particular are singled out as victims (not ‘only’ of murders, but also of the rapes and mutilations that preceded and accompany them).” (85)

This enquiry aims to develop these insights about the violences that issue from the drive towards sovereign invulnerability by applying the analysis of the existential infrastructure of sovereign integrity to the question of women’s sexuate personhood and the generation of rape culture. The investigation undertaken in Chapter 3 ‘On the Possibility of Penetrable Being,’ is indebted to the thought that, as Irigaray suggests above, the ontological binarism which underwrites hierarchies of the more-and-less human is axiomatically gendered – just as, we should also note, it is axiomatically raced. Butler’s contention that the mechanisms of sovereign abjection constitute the totality of the ‘field of power’ such that all subject constitution is based on ‘exclusionary practices,’ and her particular intent to demonstrate that ‘woman’ is so constituted, relies on sidestepping the obvious extent to which the characteristics of the dominant pole of the ontological binary is allied to the construction of patriarchal heteronormative masculinity. It relies also therefore on sidestepping the obvious degree to which ‘woman’ is constructed not by exclusion, but by being excluded.

As the ‘family metaphors’ of the Platonic schema indicated, and the extensive work of both analytic and continental difference feminists over the last four decades has amply

demonstrated, the privileging of rational, immaterial, unified, and eternal Being over above the mutable, material multiplicity of Becoming cannot be extricated from the way women's ties to the processes of generation, and their perceived imbrication with the materiality and emotionality of the body, have excluded them from instantiating the 'paternal authority of the logos.' We cannot simply sidestep the psychoanalytic insight that, as we will see in Chapter 6, the phallus functions as a symbol of "wholeness and integrity... par excellence," (Grunberger cited Whitford 2003:31) or that impenetrability and invulnerability are axiomatic characteristics of the privileged subject-constitution associated with the masculine. My response to Butler's question about whether the 'symbolic order' is 'paradigmatically masculine' is a resounding yes, buttressed by Catherine Keller's memorable dictum that "[v]irility lies above all in impermeability." (Keller 1988:9) For while individual women are capable of enacting identification with what Keller calls the masculine 'separative self,' men are, rather, subject to a thoroughgoing social pressure to successfully perform masculine invulnerability, often under threat of violence from other men if and when they fail. This pressure – a straightjacket that forms a carapace – leads men to disavow their own bodily permeability, and, as we will shortly see, is implicated in an ontology of sovereign subjectivity which has far reaching, and profoundly damaging, implications for the sexuate personhood of women.

Above all, this study is dedicated to an elaboration of the insight that failed to hold Butler's attention, that the "radical dependency of the masculine subject on the female 'Other' suddenly exposes his autonomy as illusory." (1990:xxx). Given that constitutive relation determines the ideal of self-sufficiency as illusory, the attempt to maintain that

fantasy frequently mandates an effort to appropriate that on which one is materially or emotionally dependent in order to obviate the vulnerability inherent in the possibility of its loss. This is the mechanism that most clearly elucidates the historic appropriation of the bodies and labor of women and this is the sense in which I claimed that Butler's lack of interest in this mechanism was tantamount to a lack of interest in the oppression of women as such. As Irigaray, Derrida and Cavarero have all indicated, the entire structure of the Parmenidean/Platonic schema from which we inherited ipsocentric logic is dependent on an effacement of the maternal/material contribution to the processes of generation, and the appropriation of that function in the conceit of autarchic masculine *ipseity*. This appropriation is evidenced in the philosopher's ascent from the womb of the cave, aided of course by Socrates' maieutic method, and perhaps most markedly, in Diotima's siphoning of the power of parturition into the intellectual fecundity of spiritual pregnancy we encounter in the *Symposium*. As Cavarero notes, Diotima's discourse not only "ends up disempowering and negating the female experience of which it is itself a metaphor" but does so as an "act of appropriation carried out through...the voice of someone against whom the appropriation is committed." (Cavarero 1995:101)

The argument I will advance in Chapters 4 through 6 on the ontological infrastructure of rape is therefore an extension of this insight into the way in which sovereign logic, and its animating impulse in the drive towards ipso-theological invulnerability, tends towards the masculine appropriation of that on which it depends or desires, and the particular historic force of this impulse with respect to the domination and appropriation of the bodies of women. My argument is also informed, furthermore, by the conviction that the capacity

to be ethically responsible to the other, and particularly for our purposes, to engage ethically in sexual interaction, is fundamentally a product of the ability to be intellectually cognizant and emotionally tolerant of the vulnerability implied by the ontological fact of constitutive relation and dependency, and that, given the gendered nature of the imperative of sovereign invulnerability, this tolerance is especially restricted among men. This is one of the senses in I have always attributed to the Derridean dictum that “deconstruction is justice.” (Derrida 2002a/1989:243) The capacity to engage in the “act of justice” that is always concerned with attention to the “singularity” or “irreplaceable existences” (245) of particular others precludes evacuative projection, appropriation, forcing the other to submit to conventions of the same, or responding to the other on the basis of the calculability of ethical algorithms or laws. This capacity for responsiveness and responsibility, is, Derrida suggests, a product of the ability to incline oneself into the very “experience of...aporia” he names “the impossible,” (244) an inclination that is necessarily dependent on the ability to tolerate the vulnerability of the epistemic and existential risk implied by the aporetic constitution of being. My intent in interrogating the evocation of sovereignty in feminist rape discourse is not, therefore, to undermine the legitimacy of women’s expectation of protection from sexual assault, or to suggest that women should accommodate themselves to present levels of sexual vulnerability. Rather, my concern is to explore the extent to which women’s amplified vulnerability is substantially produced by men’s absolute refusal of their own.

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SECTION III

Chapter 3: On the Possibility of Penetrable Being

The Metaphysics of Sex

The singular most significant analysis of the impact of sovereign integrity on the possibility of sexuate female subjectivity is that given by Andrea Dworkin in her much-reviled masterpiece *Intercourse* (1987). The public monstering of Dworkin was undoubtedly the most successful ever aimed at a prominent feminist thinker, her persona reduced within her lifetime to a grotesque archetype of deformed femininity, underpinned by the impossibly shocking proposition that ‘all sex is rape.’ The visceral contempt with which Dworkin is widely regarded is such that, as Ariel Levy notes in the foreword to the twentieth anniversary edition of *Intercourse*, whilst almost everyone has opinions about Dworkin, she was not, and is still not, widely read, even amongst feminist women. It is often only with the encouragement of others that women overcome their inculcated aversion to what Dworkin is thought to represent, and are able to finally engage her texts. What they find often stuns them. The work’s intellectual ferocity is perhaps anticipated, but what is not, is its taut literary elegance, and resounding, almost painfully intense, commitment to the humanity of women.

Intercourse is dedicated to an excavation of the way Dworkin perceives that humanity to be harmed by penetrative sex. As we will discuss, there is a deep equivocation in Dworkin’s thought about the understanding of that harm as an essential feature of the act itself, rather than a product of its practice under patriarchy, and this equivocation has been flattened in the reception of Dworkin, by both feminists and anti-feminists alike, into the perception that her work is, as Robin West notes, “passionate but disappointingly

unidimensional.” (West 1988:47) What first concerns us here, however, is that Dworkin’s text is perhaps the first, and certainly the most sustained, unpacking of the proposition that, as she pithily asserts, “[q]uestions of metaphysics are questions of sex.” (Dworkin 2007:28)

For Dworkin, “the formal precondition for being human” is found in that defining feature of sovereign ipseity – the boundary. In “purely physical terms,” she writes, the “skin is a line of demarcation, a periphery, the fence, the form, the shape, the first clue to identity in society.” (26) Dworkin’s use of ‘formal’ here then is precise – the condition of being human is the possession of a demarcated form, and we may recall here Derrida’s description of the ‘Greek *eidos*’ as that which ‘designates the limit surrounding a visible form.’ Indeed, just as *ipseity* is founded in ‘the opposition between inside and outside’ the skin, Dworkin notes, is “a thin veil of matter separating the outside from the inside” (26) and serves as such to mark the “formal limits of a body, a person.” (27)

The terms Dworkin’s most usually deploys to name the properties of this demarcated person are ‘integrity,’ ‘privacy’ and ‘freedom.’ The “capacity for integrity” is, she writes, “the basis of privacy and freedom in the material world for all human beings,” (174) and hence, penetration, an act in which a man “has to push past boundaries,” (154) and the “body loses its boundaries” (25), is one whereby a woman’s “privacy” is “irredeemably compromised, her selfhood changed in a way that is irrevocable, unrecoverable.” (154) It might be quibbled that penetration is not, in fact, an act which directly breaches the boundary of the skin, but this is less ontologically significant than the fact that it is

culturally conceived – and phenomenologically experienced – as an act of, as Dworkin frequently emphasizes, ‘entry’ – as a passage from the outside to the inside. In intercourse, a woman’s capacity for bodily integrity is, Dworkin suggests, irreparably eroded, the “outline of the body” as “distinct” and “separate” rendered “an illusion, a tragic deception.” (154) Given that for Dworkin this distinct boundary is the formal condition of personhood, it follows then that “entry into her – intercourse – appears to be the key to women’s lower human status.” (155) That which Dworkin ambiguously names the “discourse of male truth” (154) openly conceives penetration to be an abnegation of female personhood. “[L]iterature, science, philosophy, pornography” she observes, “calls that penetration *violation*.”¹ (154)

We will come to discuss whether Dworkin gives too much credit to the ‘discourse of male truth,’ but there can be no quailing before her uncomfortable unfolding of its implications. If, as we explored in Chapter 1, an implicit ontology, or existential

¹ The type of violence specified by the notion of violation carries a specific sense of boundary-crossing or transgression. The Latin root, *violāre*, the present active infinitive of *violō*, means to treat with violence, in particular, to defile or profane something sacred, and is thought to derive from the Latin ‘vis’, meaning ‘strength, force, power, or energy’ from a PIE root **weie-*, meaning ‘to go after, pursue with vigor or desire.’ It thus expresses both a sovereign logic of purity – the sacred is that which maintains itself in its purity through the rigorous separation from the profane – and carries traces of the notion that what may threaten that purity is the unbridled activity of desire. The modern uses of the term ‘violate’ all express the sense of an act which destroys by infringing on that whose existence depends on remaining pure and unbreached. We thus use it to describe acts of religious desecration, particularly of enclosed spaces like tombs. We use it to describe transgressions against sovereign law, and in particular, infractions against the notional space of an individual’s rights, most especially in cases which involve crimes against an individual’s property, or the sovereign space of their homes. In discussions of the type of border which define a sovereign state or space, or the integrity of a body for that matter, the adjective of choice is invariably ‘inviolable.’ And, of course, in English we use it as a frequent synonym for rape, while in certain Romance language it is the primary term, ‘*viol*’ (French), ‘*violación*’ (Spanish). All this lends credence to Dworkin’s unsettling vision – that a ‘discourse of male truth’ which understands personhood – and the very possibility of a being as a bearer of rights – according to a logic of sovereign integrity, cannot understand penetration as anything other than an act of destruction of that being. Our legal system operates under the pretense that ‘rape’ is normal sexual intercourse minus consent, but our implicit ontology has always already erased the possibility of distinguishing between harmful and non-harmful intercourse, because it posits all sexual intercourse as an act of violation.

infrastructure, of sovereign integrity defines our philosophical, cultural and juridical concepts of the person, then there is no such thing as a penetrable person. If the primary injunction of Being is ‘to keep the outside out,’ then a being that lets the outside in, *is not*. The sexual subjectivity of women exists, therefore, entirely outside the cultural coordinates by which men have plotted the parameters of selfhood. And furthermore, according to this schema, women are, in sex, transmuted into little more than inert, uncharted territory on which these sovereign selves make their mark.

Dworkin’s central metaphor to describe the annihilation of women’s being in intercourse is that of military colonization, and she deploys a series of terms forming the conceptual cluster invasion-possession-occupation-collaboration to describe its operation and effects. “Intercourse,” she writes, “is commonly... comprehended as...an act of possession,” which derives its possessive power from the man’s “physical relation... over her and inside her.” (79) This possession, she notes, has “the texture of wartime invasion” by which “those with power use the conquered” and “inhabit them as territory.” “Physically” she continues, “the women in intercourse is a space inhabited, a literal territory occupied literally.” (168) And hence, because in penetration a woman’s “body can be physically occupied and in the occupation taken over” she is “intended to have a lesser privacy, a lesser integrity of the body,” and “a lesser sense of self.” (155)

Objections to Objectification

The name feminists commonly give to this erosion of women’s selfhood in and through sex is ‘objectification.’ In her 1995 essay entitled ‘Objectification,’ Martha Nussbaum

traces the origin of this now “familiar concept” to “in particular...the work of Catherine MacKinnon and Andrea Dworkin” where it was once a “relatively technical term.” (Nussbaum 1995:249) Indeed, in *Intercourse*, Dworkin’s metaphors of invasion give way to descriptions of the destruction of a woman’s humanity – the fact that a “woman cannot exist before or during the act as a fully realized, existentially alive individual” – in terms of the “objectification of the female partner” required as a “precondition of male performance.” (159) Dworkin and MacKinnon’s work on objectification in pornography, most particularly, appeals to the intuitive, grammatically informed, sense that the harm women experience in sex is tied up with the way they are posited as objects of the male gaze, and male sexual activity, and that this subject-verb-object relation precludes the possibility of sexuate female subjectivity.

The notion of objectification, while much used, is, as Ann J. Cahill notes, little analyzed. (Cahill 2011:1) It is also, as Nussbaum recognizes, a “relatively loose cluster-term” (258) including both sexual and non-sexual forms, and associated with a variety of processes and modes of experience, including slavery and exploitative labour. I would first like to draw a distinction between two common feminist uses of the term - women as the object of the sexualizing male gaze, and women as the object of male sexual activity. The first use of the term, frequently invoked in critiques of our culture’s ever-increasing tendency to wallpaper the world with women’s docile bodies – airbrushed and sculpted to appeal to men’s (purported) erotic preferences – seems broadly right. Vision is, of all the senses, most inclined towards flattening its object in a pure apprehension of surface, and various forms of the French critique of sovereign integrity have connected our culture’s

valorizing of vision to its occlusion of intersubjectivity. By contrast, phenomenology would teach us that touch – and especially, to recall Merleau-Ponty’s famous example, that sometimes most sensual of body parts, the hands – inclines not to the unidirectional apprehension of its object, but the chiasmatic experience of being both, and at the same time, touched and touching.

This raises a number of questions. The harm articulated by the notion of objectification apparently issues from ‘being treated like an object,’ but if, sexual experience, according to the chiasmatic logic of phenomenology, is potentially intersubjective, it is not immediately apparent why ‘being treated as an object’ should be a harm as such. As we will see in our reading of Nussbaum, what ‘objectification’ expresses is not the harm of being ‘treated as an object,’ but rather, that of ‘not being treated as a subject’ – and this distinction, I suggest, is obscured rather than illuminated by the term. This matters because it is only possible to take these terms as equivalent if one adheres to the phenomenologically untenable mutual exclusion of being both a subject and object at the same time; a gesture which is not mere intellectual error, but rather, is built into the popular understanding of sex as an encounter between pure male activity and pure female passivity. Despite its attempts to conceal itself with reifying conceits about the inherent nature of male desire, this understanding is, our analysis of instrumentalization will suggest, a construction impelled by the imperative of sovereign integrity. It serves the interests of the project of masculine invulnerability, and functions to close down the possibility of thinking sex otherwise, and hence, of demanding a change in our conditions to make real, and everyday, the possibility of intersubjective sexual encounter.

A reading of Nussbaum's typically rigorous analysis will begin to open up these questions. She starts by assuming that "what is at stake" in objectification is "treating one thing like another," that is "treating *as an object* what is really not an object, what is, in fact, a human being." (257) This formulation gives an early intimation that the problem with objectification resides in 'not treating a human being as a human being,' but Nussbaum takes the concept at its word, and undertakes an analysis which aims to understand the way objectification functions by treating persons as if they have the specific properties of objects. She lists these properties as: 1. Instrumentality, 2. Denial of autonomy, 3. Inertness, 4. Fungibility, 5. Violability, 6. Ownership, 7. Denial of subjectivity.

What should first be noted about this list is that it makes little sense to say that certain of these characteristics are the specific properties of objects. As Nussbaum observes 'denial of autonomy' and 'denial of subjectivity,' "attract our attention from the start because they seem to be modes of treatment we wouldn't bother discussing much in the case of mere things, where questions of autonomy and subjectivity do not arise." (258) That is, these qualities appear in Nussbaum's list of the possible ways to treat something – a *person* – as if it were an object only insofar as the pertinent harm of the phenomenon called objectification is not 'treating someone like an object' but 'not treating someone like a subject.' And this is emphasized by the fact that in these cases Nussbaum is, unlike the majority of other properties, forced to construct these qualities as 'denials of' particular characteristics of personhood. They "seem" she notes, on the verge of articulating the distinction, "most suited to the thinglike treatment of persons." (258)

This difficulty also surfaces with respect to the fifth property on Nussbaum's list, 'violability,' which she defines as the process by which the "objectifier treats the object as lacking in boundary-integrity, as something that it is permissible to break up, smash, break into." (257) Concluding the discussion of the "special interest" (258-9) accorded to the 'denial' properties, she notes that "[w]e are going to be at least as interested in the treatment that is denied to persons as the treatment accorded to them." (259) She then adds a note specifying that the "same is true of 'violability' ...although if I had chosen a term such as 'breakability' it would not be," (259. n.15) which itself links to the previous note clarifying that the use of the term 'violable' to describe objects is "not ideal" because "it is too anthropomorphic for things like ballpoint pens." (258. n.14).

Note 15 is initially puzzling, because taken in association with the main text it produces, 'we are going to be at least as interested in the treatment that is denied persons...the same is true of 'violability.' Evidently, the treatment that is denied persons in the process of objectification is not 'violability' but 'inviolability,' and this, when read with Nussbaum's acknowledgement that unlike 'breakable,' 'violable' is "too anthropomorphic" for objects leads to the conclusion that this purported property of an object is in fact, reverse engineered, according to the logic of sovereign integrity, from the 'inviolability' that is considered a necessary property of a subject. Indeed, Nussbaum recognizes that 'violability' or rather, 'breakability,' is actually not even a property of most objects. We do not generally go around smashing up objects willy-nilly, and only "allow a child to...destroy relatively few things in the house." (258)

The inclusion of this puzzling property on Nussbaum's list – a property which she notes, is “not entailed...by any of the other six items” (260) – is thus only comprehensible as an articulation of her somewhat submerged sense of the critical importance of treating something ‘as lacking in boundary-integrity’ to the harm that we call, imprecisely, objectification. Nussbaum is famously hostile to metaphysics, and she is, therefore, I would suggest, unable to grasp what Dworkin could see with such painful lucidity – that, given the contours of sovereign integrity, the act of boundary crossing represented by penetration is conceived, as, in and of itself, a harm to women's sexual selves.

Moreover, this harm does not function by somehow converting women into objects – it is not a matter of an injury wrought by being treated as if you have this or that particular property of an object – rather the injury consists in the perception that a woman, once penetrated, has undergone the *symbolic destruction of her personhood*. Indeed, as suggested by the cases of ‘denial of autonomy,’ ‘denial of subjectivity,’ and, what should properly be named, ‘denial of inviolability,’ the entire set of Nussbaum's purported properties of objects, are, I would suggest, unconsciously arrived at *by negation of the classical properties of a subject*. At a point in her analysis, she observes that her seven characteristics of objects, are ‘logically distinct’ from one another. What is noticeable, however, is that if we reverse this negation, we find a series of properties which are, according to the classical thinking of personhood, anything but conceptually distinct, and instead, form a readily recognizable *constellation*: 1. Being an end in itself, 2. Autonomy, 3. Activity, 4. Uniqueness 5. Inviolability, 6. Self-ownership, 7. Subjectivity.

The harm articulated by objectification is, therefore, that of an erasure of the properties of personhood. As suggested by Nussbaum's inclusion of inviolability, and Dworkin's discussion with which we started, penetration as an act of boundary crossing plays a significant symbolic role in the perpetration of this harm. Yet, despite its centrality to *Intercourse*, the majority of feminist discussions of the harm of objectification in Dworkin's work – and that of her intellectual and activist sister Catharine MacKinnon – sideline the metaphysical significance of penetrability, and focus attention instead on the way in which women are harmed in sex by the objectifying process of instrumentalization. The analysis of instrumentalization serves, therefore, to some degree, to occlude confrontation with the profoundly uncomfortable implications of Dworkin's metaphysical interrogation. Nonetheless, it is revealing – both of the role of sovereign invulnerability in positing the sexuate woman as object qua property, and, moreover, of the core characteristic of personhood that our analysis must retain – and thus merits our attention.

Objectification and Instrumentalization

Following her discussion of the 'special interest' afforded by the properties of autonomy and subjectivity-denial, Nussbaum's analysis of objectification turns its attention to the "way in which *instrumentality* seems to be the most morally exigent notion," (261) where 'most morally exigent' may be glossed as, 'makes the most compelling claim to be the core harm to women articulated by the concept of objectification.' The notion of instrumentality is, Nussbaum notes, central to the "MacKinnon/Dworkin analysis of sexuality," (256) the "core idea" of which, she maintains, following Barbara Herman, "is Kantian." (266) Indeed, in her 1993 essay, 'Could It Be Worth Thinking About Kant on

Sex and Marriage?’ Herman notes that her interest in Kant’s account of sexuality, usually “forgotten by anyone who wanted to take Kant seriously,” (B. Herman 1993:49) was sparked by noting that it was “strikingly congruent” with the Dworkin/MacKinnon “strand of contemporary feminism.” (51)

The occlusion of Kant’s account of sexuality, Herman notes, stems from the preponderant focus on the algorithmic structure of the Categorical Imperative as presented in the *Groundwork to the Metaphysics of Morals*, ignoring the fact that Kant recognized that moral deliberation could only proceed by understanding the “morally salient features of our circumstances” (52), the relevant descriptions of which are provided in the *Metaphysics of Morals* itself. Here Kant argues that sexual love is a “degradation of human nature” and that “as soon as a person becomes an Object of appetite of another all motives of moral relationship cease to function, because as an Object of appetite for another a person becomes a thing.” (Cited Herman: 55) This is, Kant maintains, due to the fact that sexual desire is “not an inclination which one human being has for another as such, but is an inclination for the sex of another.” (Cited Herman: 55)

Insofar as sexual desire is, to a greater or lesser degree, occasioned by the physical appeal of its object, and experienced in our bodies as a drive towards specifically sexual interaction, then this assertion that it is an ‘inclination for the sex of another’ seems broadly correct. There is much to be said here about the veracity of the general conviction that men’s desire is more specifically objectifying in this respect than women’s – who are, according to this sociobiologically inflected account, far more turned on by well-

stuffed wallets than well-turned biceps. However, at this juncture, we will have to confine ourselves to observing that the belief that human desire is always and exclusively occasioned by, and directed towards, the ‘sex of another,’ would only find unequivocal assent in those dark corners of the internet populated by Men’s Rights Activists. As suggested earlier, according to the phenomenology of intersubjective sensuality, there is no reason why being directed towards the sex of another precludes a simultaneous respect for their person. To explain why Kant thinks it does requires further elaboration.

Herman’s account is that, for Kant, objectification is destructive of personhood because it entails viewing the other as “something for use,” (57) and it is here she perceives the resonance with Dworkin and MacKinnon. For MacKinnon, a “sex object is defined on the basis of its looks, in terms of its usability for sexual pleasure” (1987:173) while for Dworkin, in objectification a “person is depersonalized” through their being “used as if they are not fully human.” (2000:30-31) Against Christine Korsgaard’s interpretation that objectification inheres in regarding someone as an aesthetic object, Evangelia Papadaki supports Herman’s reading that the problem with objectification for Kant is that it involves “a reduction of a person (moral sense) to a mere sexual instrument.” (Papadaki 2007:334) His critique of prostitution, Papadaki notes, is grounded in the idea that prostitution degrades the humanity of its workers by converting them into “an instrument for the satisfaction of inclination.” (Cited Papadaki: 335) In regard to prostitution, which is – despite contemporary liberal obfuscations – an industry driven by men’s demand for sexual access to women’s bodies, this account rings true. However, I would maintain that there is no necessary relation between the use of another’s body for pleasure and a harm

to their humanity. Nussbaum's example of using her lover as a temporary pillow, suggests, correctly, that this is morally unproblematic, providing it takes place in the context of a relationship in which "he is generally treated as more than a pillow." (265) The problem comes in treating people as *mere* instruments, because so doing, "involves denying what is fundamental to them as human beings, namely, the status of being ends in themselves." (265)

We will shortly turn to the persisting importance of this simple, and still powerful, Kantian formula, but first I want to continue pressing against the question of why Kant conceives instrumentalization to involve a necessary abnegation of a being as its own end. Kant's argument, Nussbaum notes, is "by no means clear" (266) but appears to rely, she surmises, on Kant's belief that desire causes "very acute forms of sensation" (266) which induce such a "powerful urge to secure one's own sexual satisfaction" that it prevents one partner seeing the other as "anything but a tool of one's own interests." (267) Our suspicions here should be immediately raised by the resemblance of this account to that we will come to understand as 'male sex-drive discourse,' the popular exculpation of male desire on the basis that it is, once unleashed, entirely immune to rational or moral restraint; an account of desire's radical heteronomy which, although familiar, somehow manages to inhabit the cultural imagination cheek-by-jowl with the idea that men's sovereign self-possession is entirely unscathed by the experience of sex. While this story most commonly centers on the hydraulic force or over-riding animality of male desire, Nussbaum's rendering is more philosophically revealing. Instrumentaliza-

tion is incompatible with perceiving one's partner as an end in themselves because of the requirement that desire 'secure' its 'own sexual satisfaction.'

This interpretation of Kant's notion of desire is supported by the fact that Kant conceives sexual interaction as giving one's partner a "right of disposal" over one's body, where this right is understood, Herman suggests, as one of "free use." (Herman, 1993:59) That is, Kant conceives sexual encounters as a matter of temporary property acquisition, and the reason for this, I would argue, is that only the condition of 'free use' ensures that desire can unequivocally secure its satisfaction. Kant's notion of property, Herman notes, assumes that the "effective use of stuff requires the exclusion of others from use of it," (53) and in the case of sex, this, it would seem, *includes the person whose body it is*. It is for this reason that Kant believes that it is only through marriage that sexual relations can take place in a manner uninjurious to the participant's humanity. In marriage, he writes, "I have given myself up as the property of another, but in turn I take that other as my property, and so win myself back again in winning the person whose property I have become." (Cited Papadaki: 337) In this way, observes Papadaki, "the reciprocity of surrender" is maintained, and marriage "gives to each of the two parties *security* in the ownership of the other's person." (338; my emphasis)

As we encountered in Section II, the aporetic structure of Being mandates that our dependence on that which exists outside ourselves is always attended by risk. All intersubjective relations are imbued with the possibility of loss, and, in the case of sexual encounters, with the possibility that our needs will be frustrated. The condition of sex in

which one does not occlude the subjectivity of one's partner is the acceptance that one might not get what one wants. Hence, if as Kant assumes, desire must be committed to securing its satisfaction, it does then follow that it leads inexorably to a dehumanizing instrumentalization. But this conception of desire – whether dressed in Kantian or sociobiological garb – is not a neutral description of reality, but an expression of the imperative of sovereign invulnerability. All adult humans are – if healthy – capable of coping with not getting what they want, and the belief that they are not is itself a conceit of a cultural system which conspires to bend the world around the needs of men. Popular feminist discourse has a well-worn word to name this patriarchal pretense that something calamitous will happen should a man not secure his satisfaction. We call it entitlement, and, as we will see in Chapter 6, it is the very engine of rape culture, and the condition of impossibility of ethical relation.

Being (as) an end in itself, or, is there life left in the Kantian subject?

And yet, the Kantian analysis of instrumentalization reveals something that demands retention. Our analysis has demonstrated that the harm incurred to women articulated in the concept of 'objectification' inheres not in a process of 'making object,' but in the *negation* of women's properties as a person. And this suggests, therefore, that of the palette of properties we excavated from Nussbaum's analysis of objectification, at least some part of the classical concept of personhood still has some significant work to do. This, I would argue, is 'being as an end in itself,' a formulation that appears with regularity in the feminist discussions of objectification. "A person," MacKinnon writes is, "in one Kantian view... a free and rational agent whose existence is an end in itself, as

opposed to instrumental,” (1987:138) while for Nussbaum, the problem inherent with instrumentalizing human beings is that it “involves denying what is fundamental to them as human beings, namely, the status of being ends in themselves.” (1995:265)

As demonstrated here, this invocation of the famous formulation of the second Categorical Imperative is, from a correctly Kantian perspective, intimately connected to the first formulation. Indeed, for Kant, both formulations were just different ways of saying the same thing. According to the logic of Kantian autonomy, a being is an end in itself – and is hence worthy of moral considerability, the respect accorded to the properly human – only because of its capacity for rational deliberation towards ends. As such, as Ann J Cahill notes, the feminist concept of objectification is necessarily indebted to a Kantian logic which only “make[s] sense in the context of a Western metaphysics that places the natural and the bodily in opposition to the human.” (Cahill 2011:21) The “construction of the independent, autonomous, rational ideal of the self” she continues, is necessarily accompanied by the “devaluing of the realm of nature” (22) and its metaphysical correlates - materiality, embodiment and emotion, all indices of the feminine.

Given the fact of ontological imbrication metaphysical binarism is philosophically unsupportable. Moreover, the occlusion of this imbrication – of any entity’s dependence on its disavowed other – in the conceit of the autonomous self is, as we will soon explore further, a core constituent of the appropriation which has characterized the attitude of the Western male subject towards the resources of nature, non-Western peoples, and the bodies of women. It is thus not merely a matter of philosophical precision, but an ethical

imperative, that it be rejected. But the question then remains, of how, without the scaffolding of personhood, to articulate the nature of the harm women experience in sex. Cahill's solution is to replace the notion of objectification with her concept of 'derivatization,' deploying an Irigarayan analysis of specularization to understand the nature of this harm, not in terms of 'being made object,' but 'being made derivative.' To 'derivatize' is, Cahill contends, to "portray...understand, or approach a being solely or primarily as the reflection, projection, or expression of another being's identity, desires, fears, etc." (32)

As our subsequent discussions of appropriation and entitlement will suggest, Cahill's account of derivatization as the *mechanism* which characterizes colonial attitudes towards women's bodies is entirely accurate. However, I would argue, it is not possible to make sense of this attitude as a harm, without an adequate account of *what it harms*, and here there is a significant lacuna in Cahill's theory. She claims that her deployment of an Irigarayan ethics of sexual difference "clarifies the harm that takes place in derivatization," and that this harm inheres in that fact that by "constructing women as reducible to the desires or beings of men, derivatization constitutes an act of violence against" women's "ontologically specific being." (42) But absent an account of what 'ontologically specific being' means, this doesn't get us very far. Cahill's accurate rendering of the way in which, to lapse into Irigarayan, an 'economy of the same' harms women, is only comprehensible if the answer to the question 'harms what?' is some version of 'women's subjectivity.' In her enthusiasm to distinguish herself from Kant, Cahill philosophizes herself into a corner. In places she is forced to illustrate the "ontological distinctiveness" (140) of "women as sexually specific beings," (42) with reference to women's "sexual

agency” or the importance of ensuring that a woman’s “desire, or lack thereof” is “heard and respected,” (141) but her account is significantly weakened by not directly confronting the fact that talk of harm to a being requires some conception that that being has needs, desires, and wants of some sort – that it has, in short, its own ends.

The scope of the present project precludes the possibility of full elaboration, but it is perfectly possible, I would argue, to think the nature of being (as) an end in itself outside the Kantian paradigm. We can question the assumption that the only ends worthy of respect are those arrived at by the action of the autonomous intellect. We can argue for the centrality to personhood of the heteronomy and materiality of desire. We can turn to the fruits of a resurgent new Aristotelianism, detailing the needs that must be met, or the capabilities exercised, for a being to realize its ends in the process of flourishing. We can reconceive autonomy, rejecting, according to the Ethics of Care, the unfounded Kantian assumption that the furtherance of my ends requires a bounded, proprietorial exclusion of yours. Or, accompanied by Bergson and Deleuze, we could question why we should assume that the becoming of a being-in-time depends on the bounded delineation of a being-in-space, and whether this is not, indeed, an illusion produced by the spatializing activity of our intellects.

The resources are there. But, however we configure it, I would maintain, against Cahill, that in order to make sense of the harm women can experience in sex, we must retain some conception of subjectivity as being towards ends. These ends may be fully formulated moral imperatives, or heteronomous inclinations, or political convictions, or

intellectual projects, or physical needs, or sexual desires, or the instinct to nurture. But they are *interests*. And it is critical to the flourishing of beings that they are recognized and respected as the kind of things that have their own interests, and their own particular process of unfolding. To be sure, people can, and often are, mistaken about their interests, and there are instances in which the harm of their mistake (to themselves or others), outweighs the requirement that their ends be respected. But the truth of this diminishes exactly in relation to how central to the self those interests may be. Whether one wears a seatbelt is less central to the self than the type of food one eats, and this, in turn, is likely less significant than how one disposes of one's working life. And we correctly understand that an area critical to people's sense of self concerns what happens to their body.

Our legal statutes recognize (if, in the case of rape, and reproductive freedom, with utter equivocation), that to override a person's own interests about the ends to which their body is put constitutes a grave injury to that person's sense of self. And hence, we have a raft of legislation, against improper medical procedures, against the financial coercion of consent in cases of organ donation, against interrogation by torture, and against – at least in theory – sexual assault. There is nothing particularly mysterious about why overriding someone's interests about what happens to their body constitutes a considerable harm, and it doesn't require an explanation which relies on conceits about the self owning property in the body, or even a notion of the inviolate physical boundaries of a body with integrity. We do not own property in our bodies. We *are* our bodies.² And to treat a person's body as if it were not the psychophysical locus of a being with its own interests

² Where this indicates not a strict identity between mind and body, but a chiasmatic inter-penetration of both in the constitution of a psychophysical self, as forwarded by contemporary material feminisms.

is to act *as if there were no being there at all*.³ It is to injure by annihilation, a profound harm to personhood which, in some of the most severe traumas, such as those of rape and torture, is exactly what an assailant intends. Victim testimony indicates that such injuries to the self are frequently catastrophic. People find themselves still alive, enduring the experience of somehow having survived their own murder.⁴

Injury by Unpersonning

The sexual harm we are concerned with then is not that of objectification, which, we have suggested, may indicate, but is not a necessary condition of, an injury to an individual's sense of personhood. Rather, to return to our introductory discussion of Bernstein analysis of moral injury, our concern is with an 'injury to an individual in her standing, worth or value' which issues from the evaluative or legislative manner in which that person has been treated by another. Following Ngaire Naffine's incisive 2002 essay 'Can Women be Legal Persons?', this injury can be usefully understood as incurred through, and experienced as, an act of 'unpersonning.' In its most extreme, albeit not uncommon,

³ As Cahill rightly indicates (2011:139), this mechanism has a paradoxical structure insofar as the injury inflicted by treating someone with an annihilating disregard for their personhood is only effective on the condition that they are a person, and this, as we will see in the next chapter, is particularly significant with respect to the crime of rape. The desire to annihilate a woman's personhood arises out of a narcissistic rage about the fact that what is conceived as one's entitlement – sexual access to her body – is denied because it is under her control. Moreover, the experience of domination the rapist is seeking in order to ameliorate his narcissistic deficit, does depend on there being a person to dominate, and to bear witness to the power of that domination. Cahill is right to note that this testifies, according to the logic of the Master-Slave dialectic, that domination reveals the necessary intersubjective dependency it is attempting to disavow, but she then takes this as reason to deny that the injury is structured around the annihilation of personhood. I would argue that we should never lose sight of the fact that the form of this disavowal is *intended* as act of annihilation, and that, while healing from this trauma is undoubtedly possible, it is experienced by victims as such.

⁴ See for example Susan Brison's *Aftermath*, in particular Chapter 3 'Outliving Oneself,' the epigraph of which - 'I died in Auschwitz, but no one knows it' - is attributed to Charlotte Delbo, who herself attributed it to one of her fellow deportees. As Brison also notes in her Preface to *Aftermath*, "For months after my assault, I had to stop myself from saying (what seemed accurate at the time), 'I was murdered in France last summer.'" (2003a: xi)

form, 'unpersonning' describes the injury to personhood inflicted through the willful or reckless disregard of another's being-towards-ends which occurs in cases of sexual assault and rape. However, the sexual harm to personhood conventionally indexed by the term 'objectification,' while differing from rape in that it can be consented to, nonetheless shares contiguity with rape to the extent that it is also an injury of unpersonning. This latter type of unpersonning functions not by a direct over-riding, or reckless inattention to another's being-towards-ends with respect to their desire to have sex, but rather, as Dworkin's analysis suggests, through the conception of penetration as an act that violates the bodily boundaries which constitute the person, and is hence understood to enact an abnegation of their being as a person.

In her 2002 essay, Naffine analyses the possibility of women as legal persons in terms strikingly similar to those deployed by Dworkin. While, as we will encounter shortly, the legal subject is conventionally understood as a genderless place-holder for any entity capable of bearing rights, it is, in fact, Naffine asserts, underpinned by a "tacit sexual ontology." (Naffine 2002:86) As we will remember from our discussion of the 'property-person nexus,' Naffine traces this ontology to the Lockean paradigm of the person as self-proprietor, which, by the tautological logic of proprietorial dominion as territorial jurisdiction, understands the "very 'form of the person' in Western liberal legal thought," as 'self-possession,' a state of ownership fundamentally dependent on "the policing of clear personal territorial limits, and the exclusion of others." (84)

Evidently, this model of the person as a “bounded self-proprietor” runs into the problem that “human beings” do not actually “maintain their body boundaries,” either in sexual intercourse, or pregnancy, or breastfeeding, or, for that matter, the everyday processes of taking in oxygen, water and nutrients, and excreting carbon dioxide or metabolic waste. As we will explore in our engagement with Naffine’s analysis of the ‘possessive form of heterosexual sex,’ the imperative of sovereign invulnerability underpins the conception of a “unitary legal subject” who “preserves his male integrity” by “never allowing others within himself or merging himself with others.” (83) With respect to intercourse there is no sense, Naffine notes, that “congress entails the fusion or merging of man and woman or the engulfment of the man by the woman,” (86) a precise echo of Dworkin’s observation that “[r]emarkably it is not the man who is considered possessed in intercourse, even though he (his penis) is buried inside another human being” and he wonders “*can he get out alive?*” (2007:81)

Indeed, Naffine intimates, it is only according to the precise logic of sovereign territoriality, which focuses exclusively on the possessive power of the invasive act of entering, that the type of merging men experience in intercourse is occluded (and it is interesting to note that were the same logic applied to that analogue of sexual desire, appetite, it would be the food that consumes us.) As such, Naffine continues, “the background understanding of conventional sexuality is one in which man retains the integrity of his person, his property-in-self, while he is ‘having’ sex with a woman, while she allows herself to be had,” (86) a state of affairs, which, of course, has everything to do with the requirement that a man’s sovereign invulnerability remain entirely unscathed,

both in specific sexual encounters, and as a more general condition of his masculinity. The consequence then, of conceiving personhood according to a territorial notion of self-ownership is, according to Naffine, “the incompatibility of female sexuality with property-in-self” (84) which hence gives rise to the image of the “sexual woman” as one who “is implicitly stripped of property-in-self and so unpersonned.” (86)

It is critical to note, therefore, that the injury of unpersonning mediated by the image of penetration as an act of abnegating territorial possession is not a function of penetration as such, but of penetration understood under the sign of sovereign integrity. However, as I have underlined, changing embedded systems is more than a matter of superficial re-signification – social infrastructures of understanding inform the modalities of behaviour between persons, and, as Bernstein’s analysis made clear, *actions are evaluations*, and are experienced by the people they are directed at *as such*. When sex is conducted under the sign of sovereign integrity, the understanding of penetration as an abnegation of a woman’s personhood is communicated to and experienced by that woman as an evaluation of her worth and very existence as a person, and it is this fact which accounts for the phenomena of vast numbers of women who have experienced penetrative sex, that, while consented to, was nonetheless injurious to their self-esteem and well-being.

Against the ‘discourse of male truth’

It was her profound sensitivity to this way in which penetration can injure women’s subjectivity that impelled the luminous polemic of Dworkin’s *Intercourse*. As I have suggested, Dworkin’s unpacking of the implications of sovereign integrity for women’s

sexuate being cannot be faulted, however deeply disturbing that may be, and the extent to which Dworkin's interlocutors wish to distance themselves from her disturbing conclusions is indeed pronounced. Bernstein, who, as we will recall, shares with Dworkin the conviction that physical boundedness is the 'natural expression' of a 'value-saturated body' which is 'integrally and rightfully mine,' and commends Dworkin for her "hyper-alertness to the liabilities of sex in the setting of a patriarchal society," nonetheless describes her "metaphysics of gender" as "paranoid." (2015:149) As with many commentators, Bernstein doesn't deem it necessary to argue for this dismissal, beyond the observation that because she "cannot, finally, make sense of sexual equality, her view is palpably false and illicit." (149) This uncommon description of an argument, the suggestion that Dworkin's declaration of the harm of intercourse is somehow illegal, illegitimate or forbidden, is indicative of how challenging and repugnant people find her analysis. But in an important sense all Dworkin has done is unsparingly unfold the consequences for women of thinking personhood and human dignity according to the logic of bounded sovereign integrity. If her metaphysics of gender are 'paranoid,' then, inasmuch as he also subscribes to the thought of bodily integrity, so too are Bernstein's.

And yet, Bernstein's objection to Dworkin's inability to account for sexual equality also rightly recognizes that something is wrong with Dworkin's vision, even as it miscasts that flaw as 'paranoia.' Dworkin's grasp of the sovereign metaphysics of gender were in no way an imagining, rather, her error was in her tendency to accord patriarchal sovereign ontology status as the real. Intercourse, she writes, "has consequences" for a woman that "may be intrinsic, not socially imposed." (2007:155) Whilst elsewhere, in terms echoing

Brownmiller's belief in the physiological inevitability of rape, she writes that the "nature of the act and...of the sex organs involved in the act" raises "fundamental questions" about "intercourse as an act with consequences, some perhaps intrinsic." (173) Woman, she continues, is "defined by how she is made" with "that hole...synonymous with entry," (155) and thus her status is ineluctable, given purely by the fact that "having a line at the point of entry into your body that cannot be crossed is different from not having any such line." (168)

At other times, however, Dworkin recognizes that the meaning of woman as penetrable is cultural. Men, of course, are also penetrable, and the strenuous efforts they make to deny this often animates the visceral violence of homophobia. A man, Dworkin notes, "has an anus that can be entered" but, unlike a woman, "his anus is not synonymous with entry," (155) an insight which alone should suffice to cast doubt on the necessary link between women's physiology and its meaning within the matrix of sovereign logic. In one strikingly ambiguous passage Dworkin writes:

By definition, *as the God who does not exist made her*, she is intended to have a lesser privacy, a lesser integrity of the body, a lesser sense of self, since her body can be physically occupied and in the occupation taken over. By definition, *as the God who does not exist made her*, this lesser privacy, this lesser integrity, this lesser self, established her lesser significance: not just in the world of social policy but in the world of bare, true, real existence. (155; my emphasis)

The efficacy of sovereign logic is such that it undeniably establishes itself in the 'world of bare, true, real existence,' and maintains itself by reifying appeals that "God made it so, or nature did, according to the explainer of events and values." (80) But these

structures were, to be absolutely sure, made by men. As Dworkin tells us here, the God who made women with a 'lesser sense of self' because she is penetrable – what she calls elsewhere, the “political meaning of intercourse” (156) - ‘*does not exist.*’

But yet, Dworkin cannot quite convince herself. The “woman in intercourse,” she writes, is a “literal territory occupied literally,” (168) while the skin is in “purely physical terms,” a “fence.” (26) She suggests that through intercourse, a woman’s bodily boundaries are “neutrally speaking...violated,” (174) and while it is indubitable that the ‘discourse of male truth’ calls penetration violation, it does not follow that describing it so is ‘neutral.’ With this description comes the entire structure of sovereign integrity, and its figures of property, territory, dominion, autonomy, jurisdiction and invulnerable *control*. With it too, comes the veneration of the holy and the sanctity of homeland, the interleaving of bodily, ethnic, and national purity, the fantasy of immunity, and the horror of contamination. And thus, in its wake we find, also, the acquisitive impulse to invade, colonize, and appropriate, or, alternatively, and often, at the same time, the urge to purify, purge, barricade, repel, and disavow. When it comes down to it, the body is not a *literal* territory, and the skin is not a fence, or a wall, or a battlement, or a checkpoint. This is *metaphor*, and it is metaphor derived of an age-old masculine fantasy that the self could be secured against the risk of its necessary ontological vulnerability. It is metaphor which has spun and wheedled itself into almost every corner of our thinking and feeling about ourselves and our relation to the world, such that, most of the time, we have no idea it’s even there. And it is metaphor that has produced, and continues to produce, day after day after day, the most staggering quantity of appropriation and exclusionary, annihilating

violence. There are many ways to describe the metaphors of sovereign integrity. The last word on earth I would use for them is *neutral*.

When I think about Dworkin's analysis of penetration, and her acquiescence to the inference that it entails an abnegation of women's personhood, I am reminded of Bergson's analysis of Zeno's paradox. If the outcome of your analysis is something patently absurd – that movement, or in this case, heterosexual female persons – do not exist, this indicates, not that your conclusion is correct, but that something has gone very wrong in your representation of the problem. The fact that this is not Dworkin's response, that she instead affirmed the conclusion that intercourse was incompatible with women's dignity as persons, is the deep ambiguity in her deployment of the phrase the 'discourse of male truth.' On the one hand, the logic of sovereign integrity has installed itself, with inordinate effectiveness, as the matrix through which the world is read, and propagated its alleged truth with innumerable intellectual conceits, all defensible, in case of last resort, by appeal to men's privileged access to the apprehension of the *intelligible*, their social and economic power, and, of course, the ever-present threat of violence.

But sovereign integrity is a lie. The truth of being is given, after so many philosophical formulations, in just two simple words – *process* and *relation*. And no amount of metaphysical subterfuge or sleight-of-hand, no amount of purification or decontamination or colonization or military defense, will change this fact. That being exists, imbricated in time and space, cannot be obviated, but only disavowed. The sovereign self's horror of its own vulnerability – the openness that is, in fact, its very possibility – can only be

projected outside, onto another, who can then be materially or symbolically erased; a purifying sacrifice offered up to the deities, to the impossible dream of the unscathed, to the *idea* of a perfect immunity, safe and secure outside time and space. And then, because this gesture will never work, it must be performed again, and again, and again. But for all it is a lie, this repetitious and unrelenting rage does untold damage. And part of the damage it does, in projecting itself, incessantly, onto the possibility of others, is to convince those others of its truth. The harm of rape, for instance, is found, not only in a singular instance of annihilation and its undoing of the basic trust that sustains the self, but, moreover, in the way in which it propagates itself, inserting itself silently into the interpretation of the future and the past.

At risk of psychologizing, it is only in this way that I can comprehend someone of such intellectual acumen – and deep humanity – as Andrea Dworkin, equivocating about the inevitability of sovereign integrity and the violence it entails. In purely intellectual terms, I would call it a capitulation to patriarchal metaphysics, but at the level of the human, I see something else - trauma, and the abiding ability of traumatic injury to remake the world in its image. The process of traumatic healing is all about undoing the suspicion – sometimes the conviction – that what the trauma has burned into the fibers and flesh of the body and mind is an absolute, inescapable necessity, a revelation of the reality of the horror of existence. The attempts of the unconscious to engineer a re-enactment of events, and in so doing, against all probability, change the ending, is one explanation of the phenomenon of repetition compulsion – the noted tendency of trauma victims to find themselves in situations in which they are re-traumatized by events which bear a

remarkable resemblance to those of the original injury. Repetition compulsion, itself a product of traumatic injury, conspires to further convince the self that what one most needs to disprove, is, actually, utterly ineluctable. And hence, the possibility of escape from the unendurable, the faith in an otherwise future, the hope, in short, needed to nourish our becoming, is slowly, surely, hammered shut. Surrounded on all sides by such violence, it is only possible to go on if one can hold on to the ability to think, and the demand that the world must be, *otherwise*. Dworkin spent her whole life fighting for this possibility – if you have any doubt you need only read the text of ‘I Want a Twenty-Four Hour Truce in Which There Is No Rape’ – but somehow, when it came to the resolute resistance of the logic sustaining the whole stinking structure, she hesitated. Were she still alive today, I would want to say only this: *Oh sister, it is not true*.

Contract and Consent

And yet, of course, as Dworkin knew too well, in the ‘world of bare...real existence,’ the world fashioned by the projection of the logic of sovereign integrity, it is all too true. The scale of the violence when we stare straight at it – not averting our eyes with talk of ‘isolated incidents’ or ‘domestic disputes,’ not pretending we are safe because we would never be so foolish or irresponsible as to invite it on ourselves – is intolerable. The figures speak for themselves (See Appendix I), although many people are intent on not listening. Judith Herman, in her classic study *Trauma and Recovery*, recounts the “episodic amnesia” (J. L. Herman 1997:7) of the history of sexual trauma, detailing Freud’s occlusion of the *Aetiology of Hysteria* in the theory of seduction (Cf: Masson 1984), a remembering and forgetting which mimics the pattern of repression associated

with sexual trauma itself. The return of war-neurosis – forgotten after the Great War – which emerged in response to the outrage of Vietnam, enabled the second wave of the women’s movement to finally articulate the still shocking fact that “the most common post-traumatic disorders are those not of men in war but of women in civilian life.” (28) The rumors of hysteria’s demise were greatly exaggerated. In all its modern variants – the medically ‘mysterious’ conversion disorders, eating disorders, and personality disorders (like BPD) that still disproportionately affect women – medical and psychological conditions born of sexual trauma are endemic among half the population of the world. They are, in Judith Herman’s memorable phrase, ‘the combat neurosis of the sex war.’

There is much to be said about the criminal justice system as a blunt instrument – and the police as a blunter instrument still - but the state of the prosecution of rape remains an unconscionable outrage, one which, were we not so immersed in the cultural scaffolding of men’s sexual entitlement, it is hard to conceive would be tolerated. When the rates of conviction are taken next to the estimated scale of the offence (See Appendix I) it can reasonably be said, without exaggeration, that rape is the one serious crime it is possible to commit with something very like impunity. Even while I work away, trying to think through the philosophical foundations of this battering of human life and potential, I too, usually avert my attention from the sheer scale, and horrific details, of what we’re up against. It almost defies graspability, that this level of violence could go on, day after day, and would be considered, both because and in spite of its prevalence, utterly mundane. Here my words always fail me. They leave nothing but a small single thought, repeated over and over, part in defiance, part in desperation. *It just has to stop.*

Ultimately, stopping it is all this is about. And here I have to depart from Dworkin. We can argue – not entirely incorrectly – that Dworkin’s analysis pertains, or is intended to pertain, only to the conditions of intercourse under current conditions, but that is to elide her equivocation about the metaphysical determination of those circumstances. It is true, without doubt, that much of what passes for consensual sex is presently performed under the sign of sovereign integrity – and that this, while not criminal, represents, in and of itself, a harm to the well-being of women. We could argue, furthermore, that the fact that many men – and indeed women – cannot conceive sex in terms of an intersubjective otherwise is significantly implicated in their resistance to any reform regarding the laws of rape. If on some level, sex is conceived as necessarily a violation, then any attempt to produce a legal system better capable of prosecuting incidences of harm is likely to be more or less consciously perceived as an assault on the very possibility of sex. And here then, we encounter an uncomfortable assonance between the implications of Dworkin’s thought, and the assumptions that underpin what we know as rape culture. If all sex is rape, then rape is meaningless. And if rape is meaningless, then it cannot be prosecuted.

We cannot get to the reformation of the way rape statutes are framed, and pressed into practice, without a clear understanding of the way our concepts of intercourse are saturated with the assumptions of sovereign integrity. The type of transformation required – both in culture and in law – demands the ability to think through a meaningful distinction between nourishing and unpersonning sexual experience. Moreover, the way rape is currently prosecuted is thoroughly undermined by the way the unpersonning of women is sex – allied to assumptions of sovereign proprietary inviolability – discredits

their attempts to testify to the injuries against them. Impelled by the malestream imperative of sovereign invulnerability, the law frames sexual encounter as a contractual transaction proposed by one party, the outcome of hard-bargaining by a self-interested acquisitive subject, and the owner of a piece of property he wishes to possess. But as Naffine's analysis indicated, the implicit ontology of women's bodies undermines their claim to legal personhood. It will turn out that the owner of the property was always already away.

Rape statutes mark the distinction between lawful and criminal intercourse according to the logic of consent,⁵ and thus, Lois Pineau observes, "sets up sexual encounters as contractual events." (Pineau 1989: 233)⁶ As both standard and feminist readings recognize, consent is embedded in the birth of the modern subject of law, the core mechanism through which social contract theory performs its legitimizing magic, authorizing the exchange of natural human freedom in return for the protection of legitimate subjection to the state. Conventionally, the parties to this agreement, in both classical contractarianism, and the rape laws that bear its imprint, are nominally genderless. In *The Sexual Contract* however, Carole Pateman explores the extent to which the parties to the founding contract conform to the figure of the universal male subject. The social contract is forged, she notes, between Lockean "[f]ree and equal

⁵ UK: *Sexual Offences Act 2003*: 'A person (A) commits an offence if— (a)he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, (b)B does not consent to the penetration, and (c)A does not reasonably believe that B consents.' US: Varies by State, but FBI's Uniform Crime Report Definition: 'Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.' *South Africa: Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007*: 'Any person ("A") who unlawfully and intentionally commits an act of sexual penetration with a complainant ("B"), without the consent of B, is guilty of the offence of rape.'

⁶ "The present criterion of consent "[I]n the application of rape law the court tries to figure out whether there was a properly contracted agreement between the parties or not." (Du Toit 2009: 41)

individuals,' those who possess property in their persons and their attributes, including the capacity to give consent." (Pateman 1980:152) But while Locke's rewriting of the basis of political authority was intended to challenge the "natural Right of Fatherhood" (*Second Treatise* §1), it was not, Pateman underlines, in any way intended to undermine the natural subjection of women to men. The Lockean figure of the self as sovereign overlord of property possessed in the body was not extended to the type of "inferior creatures" over which man has natural right. Unlike individuated beings whose bodies are "tightly enclosed within boundaries," women, whose "bodies are permeable," (Pateman 1988:96) were thought to "naturally lack the capacities to become civil individuals." (94). Their want of defined, atomic individuation, "summed up in the natural bodily processes of birth," rendered them "incapable of entering into the original contract." (96) To Locke's mind, Pateman concludes, women's bodily permeability meant they were simply "naturally deficient...in the capacity to create and maintain political right." (96)

As such, Pateman maintains, "women are excluded from the status of 'individual' that is basic to consent theory." (Pateman 1980:152) Locke's new political schema replaced vertical paternal authority with a horizontal agreement between brothers – a civic fraternity in which women's subordination was effectively assumed. That the exercise of patriarchal authority must first require "a man's right to have sexual access to a woman's body so that he could become a father" (Pateman 1988:95) implies, Pateman argues, that "[s]ex-right or conjugal right" rather than father-right, is, in fact, "the original political right." (93) The existence of civil society – the very possibility of a Lockean brotherhood rising up against paternal authority – may require real live birth, but Locke's account of

political genesis, like so many masculine conceits of incorporeal natality, simply passes over this in silence. “The original contract that creates civil society” Pateman argues, was built on an act of bodily appropriation, and “implicitly *incorporates* the sexual contract.” (110; my emphasis) As such, social contract theory is an obfuscation of origins in which “sex-right is incorporated into father-right,” and which serves to occlude the literal *incorporation* of women’s material being into the body politic. In terms resonant of Irigaray’s diagnosis of cultural matricide, social contract theory’s conceit of agreement between autonomous, self-made men, “obscure[s]” Pateman argues, “the fact that the necessary beginning is missing.” (105)

Pateman’s analysis is indicative of the extent to which women’s failure to incarnate the ideal properties of personhood qua bounded self-propriety is not incidentally related to men’s purported rights to women’s bodies. And indeed, the *ipseic* Lockean concept of the person continues to bedevil the possibility of the effective prosecution of rape. Rape law frames the crime as an act undertaken without an appropriate contract, and the nominally genderless parties to this contract⁷ are both ostensibly Lockean self-proprietors.

According to this logic then, we should conventionally understand sexual intercourse as an act in which two parties contract with each other in order to use the other’s bodily

⁷ Ngairé Naffine details the extent to which legal theory posits the legal person as “a purely, technical enabling device which can be used in a variety of ways to achieve specifically legal ends” (71). According to Richard Tur, she notes, “[i]t is an empty slot that can be filled by anything that can have rights and duties.” (Cite: 71) Naffine ‘Can Women be Legal Persons.’ Scholarship in feminist jurisprudence has however been consistent in explicating the extent to which the nominally genderless legal subject is in fact, patterned on the masculine. This is particularly the case with respect to the assumption of what Robin West, in ‘Jurisprudence and Gender’ (1988), calls the ‘separation thesis,’ which considers that “[i]ndividuals are, in the words of one commentator ‘distinct and not essentially connected to each other’” or “physically ‘boundaried.’” (1) According to West, given that “[w]omen are actually or potentially materially connected to other human life” (14), then what is “‘trivially true’ of men” is “patently untrue of women.” (2) Hence “[i]f by ‘human beings’ legal theorists mean women as well as men, then the ‘separation thesis’ is clearly false. If, alternatively, by ‘human beings’ they mean those for whom the separation thesis is true, then women are not human beings. It’s not hard to guess which is meant.” (93)

property – as we encountered in Kant’s concept of marriage. But, of course, this is not the way sex is conventionally understood, either popularly or in law. Rather, by framing rape as singularly inhering in a woman’s consent, rape law encodes a conception of sex according to what Lois Pineau has termed “the aggressive contractual model” (Pineau 1989:239) in which, Pateman writes, the “‘naturally’ superior, active and sexually aggressive male makes an initiative, or offers a contract, to which a ‘naturally’ subordinate, passive woman ‘consents.’” (Pateman 1980:164)

Thus, while our culture disseminates the myth that rape is an act of monsters (and that hence, decent men are not implicated in the ‘cultural scaffolding’ that supports its continual commission), the law at the same time frames the crime according to the thought that nothing distinguishes rape from sex other than a woman’s absent consent. There is nothing distinct about the type of ‘seduction,’ or a man’s assumptions about what constitutes acceptable sexual interaction, that requires sustained interrogation. Rape is simply normal sex minus consent, and this construction, Louise du Toit suggests, “normalizes male sexual agency as acquisitive, assertive, primary and active, and female sexual agency as secondary, derivative, passive and responsive.” (Du Toit 2007:61)

As we saw in Naffine’s discussion of the legal personhood of women, according to this aggressive-contractual model, men retain their ‘property-in-self’ in sex, while women ‘allow themselves to be had.’ A man’s bodily property is never on the table, and sex is not conventionally construed as an intersubjective encounter, or an equal exchange of property-rights, but one in which a woman disposes of – or rather, consents to the

disposal of – her bodily property by a man. To a significant degree this conception of woman qua property is the historical legacy of the pre-modern conception of rape as a crime against the property of a man⁸ (a husband or father), impelled by the positioning of women as reproductive resource, and symbolized by the immemorial equation of women with the fecundity of the earth. In the relatively recent transition to the formal recognition of women as civil subjects in their own right, rape was reconceived as a crime not against men's property, but against women's own property in her person. However, as Pateman suggests, personhood as self-propriety was never intended to accommodate women.

On the one hand, the positing of rape in terms of contract demands, du Toit observes, “a very high level of sexual responsibility in women,” (Du Toit 2007:62) the very possibility of a crime having been committed depending on a woman's demonstration that she did not consent. And yet, at the same time, women as beings whose ‘bodies are permeable,’ are, following Pateman, not understood to incarnate the conditions of personhood by which they could, as civil individuals, meaningfully enter into contract. As du Toit notes, the functioning of rape laws, “constitute a performative contradiction in that they both assume and require and at the same time undermine the liberal version of women's consent in the context of heterosexual intercourse.” (58-9) Du Toit traces this contradiction to “the uneasy transfer of ownership of female sexuality in the body from men to women themselves in Western modernity,” (2009:40) and locates the way “rape

⁸ As Du Toit notes, the Latin root of the word ‘rapio’ is part of a constellation of words associated with the swooping gesture of capture we find in birds of prey, and denotes “to seize hastily, to drag or tear away...to snatch, to rob, and to enjoy or use.” What she deduces “from this etymological history...is that...sexual violation...was historically nearly completely subsumed under the notion of theft” and “was understood as a property crime...within a context of male ownership of female sexuality.” (2009:35)

law practically erases women's sexual freedom and active desire," (2007:62) in the "Lockean model" in which "being a sexual subject is distorted into the notion of possessing certain sexual attributes" and the "female sexualized body as a whole" then "becomes the object of possession." (2009:41)

In one sense this is exactly right. As has been widely observed, and our analysis of property and jurisdiction suggested, the Lockean notion of personhood as self-ownership posits a Cartesian split between the immaterial self as the bearer of proprietorial dominion over their body as passive territorial *res extensa*, or Naffine observes, "as a form of external housing for the immaterial mind." (1998:202) "What emerges," Naffine continues, "from a close reading of the literature on self-ownership is an internal structure in which the incarnate mind is divided from the carnal body," and the body is "thought of as 'proper to' ... its subject mind" as "an object which belongs to that subject." (201-2) This notion of "sexual subjectivity" as, Du Toit notes, "equated with ownership over sexual body property," (2009:41) then becomes enmeshed with the historically embedded notion that women are, like land, appropriable territory, and that sex is an interaction in which men petition women for access to this bodily property, with women's only active engagement in this exchange confined to their either granting or refusing this access.

The mind-body dualism at play here then tends to issue in the woefully inadequate conception of rape as a crime against property. In "normal sex," writes Du Toit, "the man uses the woman's body with her permission" – where "'she' is essentially separate from the piece of property which she manages" – while "in rape, he uses it without her

permission.” (41) In this regard the model of the Lockean self-proprietor coalesces with the pre-modern framing of the crime as a type of theft, a common conception indicated by the frequency with which discussions of rape throw up analogies of women’s bodies as flaunted wallets, or laptops left visible in unlocked cars. (Ditum 2013) As is widely recognized by feminist activists and academics, such a framing is ontologically unsupportable. Our bodies, unlike alienable property, are not things we own, but part of who we are, and as such, rape is a crime against the person, the devastating effects of which are grossly trivialized by conceiving it as theft, or, as is often the case, a temporary act of borrowing for which one had not quite obtained the correct permissions.

And yet, there is something even more pernicious at work in our inheritance of the thinking of personhood as self-propriety. The implicit Cartesianism of the Lockean schema may well be implicated in positing women’s bodies as passive appropriable territory, but were dualism the only animating factor, then, as we suggested earlier, sex should be conceived as an equal exchange of property rights between parties. The fact that this is not so suggests that something more is at play in the common understanding of sex according to the ‘aggressive contractual model,’ and in the next chapter, we will further examine the extent to which the active-passive dyad issues from the imperative that men retain their sovereign invulnerability in sex. My concern here is, however, to follow Pateman’s lead, and fill out the way in which the Lockean schema, while indubitably Cartesian in one respect, operates at the same time according to the logic of dominion *qua* territorial jurisdiction, and hence, functions to posit women as not only

“irresponsible custodians of their own body property,” (Du Toit 2009:40) but to undermine the possibility that they were ever custodians of their bodily property at all.

As we will recall from our discussion of the *ipseity* of property and jurisdiction in Chapter 1, the relation between ‘*dominium*’ and ‘*iurisdictio*’ is tautological. One owns a territory by having jurisdiction over it, and one has jurisdiction over it by owning it. The reason for this elision is that both ‘ownership’ and ‘jurisdiction’ inhere in the features we identified as determinate of sovereign integrity – spatial self-identity exhibited by the boundary of a demarcated form and the capacity to ‘keep the outside out.’ The personhood of self-propriety – one’s jurisdictional claim to sovereign dominion over one’s territory – is, therefore, undermined the moment one fails to adequately defend the boundaries of one’s property, and to execute the gesture of exclusion in which that property inheres. As Naffine writes, “[s]elf-ownership...as body-ownership demands self-control and the ability to repel the encroachments of others” and it “is lost when the flesh is no longer subject to one’s own control or is surrendered to another.” (1998:202)

Thus, according to the thought of personhood as proprietorial jurisdiction, penetration is an act of territorial acquisition, of possession, or, as Dworkin would have it, ‘invasion.’ However, at the same time, the structure of proprietorial jurisdiction issues in the inference that personhood as self-ownership is voided by the very failure to ‘repel the encroachments of others.’ As Patemen has argued, “[w]omen are property but also persons” and as persons they “are held both to possess and to lack the capacities required for contract.” (1988:60) From the perspective of the acquisitive party, this is all

stunningly convenient. What better way to justify an unauthorized acquisition than the claim that the person who should have granted you permission, was shown, by your very success, to have never been there at all?

Rape is then distinguished by the fact that, if successful, it undermines the conditions necessary to demonstrate that a crime has occurred. The assumptions of the aggressive-contractual model already issue in the demand that rape be evidenced by an unequivocal display of resistance,⁹ and place women in a position of *default consent*.¹⁰ When taken with the thought of proprietorial jurisdiction, this produces the idea that responsible property ownership is determined by adequate enclosure, and, excepting cases of demonstrable breaking and entering, if it was possible for someone to trespass, that could only be because it was not. Failure to adequately maintain the boundaries of one's jurisdiction is evidence of *improper* ownership, and only *improper* ownership can account for an act of trespass. And yet, of course, if the ownership was *improper*, then no trespass has occurred. The self-proprietor who should have been consulted about the contracting of her property has been shown, by an act of appropriation, to not have been a

⁹ The aggression-seduction model leads to the conclusion that a crime can only be evidenced by (probably physical) proof of non-consent. The 2003 Sexual Offences Act in the UK stipulates that a defendant must have 'reasonable belief' in consent, but this has not translated into a change in the prosecution, the legal interpretation of burden of proof meaning that, in practice, defendants are immune from having to account for their assumptions. (Smith and Skinner 2012) The resistance to changing public perception about consent was recently demonstrated in the UK when the Director of Public Prosecutions announced the intention of the Crown Prosecution Service to encourage "police and prosecutors to make sure they ask...how did the defendant know the complainant was saying yes and doing so freely and knowingly?" This was widely reported as a 'tough new change' in the rape law, although it amounts to no more than an attempt to adequately apply the existing law. It also occasioned a number of think-pieces, the most notorious of which, by the journalist Sarah Vine - wife of the then Education Minister Michael Gove - excoriated the 'politically correct DPP' for absolving women of their responsibility for the consequences of their actions, an affront to the victims of 'real' rape, which, moreover, would open the floodgates to the 'tainting' of the reputations of innocent men. (Vine 2015)

¹⁰ "[T]he default position is that an owner would have contracted her body out, and it is up to her to prove that she did not." (Du Toit 2009:41) "[S]exual aggression is presumed to be consented to unless there is some vigorous act of refusal." (Pineau 1989: 233)

self-proprietor at all, and hence, not to be the kind of being who should have been consulted, or could have been harmed by not being consulted, about what was done with (what was not) her property. And thus the possibility of rape is undone by its own internal logic; a performative contradiction that issues in the conviction that if a crime has occurred, it can only be because it has not.

This fact, I would suggest, is implicated in the double bind so often reported by rape complainants at trial. In order for a crime to have been committed, a complainant must show that her personhood has been violated, but if her personhood has been violated, then where is the responsible person who must, in order for a crime to have been committed, have exhibited their non-consent? In *Aftermath*, Susan Brison discusses this double-bind as it plays out in the language of trauma, observing that the victim is “viewed as traumatised, because sick (emotional, hysterical), and, thus, not credible, or as calm and reasonable, and thus clearly not traumatised, and so not credible.” (Brison 2003a:39) We are reminded here of course, of the way in which the figure of the hysteric – the formal expression of sexual trauma – functions to occlude the legibility of the injury at its core. Hysteria is the axiom of unintelligibility – the wordless speaking of the body – and still, to this day, the misogynist’s word of choice to strip a woman of her credibility. If she has been injured, insists the legal system, then she must testify. But if she has been injured, the logic of sovereign integrity replies, then she cannot.

Thus, at the time when a woman most needs to have her testimony heard, and to have her account of how she has been unpersoned recognized as the injury that it is, the very

nature of that injury is taken, not as evidence of how she has been harmed, but as evidence of how she has not been. Rape is a crime committed and experienced by women according to the logic of sovereign integrity – it is a crime in which they are unpersoned in their penetrability, the damage of which is then repeated by a legal apparatus ontologically invested in the logic by which the crime was committed. The trial comes to turn on a reinscription of a woman’s improper personhood, and an event which, in the interests of justice, should serve as restitution of the profound damage to her sense of self,¹¹ ends up being experienced as a second rape.

The only solution to this is that we formulate the demand that our culture at large – and our legal practice in particular – thinks women’s personhood *otherwise*, and reject the contours given by the masculine imaginary and its sovereign ontology of persons. For this reason I would reject the conclusions of Louise du Toit, whose analysis of the performative contradictions issuing from personhood as self-propriety stops short of recognizing the *ipseic* structures of personhood which construct penetration as an act of unpersoning. Consequently, she follows Drucilla Cornell in claiming that justice for women resides in reasserting their bodily integrity, arguing that the “whole, intact, clearly demarcated and stable self ... taken for granted in much liberal theory” is a “necessary fiction.” (Du Toit 2007:65) While it would be a mistake to advocate for an inversion of

¹¹ This restitution should take place not only, or most importantly, through the securing of a conviction, but due to the significance for trauma victims of testifying to their experience, and having that experience heard, and believed. In *Aftermath*, Susan Brison writes powerfully about the extent to which remaking a self shattered by trauma depends on the process of narration, and is dependent on “empathetic others who are willing to listen to their narratives.” (2003a: 62) By contrast, the entire judicial procedure around rape – from the initial response of police, to the trial’s intense focus on the credibility of the complainant – is most often one of undermining a victim’s narrative, and thus serves as a locus of re-traumatization rather than restitution. Hence the feminist slogan ‘I believe her’ functions, not only as a rebuttal of rape myths about women’s natural duplicity and the purported epidemic of false accusation, but, more profoundly, as a commitment to the type of listening necessary for the healing of sexual assault victims.

this schema, we cannot avoid the extent to which the alliance of personhood with the idea of a ‘whole, intact,’ and ‘clearly demarcated self’ is productive of the present impossibility of articulating and prosecuting the harm of rape.

What we need, rather, is to insist on the possibility of penetrable being, and on the ontological lie of the incompatibility of personhood and penetration. We need, against Dworkin, to affirm that it can be otherwise, and that the logic of sovereign integrity is not necessary, or intrinsic. And on this basis we need to draw a plausible line between sex enacted under the sign of sovereign integrity, which, in its assumption of unpersonning, is damaging to women, and the possibility of truly intersubjective sexual encounter, which would proceed along the lines of Lois Pineau’s model of ‘communicative sexuality.’ In this way we could start to fashion a culture which understood that sex was not a contract concerning temporary property acquisition, but, as Pineau claims, a conversation, and it might then not seem so incredible when a Director of Public Prosecutions suggests that law pay attention to the matter of how a man knew that a women was consenting (CPS 2015). If sex is a conversation, then both parties need to be speaking, and it is not unreasonable to expect both to notice if the other is, or has fallen, silent.

But while we must insist on the otherwise, it remains critical that we do not, as have so many of Dworkin’s interlocutors, confront her bleak picture with denial. Sex under the sign of sovereign integrity harms women’s personhood, and this harm will not be obviated by exhorting women to more and greater exhibitions of agency, which, in the absence of structural critique, collapse into an imperative to accommodate oneself to a

violent and dehumanizing status quo. It is not Dworkin's analysis which "robs women of any agency or ability to...avoid their victimization," (Carmody 2004) and it is not within the power of individual women to simply assume sexual subjectivity when interacting with men who more or less explicitly conceive penetration as an act of conquering annihilation. To get from here to where we need to go requires much more than bland prescriptions of empowerment. It requires understanding the way that male appropriation is motivated by the imperative of sovereign invulnerability, and the way this imperative is endemic to the cultural construction of heteronormative masculinity. It is to such an interrogation that our attention will now turn.

Chapter 4: The Dilemma of Desire

Rape Culture: A 'Natural' History of Rape

At the turn of the millennium, evolutionary psychologists Randy Thornhill and Craig T. Palmer's *A Natural History of Rape: Biological Bases of Sexual Coercion* was published to considerable fanfare. In order to promote their purportedly heretical notion that rape is "a natural biological phenomenon that is a product of the human evolutionary heritage," (Thornhill and Palmer 2000a:30) Thornhill and Palmer toured the media circuit – appearing on Dateline, The Today Show, CNN, and debating Susan Brownmiller on National Public Radio. (NPR 2000) The book also received widespread, and often sympathetic, global newspaper coverage, generating a degree of excitement that Cheryl Brown Travis, in her edited volume *Evolution, Gender and Rape* (2003), has attributed to a wider "cultural predilection" for stories which claim to demonstrate the biological bases of stereotypical gender differences. (Travis 2003a:4)¹

The crux of Thornhill and Palmer's theory consists of the suggestion that rape is either "a result of rape-specific adaptation or a by-product of other adaptations." (2000a:12) Thornhill's expertise is in the study of scorpion flies, and it was, apparently, their possession of an organ specialized for forced copulation that provided the impetus for the pair's proposal of the existence of a psychological rape adaptation in human males. The scientific community's response to this proposal – and the evidence Thornhill and Palmer

¹ "In particular, significant media attention is paid to science stories that lend themselves to a discussion of brain differences between women and men." (Travis 2003a: 12)

claimed in its support – was merciless. Jerry Coyne, writing in *The New Republic* (republished in Travis’ volume), noted that the pair’s tendency to style themselves as latter-day Galileos – “dispassionate scientists” beset by repressive ideological detractors – was a “grotesque misrepresentation of the book’s science.” The “scientific errors in this book,” he dryly noted, “are far more inflammatory than its ideological implications.” (Coyne 2003:173)

The scientific disputations of Thornhill and Palmer’s thesis are summarized in Appendix II, but my concern here is precisely with the ideological implications, or rather, impetus, of the way the book frames that thesis. Thornhill and Palmer’s media performance may have been dedicated to hammering home that when “addressing the question of rape, the choice between the politically constructed answers of social science and the evidentiary answers of evolutionary biology is essentially a choice between ideology and knowledge.” (Thornhill and Palmer 2000c:36) Nonetheless, the work they presented contains little substantive science, and is, instead, largely devoted to an attempt to elide the role of culture in the production of human behavior in general, and the role of cultural systems of male dominance in the production of rape in particular. The fact that this effort involves not only misrepresenting empirical data but also a great deal of syllogistic sleight-of-hand,² belies their claim to be nothing but evangelists for scientific objectivity.

² The form of Thornhill and Palmer’s argument runs as follows: a) Social science claims rape is only a cultural phenomenon; b) All cultural phenomenon are ‘just as’ biological as natural phenomenon; c) Therefore, rape is a natural phenomenon and, hence d) Claims that rape is cultural are empirically false and e) Ideological. The fact that this argument is entirely fallacious conveniently escapes their disinterested analysis. The claim that rape is cultural in no way depends on the claim that it is *only* cultural. And if rape is both cultural and biological, it does not follow from the apparently stunning revelation that it is in some way biological that claims about its cultural determination are empirically false, and hence, ideological.

Thornhill and Palmer's 'Galileo defense' depends, in the first instance, on an untenable positing of science as an activity purified of all cultural influence – a claim we will have reason to question when examining the history of sociobiology. In the role of oppressive inquisitors it casts a social science establishment dominated by a feminist political agenda and riddled with superstitious beliefs about an “almost metaphysical” cultural process called ‘learning.’ (2000a:124) According to Thornhill and Palmer, social science – they do not specify *which* social science – is founded on an unsupportable conviction that culture exists entirely outside the real or the natural. Social scientists, they argue “treat learning as a distinctive – indeed, even a non-biological phenomenon,” (22) and are committed to the view that “an individual's culturally influenced behavior is due entirely to environmental causes and hence is not biological.” (25) Social science has, they comically claim, “many similarities to a religion” insofar as it considers ‘culture’ to be the “supernatural (or at least a ‘superorganic’)...creator of all human behaviour.” (124)

Having produced a preposterous caricature of ‘social science’ as necessarily grounded in the binary opposition of nature and culture, Thornhill and Palmer consider an adequate refutation to consist in pointing out that “we know that we are dealing with culture only when we observe certain kinds of behavior or their consequences,” and that because “culture is behavior” it therefore falls “clearly within the realm of biology, and hence within the explanatory realm of natural selection.” (25)³ This argument depends on an appeal to the priority of fundamental levels of explanation, presented in their distinction

³ “[S]ocial science theory posits that rape is caused primarily or only by "culture", or social learning, which is presented as a quasi-metaphysical force that determines human behaviour. But, in fact, culture is *totally* biological - learning from members of one's own species, like all learning, occurs within the living brains of living beings and is guided by learning adaptations. (Thornhill and Palmer 2000b; my emphasis)

between proximate and ultimate causes. Proximate causes, with which “most social scientists are exclusively concerned,” are short term or immediate, whereas “ultimate explanations have to do with why particular proximate mechanisms exist,” (4) and thus require us to “understand how natural selection leads to adaptations.” (5)

While Thornhill and Palmer are careful not to make the evidently ridiculous claim that culture has no influence on human behavior, what is articulated by this distinction is the reductive view that adaptation by natural selection is the ‘ultimate explanation’ of why proximate – i.e. cultural – causes exist. The “ultimate explanation of a biological phenomenon can,” therefore, they assert, “account for *all* proximate causes influencing the phenomenon, whether the phenomenon is an adaptation or an incidental effect of an adaptation.” (12; my emphasis) The absurdity of this argument is demonstrated by their discussion of language, which is “clearly,” they concede, “a cultural behavior” in that “environmental influences leading to its occurrence include social learning.” (25) On the basis, however, that culture is not a ‘sufficient’ condition of language acquisition they then proceed to argue that “although language is cultural, it is still *just as* biological and *just as* subject to evolutionary influences, as the human eye.” (25; my emphasis)

Notwithstanding exactly what ‘*just as* biological’ might mean when comparing a material organ with a cultural-inflected behavior, we could admit this as trivially true, insofar as all human activity is undertaken by beings with bodies. What is patently not true, however, is that adaptation by natural selection – explanatory of the development of human articulatory organs, or neural centers of language processing – can account for ‘*all*

proximate causes influencing the phenomenon' of any given language. This is an issue of salient levels of explanation. And when it comes to accounting for the difference between, say, Mandarin and Magyar, biological natural selection isn't it. This passion for reductively prioritizing fundamental levels of knowledge is not entirely uncommon in scientific communities – and is at least partly responsible for the persistent animosity of some physicists towards philosophy. What is, however, especially egregious about Thornhill and Palmer's particular gambit is that, if one were to follow their logic, it could easily be argued that natural selection – particularly in its tendentious psychological form – is far from fundamental enough. Indeed, if such reductiveness were a wise approach to human knowledge, no academic discipline beside particle physics would exist, and the most explanatory account of the events of the French Revolution could be given in terms of the behaviour of quarks.

Thornhill and Palmer's real intent, however, is not simply to elide culture in general. This is a book about the 'biological bases' of rape, and their target is the alleged 'ideological' conviction of feminists that rape is informed by cultures of male dominance. The "dominant explanation of rape in the social sciences in the past 25 years" – something they call "feminist psychosocial analysis" – is a theory that developed "after certain feminist assertions were added to the 'learning theory' that has been the bedrock of social science for much of the last 100 years." (123) Following the same strategy used in their discussion of learning, Thornhill and Palmer then dedicate several pages of their text to establishing that the feminist view of rape consists of – and implicitly depends on – the denial that rape has any biological basis, which they term the "not-sex' explanation."

(126) “The most fundamental premise of the social science theory of rape,” they argue, is the “false assumption that aspects of living organisms can be divided into biological and non-biological categories” and “implies something close to the classic tabula rasa view of human nature.” (129) Steven Pinker, discussing Thornhill and Palmer in *The Blank Slate*, repeats the same refrain; “the modern catechism: rape is not about sex...comes right out of the gender-feminist theory of human nature: people are blank slates.” (Pinker 2002:361) Rather than being vilified by the scientific community, he suggested, Thornhill and Palmer were to be commended for challenging “a consensus that had held firm in intellectual life for a quarter of a century,” (359) namely, that “the overriding moral imperative in analyzing rape is to proclaim that rape has nothing to do with sex.” (360)

Susan Brownmiller’s reasonable response to being portrayed as the poster-child of a ‘not-sex’ feminist establishment, was to point out she had never denied that rape was sex, and underline her aim had been to establish – against the romanticization of ravishment as a “Robin Hood act of machismo” – that rape was, for women, “not sexy” but “pure humiliation and degradation.” (Cited Ochert 2000) The justness of Thornhill and Palmer’s characterization of the ‘not-sex’ school of feminist thought is open to question – it is certainly true that the second wave placed great emphasis on situating rape as an act of domination rather than eroticism. Nonetheless, Thornhill and Palmer’s reduction of swathes of work on cultural masculinity and sexual aggression to the proposition that feminists think “rape occurs only when men learn to rape” (2000a:123) is facile in the extreme. Moreover, irrespective of whether some – or even many – feminists have subscribed to the not-sex ‘catechism,’ the fact remains that analyzing rape as an act of

domination does not logically depend on denying any role to sexual desire, and conversely, suggesting that sexual desire plays some part in rape does not imply that the exercise of power, control, or narcissistic rage, do not. Indeed, the account I will propose turns precisely on the interaction between desire and the cultural imperative of masculine invulnerability.

To justify their sweeping dismissal of feminist accounts of rape as “indifferent to scientific standards” and “clearly political,” (148) Thornhill and Palmer would need something far more substantial than the claim that feminism’s “assertion that rape is not sexually motivated” cannot “withstand skeptical analysis,” or that its “assumptions ...about human nature are not compatible with...evolution.” (128) They would, in fact, have to demonstrate that culture doesn’t play a role in the expression of sexual violence. The means to do this is cross-cultural analysis, and it is to this that Thornhill and Palmer turn to support their claim that rape “occurs in all the environments in which human societies have been known to exist.” The “real lesson to be drawn from cross-cultural studies” they continue, “is not that rape will vanish with the end of patriarchy.” (171) The problem with their recourse to this method is, however, that human societies exhibit wide variability in how ‘rape-prone’ they are. Peggy Reeves Sanday, in her study of 95 band and tribal societies, concluded that in 47% of cultures rape was rare or absent, and that in only 18% of cases was it an accepted practice, or of moderately high frequency. (Sanday 2003:340) Moreover, the two variables most strongly correlated with high incidence of rape were the degree of generalized interpersonal violence, and an ideology of male

toughness, findings that led Sunday to conclude that “violence against women is an expression of a social ideology of male dominance.” (Cited Sanday 2000:341)

Faced with such variation, Thornhill and Palmer elision of the explanatory power of culture comes to focus on the fact that the “social science model” allegedly “holds that experiencing other individuals' explicit or implicit encouragement of raping behavior is a necessary precursor to rape.” (2000:142) They support this characterization with reference to one article, by Susan Griffin, who in 1971 argued that cross-cultural comparison leads “one to suspect, that in our society, it is rape itself that is learned.” (Cited:140) Thornhill and Palmer would only, however, have to turn to Sanday’s ethnography to be disabused of this reductive caricature. Her extensive work among the Minangkabu of Western Sumatra links their extremely low incidence of rape to a variety of social customs that derive, she suggests, from their prioritization of the mother-child bond. Not unlike Thornhill and Palmer, the Minangkabu also have a reading of nature, and – as with the mirroring of sociobiology and capitalist economy – it informs their social organization. The Minangkabu consider that “[g]rowth in nature is our teacher,” and that “all that is born into the world is born from the mother, not the father.” Their social customs are therefore designed, in the words of one Minangkabu leader, “in accordance with...nature in which it can be seen that it is the mother who bears the next generation and...who sucks the young and raises the child.” (Sanday 2003:153)

In order to afford the highest protection to mothers and children, the Minangkabu practice matrilineal inheritance. They understand biological paternity, but because it may raise

“extraneous social issues inimical to the child’s welfare” (354), choose not to make it a principal of social organization. Women are not exchanged between men, and it is a mother’s role to choose a husband for her daughter, who then comes to live in the wife’s household. Social relations place emphasis on harmony and consensus, men who beat their wives are sent back to their families, and the one known incident of rape was dealt with by immediately turning the perpetrators over to the authorities. Social discourse among women about sex is common, and involves the public singing of songs, many of which, Sanday notes, concern bawdy stories about both men and women in various stages of desire – a fact which notably challenges Thornhill and Palmer’s claim that “people everywhere understand sex to be something that women have and that men want.” (160) Most importantly, with regard to Thornhill and Palmer’s caricature of feminist analysis, the Minangkabu, Sanday argues, believe that “whatever the natural basis of rape might be, culture exists to override these tendencies.” (343) The force of nature as a principal of growth is conceived as having worked through the will of the ancestors, the body of custom gradually developing by “choosing the good and rejecting the bad of nature for the benefit and reproductive success of each generation.” (352) The Minangkabu, Sanday concludes, are an example of “how social assumptions regarding human nature inhibits violence against women.” (351)

The Investor Gene: Sociobiology, Capitalist Economy and Reification of Dominance

Determined to head-off the charge that their work is flagrant rape apologism, Thornhill and Palmer make a frequent, and somewhat unconventional, appeal to the naturalistic fallacy. There is, they note, “no connection between what is biological or naturally

selected and what is morally right or wrong,” (2000: 5-6) and it is, therefore, logically indefensible to “assume that the statements made by evolutionists about how the world is are intended to imply a position about how the world ought to be.” (109) While this is strictly correct from the perspective of logic, it betrays a willful misunderstanding of the critique of reification – a cultural, rather than logical, process, which functions, in part, because the naturalistic fallacy is, as Thornhill and Palmer note, widespread, and hence, it is relatively easy to convince people that the way things *are* is the way they *should be* by invoking their naturalness. Pointing out that cultural domination has secured itself by appeal to the immovable forces of God or Nature is not an instance of the naturalistic fallacy. It is, rather, a simple descriptive fact – an *observation* about cultural process that has been documented innumerable times by literary, historical, and empirical analysis.

Observations about the tendency of rape-prone cultures to excuse sexual violence under the rubric of ‘boys will be boys,’ or by appealing to the peremptory nature of male sexual desire, are not then, as Thornhill and Palmer claim, testament to the “truly impressive role” played in “the social science study of rape” by the “naturalistic fallacy.” (124)

Thornhill and Palmer may claim their motivation is to inform more effective Darwinist rape prevention strategies – apparently, telling young men their rapacious urges are mandated by natural selection would make them “better able to avoid behaving in an ‘adaptive’ fashion that is damaging to others.” (154) But this is laughable, and flies in the face of everything experts know about the power of reifying rape myths, and men’s hostility to being told they are all potential assailants. (Koss 2003:197) Their caricature of their detractors’ position, Galileo-esque posturing, sloppy science, and statistical and

conceptual jiggery-pokery, all tell a different story. If the essence of ideology resides in the attempt to pass the cultural off as the natural, it is their work, and not that of feminist social scientists, that merits the label. No amount of pseudo-technical pointing at the ‘naturalistic fallacy’ could conceal their positing of rape as manifest biological destiny.

It should not be forgotten, moreover, that ‘evolutionary psychology’ is an exercise in rebranding sociobiology. As Elisabeth Lloyd notes, both of Thornhill and Palmer’s theses – that rape is a by-product of adaptation, or was specifically selected as an alternative mating strategy for sexually disenfranchised males – depend on a particular account of the difference in reproductive strategy between males and females. (E. A. Lloyd 2003:236) This account, known as ‘parental investment theory’ – developed by the sociobiologist Robert Trivers – extrapolates from “the initial difference in parental investment...the difference in size between the sperm and the egg” (Thornhill and Palmer 2000:35) to infer an evolutionary basis for male promiscuity and sexual competition, and female monogamy accompanied by rigorous mate selection. This positing of female bodies as a resource over which males compete then, in turn, leads to the supposition that male dominance hierarchies are an evolved feature of the natural world.

The striking resemblances between sociobiological accounts of reproductive strategy, and the social Darwinist imaginings of free-market capitalism have not gone unnoticed. Peter Koslowski, in his *Ethics of Capitalism and Critique of Sociobiology* (1996), observed that the “sociobiological program works out an evolutionary, materialistic monism,” a “theoretical synthesis based on Darwinian principles” (Koslowski 1996:78) in which

“ecology is understood as an economy of nature.’ (85) Similarly, in her classic *Simians, Cyborgs and Women* (1991), Donna Haraway characterized sociobiology’s core concept of nature as a “genetic market place” in which “[b]odies and societies are only the replicators’ strategies for maximizing their own reproductive profit.” In this marketplace, genes are the only legal tender, and “reproduction or replication” the singular “natural imperative.” (Haraway 1991:60) Or, to imbue them with something approaching intentionality, genes should rather, as Richard Dawkins argued, be viewed as "portfolio investors on the stockmarket whose stocks or enterprises are the survival machines in which they invest." (Cited Koslowski 1996: 89-90) Sociobiology is thus, Haraway suggests, best understood as “the science of capitalist reproduction,” (44) and, according to the natural economy it proposes, prospective sexual mates must, at the behest of their selfish genes, regard each other as nothing more than “means of capital accumulation not reliably under control.” (61)

Whether we are here encountering nature read through neoliberal political economy, or political economy read through a reductive Darwinian rendering of nature⁴ is, however, a moot question. Sociobiology and neoliberal economics are locked in a specular embrace, and have been since their joint rise to intellectual prominence in the nineteen-seventies. What is clear, however, is that an account of natural mechanism with such an eminently political pedigree has little business styling itself as a paradigm of pure scientific disinterest. As the essays that comprise the early chapters of *Simians, Cyborgs and Women* testify, sociobiology descends from a tradition of animal sociology which has an even longer history of deploying animal studies “in the rationalization and naturalization

⁴ To be clear, I am not claiming that all Darwinian accounts are reductive, merely that sociobiology is.

of the oppressive orders of domination in the human body politic,” (Haraway 1991:11) especially with respect to “the origin and role of human forms of sex and the family.” (12) “We polish an animal mirror to look for ourselves,” (21) notes Haraway, and indeed, one of Thornhill and Palmer’s indictments of cultural analyses of rape is that they cannot “account for the occurrence of rape in other species,” (2000:128) a claim that depends, again, on construing cultural explanations as reliant on the absolute exclusion of a natural component of desire.

As with cross-cultural studies, however, what is most revealing about data from animal observation is its variability. Scorpion flies may exhibit a specialized rape adaptation, and rape has also been found, as Thornhill and Palmer are at pains to emphasize, in some species of “insects, birds, fishes, reptiles and amphibians, marine mammals and non-human primates.” (144) But while Thornhill and Palmer are keen to defend the importance of comparative analysis of “the behavior of non-human animals as a potential source of information about the causes of human rape,” (120) when it comes to our closest relatives, the chimps and bonobos, they suddenly decide that the “notion that the behaviors of non-human primates necessarily provide salient information about human psychological and behavioral adaptations” is “erroneous.” (56) For Michael Kimmel, this approach to the “use of evidence is so selective it may as well constitute scholarly fraud,” (Kimmel 2003:225) and it has, to his mind, everything to do with the fact that the sexual behaviour – or ‘reproductive strategies’ – of chimps and bonobos bear little resemblance to that predicted by parental investment theory. Female chimps (and baboons) are extremely promiscuous while it is the males who are choosy, and bonobo society, which

is legendarily sexual, includes lots of masturbation, genital touching, and sex for social-bonding, most of which is initiated by the females. Perhaps most importantly, despite being highly sexual, the rates of rape in chimp society are very low. Among the much more egalitarian bonobos, it is non-existent. (226)

The only two substantive claims that Thornhill and Palmer level at ‘feminist psychosocial analysis’ – that its predictions are contradicted by cross-species and cross-cultural studies (2000: 128) – do not, therefore, stack up. This is less than surprising. Human beings – not entirely unlike our nearest primate relatives – are *both* biological and cultural creatures, and it is bordering on absurdity to think that all proximate *cultural* causes of any human behaviour can be reduced to an ultimate explanation grounded in natural selection. In reference to Maslow’s famous hierarchy, Koslowski notes that “upon increasing satisfaction of physiological needs the urge toward higher, spiritual and social needs grows” and human behavior becomes “increasingly distant from gene maximization,” a fact which “confirms,” he asserts, “that culture and its experience of meaning belong to the original needs of the human condition.” (Koslowski 1996:110-111) Indeed, it seems unfathomable that anyone who claimed empirical interest in ‘human nature’ would deny that being human is, in considerable part, about meaning-making, and that this necessarily entails the possibility of making meaning otherwise. Unless, of course, that somebody – or those somebodies – had reason to be concerned with “legitimizing beliefs in the natural necessity of aggression, competition, and hierarchy.” (Haraway 1991:21)

'Existential Infrastructure: Simone de Beauvoir and Sovereign Transcendence

While Thornhill and Palmer may have alighted on Susan Brownmiller as the exemplar of feminist analyses of rape, Brownmiller's account, while empirically rich, does not advance a complex cultural explanation of the phenomenon. She is of course to be credited with recognizing rape as a crime of domination rather than merely unrestrained desire, and enabling the second wave of the women's movement to develop in the understanding that rape functions as "a conscious process of intimidation" which impacts the lives of all women. (Brownmiller 1976:15) Nevertheless, Brownmiller's groundbreaking investigation was devoted to cataloging the forms of rape-as-domination, rather than interrogating domination itself, and *Against Our Will* exhibits a tendency – still shared by some radical feminist thought – to assume that domination simply *is*. In the text's introduction she argues that "in terms of human anatomy the possibility of forcible intercourse incontrovertibly exists. This single factor may have been sufficient to have caused the creation of a male ideology of rape." (14) The "original impulse to rape" she continues, "does not need a sophisticated political motivation beyond a general disregard for the bodily integrity of women." (37)

Contra Thornhill and Palmer's sketch of Brownmiller as the progenitor of the (alleged) feminist dictum that 'men rape only when they are taught to rape,' Brownmiller's analysis comes close to conceiving rape as the inevitable outcome of given anatomical possibility, one which became culturally codified once men realized they could deploy it as a "basic weapon of force against woman, the principal agent of his will and her fear." (14) This view that men will use rape as a 'weapon of force' simply on the basis of its

existence as a structural possibility, thus, in its own way, if not ‘legitimates,’ at least *assumes*, ‘the natural necessity of aggression’ and domination. By contrast, I would want to turn to another of feminism’s founding texts, and follow Simone de Beauvoir’s suggestion that “customs cannot be deduced from biology; individuals are never left to their nature; they obey this second nature, that is, customs in which the desires and fears that express their ontological attitude are reflected.” (Beauvoir 2011/1949:48)

While we will have reason to complicate Beauvoir’s account in *The Second Sex*, the thought I want to take as a point of departure is that of cultural practice as a reflection of ontological attitude, and the intimate relation between those attitudes and the direct emotional experience of fear and desire that express themselves in custom. For Beauvoir, this ontological attitude comprises “an existential infrastructure” which underpins both “personal emotional conflicts” and the “history of humanity.” The meaning of the indices of male domination – “of muscular strength, the phallus and the tool” – can, she argues, “only be defined in a world of values,” that is, in an historical world “driven by the fundamental project of the existent transcending itself towards being.” (69)

Our consideration of Beauvoir will initially confine itself to the analysis of domination informed by her existential commitments and engagement with Hegel – what Debra Bergoffen calls Beauvoir’s ‘dominant voice’ (Bergoffen 1997:3). Following her wartime reading of *The Phenomenology of Spirit* and Kojève’s *Introduction to the Reading of Hegel*, Beauvoir concluded that Marxist theories of the origin of oppression in material struggle needed to be supplemented with a Hegelian account of the fundamental role of

the struggle for recognition. (Lundgren-Gothlin 1998:95) My interest in Beauvoir's iteration of the Kojèvean reading of the master-slave dialect – which we might understand as 'transcendence in the modality of sovereignty' – concerns the link she forges between a) transcendence as primary value-making activity, b) transcendence as sovereign self-positing, and c) the primordial nature of fundamental hostility and domination. That is, Beauvoir's thought is remarkable not only as the first truly philosophical account of women's oppression grounded in an appreciation of the animating role of ontological attitude, but more particularly, in specifying the ontological attitude that informs the mechanisms of domination in terms of the drive to transcendence as sovereign self-positing.

The philosophical commitments expressed by Beauvoir's dominant voice are plainly those of "existentialist morality." There is, she writes, "no other justification for present existence other than its expansion towards an indefinitely open future" and this "perpetual surpassing towards other freedoms" takes place through "[e]very subject posit[ing] itself as a transcendence concretely, through projects." (2011:17) Here we can begin to appreciate what Beauvoir found so attractive in Kojève, who defined "essentially humanizing and anthropogenetic" activity in terms of the "transformation of the world that is hostile to a human project into a world in harmony with this project." (Kojève 1969:11) According to Kojève, the nature of the human – the "very being this I is" – resides in "intentional becoming...conscious and voluntary progress...the act of transcending the given that is given to it and that it itself is." (2) This drive to transcend the given is the essence of activity and is named by Kojève, following Hegel, Desire –

that restless, consuming impulse, which, in the process of negating the given, gives rise to the subject-object duality that is the precondition of self-consciousness. Desire, Kojève tells us, “is what constitutes that being as I” and transforms the given “into an ‘object’ revealed to a ‘subject’ by a subject different from the object and ‘opposed’ to it.” (3-4) Thus we are to understand the cryptic Hegelian dictum that “self-consciousness is *Desire* in general.” (Hegel 1977/1807:105)

Following Hegel, Kojève considers that “the active satisfaction of...Desire will have the same nature as the things toward which that Desire is directed” (1969:4) and that negating non-self-conscious aspects of the given cannot, therefore, yield self-consciousness. As Beauvoir writes, man’s appropriations of nature “cannot satisfy him,” as nature either “remains foreign” or “submits to man’s desire and allows itself to be assimilated.” In both cases, “he remains alone,” lacking an encounter with the “true alterity” of another consciousness which alone can “wrest[s] each man from his immanence and enables him to accomplish the truth of his being...as transcendence, as flight towards the object, as project.” (2011:163) Thus it is that “Human Desire must be directed toward another Desire,” (Kojève 1969:5) and that “all human, anthropogenetic Desire - the Desire that generates Self-Consciousness, the human reality - is, finally, a function of the desire for ‘recognition.’” (7)

At this point in the argument, however, Hegel, Kojève – and Beauvoir following them – make a move that converts the indisputable centrality of recognition in the development of self-consciousness into the necessity of fundamental hostility. In Kojève’s version this

consists in the assertion that “to desire the Desire of another is in the final analysis to desire...the other...‘recognize’ my value as his value, I want him to "recognize" me as an autonomous value.” (7) Self-consciousness in its original form, is, Kojève argues, “simple-or-undivided Being-for-itself; it is identical-to-itself by *excluding from itself everything other [than itself]*,” (10; my emphasis) and, hence, the “‘first’ man who meets another man for the first time already attributes an autonomous, absolute reality and an autonomous, absolute value to himself.” (11) Or, as Beauvoir puts it, somewhat more succinctly, “each consciousness seeks to posit itself alone as sovereign subject.” (2011: 163) The encounter between subjects is not then simply a search for recognition, but rather, man’s quest to “impose the idea that he has of himself on beings other than himself“ (Kojève 1969:11) The “fundamental claim of every subject, which always posits itself as essential” (Beauvoir 2011:17) thus “sets up the other as the inessential, as the object,” (7) and consequently, alterity, the construction of “category of the Other” is to be understood as “original as consciousness itself.” (6)

The sovereign self-positing of the subject thus leads, inexorably, to domination. The “man who wants to be recognized by another in no sense wants to recognize him in turn,” (1969: 10) writes Kojève, and, Beauvoir, almost finishing the thought, that “when two human categories find themselves face to face, each one wants to impose their sovereignty on the other.” (2011:73) Thus, in order “to impose itself on the other as the supreme value; their meeting can only be a fight to the death,” (Kojève 1969:7) the struggle for “pure prestige” (7) which issues in the domination of one party – who capitulates in the face of death – by the other. The origins of oppression are thence to be

found, Beauvoir argues, in “the imperialism of the human consciousness, which seeks to match its sovereignty objectively,” (2011:67) and which thus exhibits a “fundamental hostility to any other consciousness.” (7)

It is this aspect of Beauvoir’s thought that has evoked considerable criticism from later feminists. Undeniably the need for recognition – which is first met not in the mythic fight to the death, but the reflective gestures of the mother – is critical to the development of a child’s emerging self-consciousness. However, there is no necessary reason to assume that our specular requirements are for an image of absolute sovereignty, or that we ‘in no sense want to recognize the other in turn.’ This is, Judith Butler notes, a “philosophical assumption” based on the notion “that freedom is an exclusive characteristic of the individual, and that it can inhabit a particular embodiment only as that embodiment’s exclusive property.” The image of the “initial encounter with the Other” adhered to by Beauvoir’s dominant voice thus construes it – with Hegel, Sartre and Kojève – as the “narcissistic project” (Butler 1987:49) of a consciousness “scandalized⁵ by the independent freedom of the Other.” (48)

The claim that “in human consciousness” there is “both the original category of the Other, and an original claim to domination over the Other” (Beauvoir 2011:67) leads to the suspicion that, despite her resistance to women’s oppression as biological destiny, Beauvoir nonetheless treats “‘fundamental hostility’ as a sort of nature, a given, an

⁵ Mary Sirridge suggests that ‘scandal’ functions for Beauvoir as a technical term, denoting the “the presence to consciousness of anything that it is not, but most particularly the presence of a consciousness that it is not.” (Sirridge 2003:140) As Beauvoir writes in *Pyrrhus and Cineas*, “whatever I undertake, I exist before him. I am there for him. I am blended with the scandalous existence of everything which he is not; I am the facticity of his situation” (Cited Sirridge:140)

ineluctable structure of consciousness.” (Keller 1988:20) Indeed, Beauvoir suggests that it “takes great abnegation to refuse to posit oneself as unique and absolute subject,” (2011:14) and that it is “understandable that if one of the two succeeded in imposing its superiority, it had to establish itself as absolute.” (10) While, as we will see, Beauvoir’s ‘muted voice’ can be read as troubling the imperative of sovereign self-positing through an elaboration of the necessary ambiguity of being, she nonetheless never explicitly interrogates the assumptions by which, as Catherine Keller notes, “transcendence... becomes a function of ontological hostility.” (1988:20) In *The Ethics of Ambiguity*, Beauvoir tells us that the “vain attempt to be God” by which man “makes himself exist as man” is an impulse “it is not granted to him to exist without.” (Beauvoir 1976/1948:12) Her intellectual commitments to Hegel and Sartre are ones she never fully rescinds, (Cf. Bergoffen 1997:4) and as such, she doesn’t directly confront the question of whether, as Keller asks, “hostility is not fundamental, but institutionalized by patriarchal social forces.” (1988: 20) Indeed, at least in *Pyrrhus and Cineas*, Beauvoir is clear that it is by “violence” that “one makes an infant a man” and that to “renounce the struggle is to renounce transcendence, to renounce being.” (Beauvoir 2004/1944:138)⁶

The Absolute Other: Recognition as Resource

As we know, however, the establishment of domination is not the end of the master and slave’s story, and both are forced to confront the fact that Desire’s quest for sovereign self-identity is impossible to realize within the limits of a human life, defined by

⁶ This version of the quote is that given by Mary Sirridge in an article published prior to the availability of the new translation of *Pyrrhus and Cineas*. (2003:144) The page reference is for the quote within the new translation, but I have retained Sirridge’s more elegant rendering.

intersubjective and material dependencies. For the master, this “existential impasse” takes the form of understanding that he has “fought and risked his life for a recognition without value for him.” (Kojève 1969:19) The bondsman, once enslaved, is no longer an “autonomous Consciousness” (20) and hence, cannot satisfy Desire’s demand for objective-self-certainty, delivered only through recognition by another freedom. This notion clearly resonated for Beauvoir, and while *Pyrrhus and Cineas* remained committed to the view that we “are condemned to violence” (2004:138) it also underlined that man-as-transcendence needs “foreign freedoms” in order to recognize – or what Beauvoir calls ‘justify’ – the value of his projects. The “surpassing of the past, a gratuitous and free invention...demands to be understood and justified,” (136) and without this recognition “my actions will fall back upon themselves, inert and useless.” (135) As the outcome of the master-slave dialectic clarifies, it is critical that this recognition is freely given. “I will... struggle” Beauvoir writes, “so that free men will give my actions and my works their necessary place,” (136) and, as such, “[r]espect for the other’s freedom is not an abstract rule. It is the first condition of my successful effort.” (136)

This is the thought that marks Beauvoir’s philosophical departure from Sartre’s bleak rendering of the Hegelian account of intersubjectivity. For Sartre, the scandal posed by a foreign freedom cannot be negotiated. ‘The Look’ of the Other converts me into an object, and I can either capitulate, and accept the erasure of my subjectivity, or I can “turn back upon the Other so as to make an object out of him in turn, since the Other’s object-ness destroys my object-ness for him.” (Sartre 1992/1943:473) What is not possible, according to this account, is the exchange of looks *between* two subjects, who

are thus both, and at the same time, also objects for each other. For Sartre, what Kojève called that “mutual and reciprocal recognition, which alone can fully and definitively realize and satisfy man,” (1969:21) is, in fact, impossible. In the opening pages of *The Second Sex* devoted to the discussion of ‘Myths,’ Beauvoir clearly disagrees. The conflict initiated by the subject’s sovereign self-positing can, Beauvoir argues, “be overcome by the free recognition of each individual in the other, each one positing both itself and the other as an object and as subject in a reciprocal movement.” (2011:163)

Here we begin to approach one of the central instabilities in Beauvoir’s text. As suggested above, on a certain reading of *The Second Sex*, the oppression of women arises as direct result of the fact that “alterity is the fundamental category of human thought,” (6) and that the male subject, by positing itself as sovereign, must reduce all opposing freedoms to the status of the inessential. That is, as Beauvoir famously claims in the introduction, “He is the Subject; he is the Absolute. She is the Other.” (6) The account Beauvoir gives in the opening pages of ‘Myths,’ however, tells a different story – a story that forms the basis of the contemporary recuperation of Beauvoir from the second-wave perception that her thought was imbued with a more-or-less latent masculinism.⁷ Having established that reciprocal recognition is the necessary overcoming of the conflict between master and slave, Beauvoir then claims that:

⁷ The response of second wave feminists to Beauvoir’s text largely consisted of either ignoring it (Cixous, Irigaray, Kristeva) or denouncing it. As Susan Brison notes, Jean Leighton’s study of Beauvoir published in 1975, “accused Beauvoir of “misogyny” and of writing “a diatribe against the female sex.” According to Leighton, “*The Second Sex* staunchly insists that transcendence, action, creativity, and power are the masculine virtues par excellence, and these are what determine human value . . . Action and transcendence are male and good; being and immanence are feminine and bad. Unless women renounce ‘femininity’ and equal men on their own terms, they will continue to be inferior.” (Brison 2003b:198-199)

[F]riendship and generosity, which accomplish this recognition of freedoms concretely, are not easy virtues; they are undoubtedly man's highest accomplishment; this is where he is in his truth: but this truth is a struggle endlessly begun, endlessly abolished; it demands man surpass himself at each instant. (163-4)

Man, however, Beauvoir continues, "does not like difficulty" and while "he knows very well that 'a restless spirit' is the ransom for his development," he nonetheless "dreams of restfulness in restlessness and of an opaque plentitude that his consciousness would nevertheless still inhabit." This dream of rest is, Beauvoir asserts, "precisely, woman." She who "pits neither the hostile silence of nature nor the hard demand of a reciprocal recognition against him... Thanks to her, there is a way to escape the inexorable dialectic of the master and the slave that springs from the reciprocity of freedoms." (164)

According to this account then, woman is not the slave to the master that is man. As Beauvoir explicitly states, "[a]ssimilating the woman to the slave is a mistake." (164) Woman has never, Beauvoir thinks, staked a claim to subjectivity – we have never "constituted a separate group that posited itself for-itself before a male group" (82-3) – and the question of reciprocal recognition between men and women has not been posed. The dialectic of master and slave never got off the ground. Women, rather, just "accepted man's sovereignty, and he did not feel threatened by the revolt that could transform him in turn into an object." It is in this sense that woman is not simply the Other, but rather "emerged as the inessential who never returned to the essential, as the absolute Other, without reciprocity." (164)

Man's relation with woman, is then, for Beauvoir, a means by which both sexes avoid the rigors of the 'endless struggle' of reciprocal recognition. Women hide from their freedom by never staking a claim to their subjectivity, and men take refuge from their daily struggles with other men in the embodied dream of a consciousness capable of granting recognition, but which "it seems possible to possess...in the flesh." (164) These then are, for Beauvoir, the contours of masculinity and femininity, and both stand as inauthentic flights from a freedom only realized by assuming the demands of reciprocal recognition. The process by which this freedom would be assumed, is called by Beauvoir – as Frederika Scarth and Bonnie Mann have noted – 'conversion.' "[M]an attains an authentically moral attitude" Beauvoir writes, "when he renounces being in order to assume his existence...but the conversion by which he attains true wisdom is never finished, it has to be made ceaselessly, it demands constant effort." (164)

In her recent book, *Sovereign Masculinity*, Bonnie Mann takes Beauvoir's notion of conversion as the point of departure for her investigation of the way the sovereign modality of masculinity functions as a distorted form of 'justification' – that value-making activity of project, and the recognition of project, which serves to justify each existence to itself.⁸ According to Mann, Beauvoir's great innovation was to conceive gender as an inauthentic modality of justification that obviates the challenges of real intersubjective encounter. "Masculinity, in Beauvoir's critical perspective," Mann argues "is marked by a denial of the risks and vulnerabilities of freedom," and this denial consists of the failure to pass through the 'conversion' that marks the passage from

⁸ "Freedom is the source from which all significations and all values spring. It is the original condition of all justification of existence. The man who seeks to justify his life must want freedom itself absolutely and above everything else." (Beauvoir 1976:24)

“being to *becoming*, from safety to risk, from irresponsibility to responsibility, from passivity to freedom.” (Mann 2014:41) The process of masculine justification, she continues, aims to “put out of play” the “existential and material risks of our dependence on one another.” It is a male “fantasy” of the possibility that one could “emerge into manhood without dependence and without risk, without the intersubjective vulnerability that structures the human condition.” (44) Quite correctly, Mann follows Judith Butler in the conviction that “the sovereign subject” should be understood “as one that builds itself on the conceit of its own inviolability,” (3) and on this basis concludes that “the kind of masculinity formation that Beauvoir is concerned with, is a conversion from vulnerability to *sovereignty*.” (44)

As an account of the nature of masculinity formation this is right, but I am somewhat less convinced that this is quite what Beauvoir says. The problem with making bold claims on the basis of Beauvoir’s muted voice, is that it is, indeed, muted, and Mann’s reading fills in large holes in Beauvoir’s exposition by turning to other sources. She uses Arendt to advance the critique of sovereignty – the impossibility of self-sufficiency given the condition of what Arendt calls ‘plurality’ – and she turns to Frederika Scarth’s reading of *The Second Sex* to make the case that Beauvoir understands “assuming full adult status” to require “that we accept the risks, limits, and vulnerabilities of freedom.” (41) Debra Bergoffen makes a compelling case for reading Beauvoir’s muted voice as advancing an ‘ethics of erotic generosity’ in which “the erotic, ambiguous body, not the violent transcending body, becomes the privileged site of subjectivity,” (1997:160) and the risks of intersubjective vulnerability rather than sovereign struggle serve to disclose being.

(156) But this particular voice is confined to the few pages of *The Second Sex* devoted to imagining authentic erotic encounter, and Bergoffen's claim that "Beauvoir makes it clear that there are many ways to articulate the structure of the body at risk" (158) is textually unsupported. Indeed, I would argue, there is a significant lacuna in Beauvoir's muted elaboration of intersubjective and corporeal vulnerability, and she does not fully confront, as Bergoffen recognizes, the "question of the relationship between the ethic of...generosity and the ethic of the project." (172)

My first question then would be how to square a muted Beauvoir who considers, by Mann's reading, 'the conversion to sovereignty' to be an inauthentic deformation of freedom which impedes reciprocal recognition, with the dominant Beauvoir who presents sovereign self-positing as the engine of the struggle through which the subject projects itself towards transcendence. *The Second Sex* has been widely recognized as a highly unstable text, and, as Penelope Deutscher documents, various approaches have been taken to this instability.⁹ Following Deutscher, Mann considers the text's tensions to be expressive of Beauvoir's notion of the fundamental ambiguity of the human condition, the fact that "the paradox of immanence and transcendence can neither be eluded nor resolved" but "must be *suffered*." (2014:35) Beauvoir therefore, "seems to contradict herself...because she keeps moving between the two poles of the paradox," and her

⁹ In *Yielding Gender*, Penelope Deutscher notes that "there is a tendency on the part of critics to find the contradictory tensions in Beauvoir's work a puzzling mystery." (1997:169). Readers have variously, she enumerates, tried to explain these contradictions in terms of the tension between Beauvoir's feminist and existential commitments, or tried to resolve them by "suggesting that one aspect must be de-emphasised, the other emphasised as Beauvoir's 'real meaning.'" (178) By contrast, Deutscher "disagree[s] with this critical bias against acknowledging contradictory tensions in texts," and "[r]ather than attempting to resolve or explain Beauvoir's contradictions, I ask what they enable in her work." (180)

“work is subject to opposing misinterpretations because our tendency is to want to flee the paradox rather than endure it.” (35)

I have no argument here with ambiguity as descriptive of the aporetic nature of human being, nor indeed with the framing of that aporia as the tension between transcendence and immanence. However, the instability in the text is not simply explicable in these terms. As we explored at the beginning of our encounter with Beauvoir, the version of transcendence she presents is explicitly concerned with the role of sovereign self-positing in the negation and surpassing of the given. And the drive to sovereignty is precisely *not* the assumption of ambiguity. It is, rather, the denial of ambiguity in the positing of absolute self-identity – a splintering of the binomial pairs of ambiguous existence and their hierarchical distribution between the self and other. A process that attributes the ‘positive’ polarity – transcendence, intelligibility, identity etc. – to the sovereign subject and projects the ‘negative’ polarity – immanence, materiality, plurality etc. – onto the inessential. The drive to sovereignty is an impossible desire for unscathed being, which, as we will remember, Beauvoir tells us it is not “granted to him to exist without.” And yet, the condition of dwelling in the paradox of transcendence and immanence – which is, as Beauvoir clearly recognizes, also the condition of reciprocal recognition – is the renunciation of transcendence in the modality of sovereignty.

The conversion that Beauvoir gestures towards in the opening pages of ‘Myths’ strikes me as a call for exactly this renunciation. In *The Ethics of Ambiguity*, during a discussion of the authentic moral development of the young man, she outlines this process in detail:

There is no way for a man to escape from this world. It is in this world that...he must realize himself morally. Freedom must project itself toward its own reality through a content whose value it establishes...To will oneself free and to will that there be being are one and the same choice...These are two aspects of a single reality. And...they both imply the bond of each man with all others.

This bond does not immediately reveal itself to every body. A young man wills himself free...This spontaneous liberality which casts him ardently into the world can ally itself to what is commonly called egoism...the young man perceives only that aspect of his relationship to others whereby others appear as enemies... Bataille emphasizes...that each individual wants to be All. He sees in every other man...a limit, a condemnation of himself. "Each consciousness," said Hegel, "seeks the death of the other." And indeed at every moment others are stealing the whole world away from me. The first movement is to hate them.

But this hatred is naive, and the desire immediately struggles against itself. If I were really everything...the world would be empty...To will that there be being is also to will that there be men by and for whom the world is endowed with human significations. One can reveal the world only on a basis revealed by other men. No project can be defined except by its interference with other projects. To make being "be" is to communicate with others by means of being. (1976: 69-71)

On this evidence I would depart from Man's assertion that "[w]hat is different about a Beauvoirean theory of recognition from a Hegelian theory, is that it is not in any way a theory of conflict between subjects. Recognition can come through a Hegelian struggle, but it can also come through reciprocity, friendship, and generosity." (2014:40) Beauvoir claim is, rather, I would argue, that the Hegelian struggle has to be passed through, and, upon the subject's realization that its projects can be granted value only in an inter-subjective world, converted to reciprocal recognition by renouncing the drive to

sovereign self-identity. Masculinity formation – at least with respect to its possessive relation to the mute reflecting surface of Woman – is then a *failure* of this conversion, enabled, Beauvoir thinks, insofar as cultural femininity encourages women’s complicity with masculine sovereign-pretense, and provides a compelling avenue for her to “elude[s] the metaphysical risk of a freedom that must invent its goals without help.” (2011:10)

Beauvoir then, does not claim that masculinity formation is ‘the conversion from vulnerability to sovereignty’ but rather that it is the *evasion* of the conversion *from* sovereignty to the authentic assumption of the risks and ceaseless demands of ambiguity and reciprocal recognition. What remains uninterrogated in Beauvoir’s account, therefore, is the concern articulated by Catherine Keller at the start of our discussion – that Beauvoir assumes the necessity of sovereign self-positing to the process of transcendence, and hence, makes of fundamental hostility a kind of nature. Mann is, I think, correct, when she claims that masculinity formation should be understood as the conversion from vulnerability to sovereignty – or rather, I would suggest, the obviation of vulnerability in sovereignty – but this is not what Beauvoir says. There is something missing in Beauvoir, and what is missing is the recognition of fundamental constitutive vulnerability, and the understanding that masculinity formation in its sovereign modality is always already an evasion of that vulnerability.

Beauvoir, like a good existentialist, begins from the assumption of what Keller calls the ‘separative self.’ Mankind is, she argues, in *The Ethics of Ambiguity*, “originally separated” (18), and in *Pyrrhus and Cineas* she underlines that “there exists no ready

made attachment between the world and me.”¹⁰ (92) These attachments must be forged, and they are forged, on Beauvoir’s account, like Hegel’s, through the realization that subjects depend on others to recognize their value, and specifically, to Beauvoir, to justify their projects. What is missing here then is the Irigarayan insight that Hegelian recognition – or its Lacanian variant in the mirror stage – is an index of constitutive relation in general. The subject doesn’t simply need others to recognize the value of its projects, it needs others to become a self with projects at all. And, this constitutive need for another – or rather, for a [m]other – is not merely confined to woman’s role as specular surface. Becoming needs body, blood and milk. As Irigaray suggests in her reading of ‘Plato’s Hystera’ the screen the sovereign subject uses to reflect its image of perfected self-identity is always, necessarily, made of matter. Our vulnerability to relations of constitutive and material dependence is original, and ineradicable. The imperative of sovereign invulnerability – so central to masculinity formation – is from the very first an obviation of this fact.

This lacuna in Beauvoir has two implications for the account of sexual violence I am advancing. Firstly, it means that her model of masculinity’s appropriative relation to women’s bodies slightly misses the mark. As we encountered in Beauvoir’s discussion of conversion, woman is, for man, a consciousness, “an Other through whom he seeks

¹⁰ Notably, Beauvoir’s ontology of the separative self leads her to associate penetration with rape. In intercourse, she notes, “he penetrates her” and in “that regard, she is like a raped interiority,” (36) and again, “however deferential and courteous a man might be, the first penetration is always a rape.” (406) In penetration, “the man introduces only an exterior organ” while “woman is affected in her deepest interior,” and as a result, “she does feel carnally alienated.” (407) Moreover, as we explored at length in the last chapter, Beauvoir discusses this alienation in terms of women’s property rights, the “property owner” she notes, “affirms his rights over his lands, the housewife over her house by proclaiming ‘no trespassing’; because of their frustrated transcendence, women, in particular, jealously defend their privacy.” (407-8)

himself” (68) which it yet “seems possible” to “possess...in the flesh.” (164) This notion of the reflective role of property is central to Beauvoir’s account of appropriation, as outlined in her rebuttal of Marxist accounts of women’s oppression. The “very idea of individual possession” she writes, “can acquire meaning only on the basis of the original condition of the existent,” (65) these conditions being the subject’s “tendency to posit himself...as autonomous and separate,” *and* the fact that the “existent can only succeed in grasping himself by alienating himself.” (66) In an echo of the Hegelian priority of recognition, the central function of property, for Beauvoir, is as a “foreign figure he makes his own” – a “totem,” “mana,” or “territory” – (66) in which the clan first “grasps itself...through the permanence of the land,” realizing “itself as a unity whose identity persists through time.” (79) When a man separates from the clan he then “demands a singular embodiment: the man is individualized in the chief, then in each individual; and at the same time each one tries to appropriate a piece of land, tools, crops.” (66)

Beauvoir thus understands property as an expression of sovereign self-positing in tandem with the subject’s desire that his individual sovereignty be reflected, recognized, or represented by an alienated symbol that can then be re-appropriated. And this then, is the role fulfilled by woman as a reflecting consciousness that can nonetheless be apparently possessed. However, given Beauvoir’s lack of elaboration of sovereignty as an obviation of original intersubjective and material dependency – of constitutive vulnerability – what her account of woman-as-property lacks is an appreciation of the extent to which this maneuver is itself impelled by the imperative of sovereign invulnerability. Property, that is, is an attempt to evade the risks inherent in the dependencies of human need by

appropriating the object that meets that need. It may be fertile land or a fertile body, it might be water, or crude oil, or copper ore, or emotional and physical care, or domestic labour, or sexual access. Recognition is not then, alone, the most fundamental of needs, but is, rather, an index of the concatenation of interpersonal and material dependencies. And property is not simply the means by which man recognizes himself in an alienated form he can re-appropriate. It is, most importantly, the process by which a sovereign self obviates its vulnerability, and through which the sexual and emotional lives of women, and the materiality of body and nature, are converted into an appropriable resource.

This brings us to our second implication. Beauvoir's account of woman as absolute Other – her claim that woman has never issued a demand for reciprocal recognition – has a tendency to collapse into the static image of a completed gesture of masculine appropriation. Man evades reciprocal recognition in his relation with woman, and woman colludes with him by finding, Beauvoir writes, “the confirmation of masculine claims in the core of her being.” (76) But this is only half the story. Women stake claims to subjectivity all the time. They express their own projects, opinions and needs, and although they are acculturated to do so, they do not unfailingly relinquish those demands when confronted with imperious masculine sovereignty. Above all, women bodies, and the control of those bodies, remain, despite all masculine pretense to the contrary, their own. Women say no. Or rather more usually, fearful of the consequences, they provide plausible explanations to express their disinclination. As a reflective, emotional, sexual and material resource they are, in the final analysis, people, and hence, never fully appropriable. And it is only on this basis that we can fully grasp the way the imperative

of sovereign invulnerability issues in the hatred of women, and in the colossal violence that, as a result, is committed against them.

The Dilemma of Desire

As Catherine Keller reminds us in *From a Broken Web*, the etymology of ‘absolute,’ which, as we saw in Beauvoir, is one of the favored signs of sovereignty, is ‘to be loosed away from.’ Deriving from the Latin roots ‘*ab*’ – ‘from, away from’ – and ‘*solvere*’ – ‘to loosen, untie, release, detach’ – ‘*absolutus*’¹¹ conveys the sense of being set free by virtue of severing or releasing bonds. It is thus, as Keller notes, “that which is complete in itself, independent of and separate from everything else.” (Keller 1988:7) The sovereign, or ‘separative’ self, “makes itself the absolute in that it absolves itself of relation” and therefore “brooks no other subjects.” (26) The reason for this intolerance resides, Keller argues, in the fact that others constitute an ‘in-fluence’ on us – that which, quite literally, ‘flows in,’ and thus permeates the boundary which defines the sovereign self. “The in-flowing other must feel to a defensive ego” she suggests, “like an aggressive intrusion, a threat to its self-containment,” and thus, “it will redouble its fortifications and justify its own aggression as defense.” For the absolute sovereign self, the other, she continues, “must be *kept* outside by a policy of psychic isolationism.” (Keller: 27)

This posture of psychic isolation applies, moreover, not only to the in-fluence of others, but also, for a self committed to sovereign autonomy, to all heteronomous inclinations.

As Derrida told us at the start of our enquiry, sovereignty is the principle of the self-

¹¹ The associated meaning of ‘absolute’ as pure, or perfect – i.e. that which is not contaminated by relation – was also present in the Latin usage.

giving of the law, or, as Kant axiomatically defines autonomy in the *Groundwork of the Metaphysics of Morals*, “the property the will has of being a law to itself (independently of every property belonging to the objects of volition).” (Kant 1964/1785:440)

Heteronomy, by contrast, refers to the will that “does not give itself the law” but which receives its volition from “an alien impulsion...through the medium of the subject’s own nature.” (444) This alien impulsion thus comes from the ‘objects of the will’ – which “should be without any *influence* at all on the will” so that it “may not merely administer to an alien interest but may simply manifest its own sovereign authority” (441) – and becomes present to the subject ‘through his own nature’ in the form of inclinations, desires, or “sensuous motives.” (442) The maintenance of purely rational sovereign autonomy thus depends on the absolute exclusion of all influences on the subject’s will exerted by external objects – or subjects – *and* any sensuous inclinations those objects or subjects might occasion.

What we should first notice here, therefore, is that the Kantian postulate of sovereign autonomy collapses the distinction between external objects or persons, and internal heteronomous inclinations. Both are equally forces that assault the sovereign self from *outside* the sphere of its rational jurisdiction, and threaten to shatter its autonomous control. There is then, from the perspective of Kantian sovereignty, no difference between the subject’s experience of heteronomous desire, and the object or person who may occasion that desire. The objects of the will *exert their influence* ‘through the medium of the subject’s own nature.’ My inclinations and desires are not then, my own. They are, rather, an ‘alien impulsion’ which breaches the boundaries of my being – is *im-*

pressed upon me – by that which is foreign to me; an ‘aggressive intrusion’ against which the sovereign self must ‘redouble its fortifications.’

The self-styled absolute is thus compelled to perceive the objects of its own desire as an assailing threat to its sovereign invulnerability, and, in the next chapter we will explore at length the critical part this projection plays in the mechanics of misogyny. My concern here, however, is to delineate the way the imperative of sovereign autonomy, as we have seen, both produces the perception of desire as heteronomous, and, at the same time, impels the sovereign self to experience that desire as a threat to its invulnerability. For sovereignty to maintain its self-enclosed *absolute* security, it must repel desire. But to abandon desire – that restless ecstatic movement by which the subject surpasses itself towards another being and another future – is to abandon the driving pulse of life itself. Kant may have attempted to animate the self-given law with scintillating stars, but without opening its shell, the sovereign self would simply desiccate and die. The subject set on sovereignty is thus confronted with an apparently intractable dilemma; it must countenance abandoning its invulnerability, and open itself to the risks of encountering another, or it will wither away in the security of seclusion.

And yet, for a self disinclined to decide between sovereignty and life, a solution does present itself. The defensive structure of the ego, Keller notes, “denies the streams of influence entering into it and tries to control – and so possess – their sources.” (1988:27) By appropriating the object of its desire the sovereign self apparently arrives at a way to obviate the vulnerability of its dependence on another, and deny the effect of ‘alien

impulsion' on its own volition, while at the same time securing its satisfaction. This, Ngaire Naffine suggests in 'Possession: Erotic Love in the Law of Rape,' is the basis of the "possessive form of heterosexual sex," a form which allows "the (real) man to remain this free-willing Kantian being" and stave off "the threat to this autonomous self of...intimacy in which the needs, desires and determinations of another" might influence "the self's own determinations of itself." In such a way, an intersubjective encounter that might have been "tender, passionate and vulnerable," in which man fully "realized his dependence on (even subordinated his will, his being, to) another" is rather "reduced to the banality of conquest of the mind and body of a woman." In the possessive form of heterosexual coupling, man is thus able to follow his desire, and, simultaneously, ensure that the "boundaries" of his "Kantian self held firm." (Naffine 1994:16)

This obviation of dependence – or the subordination of the sovereign self to his heteronomous desires – is precisely the function of the ontological conceit Irigaray denotes as the 'economy of representation' or the 'repetition of the Same.' In *Speculum's* opening analysis of Freud's lecture on 'Femininity,' Irigaray interrogates the way this economy informs the construction of heterosexual intercourse according to the active/passive dyad. Freud's enquiry into the opaque "riddle of the nature of femininity" (Freud 2001e/1933:113) begins from common usage, the fact that "when you say 'masculine', you usually mean 'active', and when you say 'feminine,' you usually mean 'passive.'" (114) Indeed, Freud continues, anticipating parental investment theory by some forty-years, the "male sex-cell is actively mobile and searches out the female one, and the latter, the ovum, is immobile and waits passively. This behaviour of the

elementary sexual organisms is indeed a model for the conduct of sexual individuals during intercourse” in which the “male pursues the female for the purpose of sexual union, seizes hold of her, and penetrates into her.” (114)

However, unlike Thornhill and Palmer, Freud is not so easily satisfied. The findings of zoology do not, as we have seen, bear out this startlingly simple thesis. In “some classes of animals,” Freud notes with consternation, “the females are the stronger and more aggressive,” and “[e]ven the functions of rearing and caring for the young, which strike us as feminine par excellence, are not invariably attached to the female sex in animals.” (115) Something else is called for, and at this point, Irigaray observes, Freud finds it necessary to introduce the notion of “passive aims,” suggesting that it may be “the case that in a woman, on the basis of her share in the *sexual function*, a preference for passive behaviour...is carried over into her life...in proportion to the limits...within which her sexual life thus serves as a model.” (115-6; emphasis Irigaray p.18) Having “decreed that the active/passive opposition is not pertinent to the characterization of male/female difference,” what Freud is up to here, Irigaray argues, is making “an attempt...to save what is at stake in that opposition,” (Irigaray 1985a/1974:18) namely, an economy of representation dedicated to protecting the masculine subject’s “desire for the same, for the self-identical, the self (as) same.” (26)

This economy of representation, as we encountered in Beauvoir’s analysis of recognition, refers to the ways the sovereign subject obviates intersubjective and material dependence, represented axiomatically for Irigaray by the occlusion of the subjective and material

reality of (the maternal) woman as specular surface. In terms of heterosexual intercourse, this occlusion has two dimensions which Irigaray notes in her discussion of Freud's account of femininity. The first pertains to the appropriation and disavowal of the sexual function of woman as reproductive resource. As we will remember, the mute matter enclosing Plato's cave, the original 'scenography of representation' from which the *idea* ascends to repeat itself, celestially, as the same, is, above all, a *hystera*. The 'passive-aims' of woman, for which 'her sexual life... serves as a model,' concern then, first and foremost for Irigaray, the disavowal of her reproductive contribution.

The 'point' Freud is making, Irigaray argues – in terms reminiscent of both Aristotle's characterization in the *Generation of Animals*, and our encounter with the economy of sociobiology – is that "man is *the* procreator, that sexual *production-reproduction* is referable to his activity alone, to his pro-ject alone." By contrast, woman, we will remember from our discussion of patrilineal production, is "nothing but the receptacle that passively receives his *product*." (18) She is "the anonymous worker, the machine in the service of the master-proprietor who will put his trademark on the finished product" (23) and as such, Irigaray suggests, it is little wonder Freud finds it so "impossible...to represent what woman might be." The "whole economy of representation...functions through a tribute to woman that is never paid or even assessed." (21) She is, like her obscene genitals, "a *hole* in men's signifying economy." (50)

More pertinent for our purposes, however, is the second occlusion Irigaray identifies – the way in which Freud, despite rejecting an anatomical basis, nevertheless mandates that

“passivity is required of woman at the moment of intercourse.” (18) He does so not only by inferring ‘a preference for passive behaviour’ on the basis of her sexual (Irigaray reads *reproductive*) function, but, moreover, by insisting on the non-symbolization of women’s desire. “There is only one libido,” he writes, to which “we cannot assign any sex,” although “following the conventional equation of activity and masculinity, we are inclined to describe it as masculine.” And while care must nonetheless be taken to “not forget that it also covers trends with a passive aim,” it is, in the final analysis, the case that, “the juxtaposition ‘feminine libido’ is without any justification.” (2001/1933:133)

For Irigaray, Freud’s characterization of the “‘unjustifiable,’ intolerable nature of those words” is a “symptom of something outside that threatened... the systems of representation... designed to the precise specifications of the (masculine) ‘subject.’” That is, within a “given economy of meaning – whose relation to the desire for sameness and to the repetition-representation-reproduction of sameness is well known” it is impossible for female desire, the desire of *another subject*, to “mean anything.” Indeed, “the possibility that” the words ‘feminine libido’ “might mean anything” would threaten the imperious subject’s possession of woman as passive corporeal territory. The “strength of women’s sexual impulses” must, therefore, Irigaray continues, “be reduced.” The “desire for sameness” can, she emphasizes, “be maintained only if a *single* desire is in control.” (43)

The imperative of sovereign invulnerability, committed, in Irigaray’s terms, to the reproduction of itself as the Same, tends necessarily, therefore, to the obviation of reciprocal recognition, mutuality, or communicative sexuality between two subjects. It

can only maintain its posture of absolute sovereignty, uninfluenced by heteronomous desire or the subjects of that desire, by projecting itself sexually in the modality of possession. Rather than risk the vulnerabilities of relation, it will convert woman into passive territory and annex her to itself. Or, as Beauvoir noted, in terms resonant of Irigaray's later observations:

Man does not merely seek in the sexual act subjective and ephemeral pleasure. He wants to conquer, take and possess; to have a woman is to conquer her; he penetrates her as the ploughshare in the furrows; he makes her his as he makes his the earth he is working. He ploughs, he plants, he sows. (2011:176)

This then is the etiology of the active/passive dyad, and the 'aggression-contractual,' form of hetero-sexual intercourse, which, as we saw in the last chapter, is still so central to the prosecution of the crime of rape. We have examined, and rejected, absurd and reifying natural histories of possession that infer the intentionality of meaning-making actors from the motility or inertia of gametes. We have found Brownmiller's assumption of sexual coercion as an uncomplicated consequence of anatomical possibility unsatisfactory, and followed Beauvoir's suggestion that the social and sexual domination of women arises from an ontological or existential infrastructure. And, while we have had reason to question Beauvoir's belief that this ontological infrastructure consists of a universal –rather than patriarchal – drive to sovereign self-positing, her exploration of the impact of the subject's absolutist ambitions on women's self-fulfillment, and muted elaboration of the significance of reciprocal recognition, gestures towards the critique of sovereign self-identity which comes to its fruition in Irigaray.

To understand the ontological impulsion of the possessive modality of heterosexuality requires, not only Beauvoir's appreciation of the role of woman as a recognition-resource, but also, as Irigaray indicates, the way the entire economy of representation is directed at occluding the concatenation of man's material and emotional dependencies. And this is never truer than with respect to men's sexual and reproductive need for women's bodies. The structure of representation in which women's subjectivity is rendered as an absence – in which her sexual subjectivity consists only in the surrender to, or repulsion of, an act of imperious possession – still holds both our popular and legal imagination in its specular thrall. As Ngaire Naffine, following Irigaray, suggests, in the “sex of law” (31) woman “remains a vessel... which contains his separate, self-enclosed sexuality, (33) and the encounter with an-other “does not breach the boundaries of a man's being or his body.” He will, after all his expenditure on conceits of conquest, remain utterly alone, trapped inside a sovereign sexuality that cannot countenance extending outside itself, trying to touch beyond “the bounds of his narcissistic sexual imagination.” (31) “The sex of rape,” Naffine concludes, chillingly, “is self-identical.” (32)

The Female of the Species

“[O]ut of respect for men,” writes Drealm, contributor to a manosphere¹ internet forum,² a woman “should dress in a way that doesn’t excite men,” and to do otherwise, is “an assault on men’s sexuality.” As a resident of the “big liberalized hypersexual runway show” that is Berkeley, California, Drealm is, he bemoans, “forced to stare at hundreds if not thousands of women a day” all of whom, “bring sluttiness to all (sic) new pinnacle.” Given that it’s evidently impossible, “on a primal level,” to “get passed my sexual urges when looking at sluts,” the “only time it’s enjoyable looking at promiscuously dressed women,” is, he continues, “if you can have them on the spot.” A man like Drealm, when confronted with a desirable woman he cannot immediately possess, has only one option. “The only thing I want to do to a slut is rape them...If I extrapolate this observation to society, I think it’s easy to see why in a slut society women will be more prey to rape...Simply put, dressing like sluts brings out murders, rapists and sadists in men (sic)...A society based on sluts, might as well be a pro-rapist society.” (Drealm 2010)

It would perhaps be comforting, given the much-noted semi-literacy of substantial sections of the manosphere, to explain away sentiments such as those expressed above as

¹ The ‘manosphere’ is a portmanteau word that designates that section of the blogosphere dedicated to Men’s Rights Activism (MRA) and its associated movements (e.g. MGTOW - Men Going Their Own Way and PUAs - Pick-Up Artists). The most prominent MRA blog is ‘A Voice For Men’ <http://www.avoiceformen.com/> founded by Paul Elam, a man who also styles himself as ‘The Happy Misogynist’ <https://www.youtube.com/user/TheHappyMisogynist>. The best resource available for exploring the Men’s Rights Movement (MRM) on the internet is undoubtedly that provided by David Futrelle at his blog ‘We Hunted the Mammoth’ (previously Manboobz), which has been documenting the misogyny of the burgeoning manosphere since 2010 <http://wehuntedthemammoth.com/>

² ‘Observations on How Women Dress’ at CoAlpha Reactionary Forum (Drealm 2010)

the rantings of the somewhat critically challenged. However, as the variety of ethnographic, historical and literary sources we will draw on in this chapter demonstrate, such sentiments are far from aberrant, and are, moreover, remarkably consistent in their contours. In Drealm's discourse we find the tried and tested tropes of the rape apologist; the primal and absolute irresistibility of male desire, and the projection of that desire onto its object, resulting in the experience of being 'assaulted' by the perceived source of one's own heteronomous inclinations. Through the largely imperceptible lens of sovereign autonomy, men read their desire for women as not only women's responsibility – she was, after all, 'asking for it' – but as a source of her nefarious and illegitimate power over them. As the protagonist of *The Kreutzer Sonata* (1889) tells Tolstoy's narrator, the "origin of the ascendancy of women, from which the whole world is suffering,"³ (Tolstoy 1993/1889:83) is the "palpable danger" of a "ball dress," (84) those "meretricious costumes...calculated directly to provoke passion" (85) by which a woman "completely enslaves...and acquires a terrible power over men." (84)

As Dworkin notes in the commentary on *Kreutzer* which opens *Intercourse*, the "rage against women as a group is particularly located here," animated by the "reduction of humanity into being an object for sex" which "carries with it the power to dominate men because men want the object and the sex." These "trivial, mediocre things (women)"

³ "Millions of people, generations of slaves, perish in the penal servitude of the factories merely in order to satisfy the whim of woman. Women, like empresses, condemn to imprisonment and hard labor nine tenths of mankind." (Tolstoy 1993:84) This idea of the global consequences of women's insatiability and power over men has been given a new twist by the MRMs coining of 'Gynocentrism Theory.' Women "already hold the power – sexual power – and so have no need to engage in things like feminism. They already have everything feminism could offer them, that is, control over men....Gynocentrism Theory teaches us that even when those individuals in powerful roles are mostly men, they are doing the bidding of women, not of men en masse; thus the lie is given to Patriarchy Theory." (Cited Futrelle 2010a)

have a “power over men,” which is “experienced by the men as...emotionally real, sexually real” and “psychologically real.” It is a power which, she continues forcefully, “emerges as the reason for the wrath of the misogynist.” (Dworkin 2007:18) Indeed, as David D. Gilmore observes in *Misogyny: The Male Malady*, his ethnographic survey of global woman-hating, misogyny is characterized by a “core imagery” which, I would argue, dramatizes men’s experience of women as the source of an assault on their sovereign impenetrability. The imagery, or as Irigaray would say, *imaginary*, of misogyny, exhibits, Gilmore notes, a “fear of intrusion, of possession” by “an invasive evil, originating outside the body...identified with alienness, and which, insidious and irresistible, penetrates the self.” (Gilmore 2001:141)

By far the most prevalent of these misogynist imaginaries is, Gilmore’s survey suggests, that revolving around images of purity and contamination. The ‘gynogenetic-toxin’ trope, as Gilmore calls it, “entails fantasies of noxious substances intruding” or “magical invasion by which the pollutants penetrate the male body.” (138) While the ‘thaumatological’ conception of the “lethal power of female substances” which literally “‘get under’ the man’s skin” (39) is, Gilmore contends, most commonly confined to preliterate peoples,⁴ the notion that women are best treated as “nuclear waste or a highly contagious disease” (Cited Futrelle 2010d) is alive and well among contemporary Men’s

⁴ While less common than figurative iterations, belief in the invasive power of female substances is still sometimes literally rendered in modern MRA discourse. A 2015 post by David Futrelle recounts a recent video in which one ‘activist’ informs his audience that the “vagina produces a thick fluid known as copulin that has actual mind control effects on a male’s brain,” and enables her to “change, remove, or insert memories in a man’s mind,” “[t]ell the male what he sees, hears, feels, smells, tastes,” and “[i]nset subconscious thoughts that will surface as “his own ideas” or behavior later.” The “female genitals squirt fluid into the male member and that’s...how the copulins get inside of you.” This, we are assured, “isn’t a conspiracy theory...when I...heard about this it reminded me of the original film invasion of the body snatchers.” (Futrelle 2015b)

Rights Activists. This discourse often focuses on women as a source of literal infection, the fact that they “are far more likely to have STD’s than men...are filthy, and...will lie about their infections.” (Cited Futrelle 2010b) Notably however, the contagion-trope is sometimes extended to other arenas in which women are considered to aggress upon men, most particularly with respect to their alleged economic vampirism. “Western women” are “toxic human beings” who are both “dangerous physically (many of them have STD’s)” and “economically (look at hulk hogan’s ex and her new yacht the alimony (sic)).” (Cited Futrelle 2010e) Or, as one commentator at ‘A Voice for Men’ delicately puts it, “stay away from them, dont (sic) be around them for too long and most importantly when pumping them with man juice wear protection so you dont (sic) get infected with child support.” (Cited Futrelle 2010e)

In the medieval European tradition, the metaphors of contagion surfaced, Gilmore notes, in the “pseudo-medical idiom” found in Spanish treatises on preventive medicine that “portrayed women as a pestilence.”⁵ (2001:139) Infection-anxiety is also associated with that great outbreak of medieval mass-misogyny, the witch-hunt. The witch “magically intrudes some noxious material into the victim” (139) or annihilates his self-possession in an act of colonizing sorcery. “In many cultures,” Dworkin notes, “woman herself is magical and evil...she exercises an illegitimate; therefore magical; therefore wicked; therefore originating in Satan: power over men.” (Dworkin 2007: 82) In “Europe during the Inquisition “ she continues, “women were slaughtered for this rape of the male that took place in his own mind,” executed by the score “for possessing him by...making

⁵ Cf. Michael Soloman (1997) *The Literature of Misogyny in Medieval Spain*, Cambridge University Press, Cambridge

him have sex or want...sex that was not...of his will or predetermination.” (81) The bewitching spells cast by ‘black magic women’⁶ are with us to this day, as are the pointed teeth and serpent-tongues of many, much more ancient monsters. Medusa and great sea snake Tiamat, mother of the Mesopotamian pantheon, winding their way across millennia and slithering out across Rudyard Kipling’s page. The deadly ‘female of the species,’ a “basking cobra” whose sibilant speech will “enthrall but not enslave,” and who’s venomous voice “drips, corrodes, and poisons.” (‘The Female of the Species,’ 1911) And with us too are the nymphs and watery sirens, our everyday emblems of the destructive seductress, singing an enticing sweetness that will dash a man to pieces on the rocks and drag him down into the depths.

Metaphors of contagion are often accompanied in misogynist discourse by aquatic imagery; the threat to lucidity and solid definition posed by vast, dark, permeating water. The seduced man, Beauvoir notes, “loses himself, he drinks the potion that turns him into a stranger to himself, he falls to the bottom of deadly and roiling waters.” (Beauvoir 2011/1949:188) Such imagery exhibits, Gilmore observes, an “overriding...fear of collapsing or imploding ego boundaries,” (2001:141) of “moral surrender” as “a submerging into formlessness.” (140) It is also frequently figured as a specific trajectory, a *downfall*, which, as we will see in our discussion of primary narcissism, conjures both the dread and the longing for a lost Eden of plentitude, the return – or regression – to a time before self-awareness and individuation ushered in the knowledge of need. The lure of such fantasies must be resisted by any man who wishes to maintain his self-possession,

⁶ “Woman has transformed herself into an object of pleasure of such terrible effect that a man can not calmly approach her. No sooner does a man draw near a woman that he falls under the power of her spell, and his senses are forthwith paralyzed.” (Tolstoy 1993:84)

and failure comes at a cost of disintegration or deadly depletion. If a woman who breaks down a man's defenses does not penetrate him with her venom, she will, instead, suck him dry. Both the "idiom of semen loss and the metaphor of financial ruin," (142) as well as the ever-present threat of women's sexual voraciousness, exhibit men's fear of woman's "evacuative power." She is a "hellish cannibalistic siphon," (143) a "vampire, ghoul, eater, drinker." Her "sex organ feeds gluttonously on the male sex organ." (Beauvoir 2011:192)

The need to avoid the lethal consequences of succumbing to sexual temptation has led to the creation of a sub-section of the Men's Rights Movement dedicated to 'Men Going Their Own Way' (MGTOW). MGTOW pride themselves on not only avoiding the toothy snares of womenfolk, but on breaking the monopoly power exercised by the shadowy forces of the 'pussy cartel.'⁷ According to MRA lore, women are concerned with nothing but leveraging their erotic capital for all it is worth, and feminism's sole function is to serve as ideological cover for the cartel's hostile takeover of all of men's assets.

According to this logic, "nothing upsets cupcakes [women] more" than Men Going Their Own Way, "since cupcakes believe the world revolves around them and their almighty vagina." If the MGTOW's boycott is successful, and women's "vaginae (sic) aren't needed for men to have fun," they will "lose their power" and their ability to "control as many men as they can in all circumstances." (Cited Futrelle 2015a)

⁷ "[W]omen have cornered the market on sexual intercourse, and are able to dictate the price and the accompanying politics much as OPEC might set the terms for oil... Understand, that the higher valuation of female sexuality translates into both female power and loss of male power. Since female supremacy is feminism's driving ambition, it makes sense that the women's movement has undertaken to siphon power away from men using every siphon hose imaginable... Men should cease to value female sexuality beyond a certain fixed rate. Once the cost exceeds this rate, the value should fall to zero—leaving the purveyors in their deserted market stall." (Cited Futrelle 2011)

Yet, despite MGTOWs avowed intent to “stay the hell away” from women, they are nonetheless, as men with “normal drives and impulses” still tormented by the fact that “some of them look hot anyway.” This is “very annoying,” writes one MGTOW, and “distracts me from other important work.” Indeed, the average MGTOW is driven to wonder, “[h]ow do you reduce desire for the female sex – besides going gay, of course.” (Cited Futrelle 2010c) There are a wide range of answers to this perpetual conundrum, from a near obsession with the utopian possibilities of sexbots (Yiannopoulos 2015), through good old-fashioned aversion therapy (‘How to find women disgusting,’ Futrelle 2010c), to more high-minded solutions. “Purify yourself from the evil in our society,” warns one more philosophically-inclined MGTOW. “God made man in His image, and women was made in the image of Satan.” She is “a test,” a “stumbling block for man,” her “filth is part of the obstacle course set before us.” To counter the corrupting tendency to “lust after women sexually,” a man should “[l]isten to classical music. Read Shakespeare and Frost. Meditate. Take long walks....Elevate yourself above such filth of the flesh.” (Cited Futrelle 2010b) Plato, indeed, would be proud.

The Rape of Europe

On the afternoon of July 22, 2011, Anders Behring Breivik, a Norwegian man in his early thirties, set off an explosion in the government district of central Oslo, killing eight people. Within a couple of hours he had made his way to the small island of Utøya where the youth wing of the Norwegian Labour Party, the AUF, were holding their annual summer camp. In the course of an hour and a half Breivik shot and killed sixty-nine people – the youngest of whom was fourteen – and injured over a hundred more. On the

morning of the attacks he had electronically released *2083: A European Declaration of Independence*, a fifteen-hundred page ‘manifesto,’ or rather, compendium, outlining his fervent belief in the need to defend the ethnic, cultural, national and sexual purity of European, an in particular, Nordic, civilization from the imminent peril posed by Islamicization. In the manifesto Breivik suggests to his fellow ‘resistance fighters’ that “[w]hen we blow up a building full of...traitors it is not only for the purpose of killing. An important part of the operation is to force awareness of our movement and our ideology” which “is the product we want to sell to the European peoples.” (Breivik 2011:1068) As indicated by the press-pack of swaggering photos included at the end of the manifesto, the murder of seventy-seven other human beings had been Breivik’s idea of a “marketing operation.” (15)

Writing in *The Guardian* that July, I suggested that what was most interesting about Breivik’s sprawling compendium of internet-culled conspiracy theory, apocryphal history and erroneous statistics, was its pungent mixture of racism and misogyny. (Jones 2011a) The way in which Breivik’s palpable anxiety about the penetrable borders of Europe, figured as the body of a pliable woman, revealed the delineations of the sovereign imaginary. As David Gilmore documents – and our discussion of Christopher Lasch’s Freudian fears will evince – the disintegrating peril represented by woman reaches its most abstract form in anxieties about the very collapse of civilization. (Gilmore 2001:144) According to Breivik’s introduction to *A European Declaration* – a brief history of the pernicious influence of ‘political correctness’ or ‘cultural Marxism’ – the “feminisation of European culture” (28) has turned previously stalwart men into “a

touchy-feely subspecies,” (29) incapable of the rigorous defense of European national borders or cultural values against the amassing barbarian hordes. “It is not only our right but...our duty...to preserve our identity...culture and...national sovereignty by preventing the ongoing Islamisation,” (8) Breivik writes. But be warned that if you “break down men’s masculinity, their...ability to defend themselves and their families” which is “exactly what Western women have done for the last forty years,” then “you destroy the country.” (343) Both “culturally and demographically,” he continues, “radical feminism has been one of the most important causes of the current weakness of Western civilization.” (351) As such, the “fate of European civilisation depends on European men steadfastly resisting Politically Correct feminism.” (31)

The notional reason for this feminist peril is, as Breivik intimates above, Western women’s failure to behave like good-little breeders. Seduced into thinking they can ‘have it all,’ European women have produced nothing but demographic collapse; a tide that must be turned by restricting birth control and abortion, and discouraging women from taking “anything above a bachelor’s degree.” (1181) But what really animates Breivik’s fears is the way the “weakness” of perceived feminization has opened Europe up to the “secondary infection” (337) of Islamicization. The once impregnable sovereign states of Europe have become a yielding body politic, easily penetrable by the foreign and the foreigner. Section 2.89, which decries the position once voiced by a “stupid blonde woman author” that it is sometimes better to “accept submission” rather than “fight” (697) is entitled ‘The Rape of Europe.’⁸ The feminists, Marxists and ‘suicidal humanists’

⁸ In *The Wound and the Witness*, Jennifer R Ballengee discusses the treatment of the myth of the rape of Europa in the Hellenistic novel *The Adventures of Leucippe and Clitophon*. The novel opens with a scene

who have conspired, or rather, collaborated, in the project of multiculturalism are roundly indicted as ‘traitor whores.’

There are well over 150 references to rape scattered throughout the text – every one of which pertains to rape committed by Muslim men, mostly against Christian or Western women. Reprising a common theme of the internet-based ‘counter-jihad’ movement, Europe is increasingly, Breivik contends, in the grip of Muslim rape epidemic. Because, according to the ethno-sexual logic of sovereign purity, rape within an ethnic group does not signify, Breivik’s position is predicated on denying that the majority of sexual crimes against European women are, and have always been, committed by European men. “The truth,” we are told, with scant regard for the statistics, is “that European men have treated women with greater respect than the men of almost any other major civilization on earth.” (343) By contrast, “the sexual harassment and rape of non-Muslim women” as “part and parcel of Jihad,” has led to a recent explosion in sexual violence. In a piece of rape-apologia which gives the lie to his concern for his country-women’s sexual safety, this tsunami of Muslim violation is one which, it is suggested, “Western women have to some extent brought upon themselves.” (343) Their “psychological warfare against the male gender role” has destroyed “every defensive structure of European society,” (30)

in which an unnamed narrator contemplates a painting of Europa riding on the back of the bull that depicts – as do many later portrayals – the bull being led by Eros. This scene establishes, Ballengee notes, “a precedent of aesthetic enjoyment of the visual synthesis of beauty and violence that...echoes through the narrative.” (2009:75-6) The rest of the novel recounts the protagonist Kleitophon’s trials in love, beginning with his first meeting with Leukippe, whose face “flashed on my eyes like lightning.” (1.1.3; Cited 76) Kleitophon tells the narrator, “As soon as I had seen her, I was lost. For beauty’s wound is sharper than any weapon’s and it runs through the eyes and down to the soul. It is through the eye that the wound of *eros* passes.” (1.4.4-5; Cited 76) As Ballengee notes, Kleitophon’s description of his first encounter with Leukippe “draws an unmistakable reference to the appearance of Europa...in the previously described painting” and enacts the “motif of *eros* as physically wounding” (76), and “the painful experience of the penetration of the body by *eros*,” (77) which “occurs with overwhelming frequency in the Greek novels.” (76)

and turned women “into a weapon of mass destruction against...civilization.” (343) But their comeuppance will come. Having “paved the way for the forces that will dismantle Western feminism” such women will “end up in bed, sometimes quite literally, with the people who want to enslave them.” (346)

Western women’s civilization-wrecking power is also attested to in Breivik’s long excursus into “the lethal and destructive societal force” of the “sex and the city lifestyle.” (1168) Sexual ethics, Breivik notes, with momentary neutrality, deals with “issues arising from *all* aspects of sexuality and human sexual behavior.” (1168) Its breakdown, however, is singularly “manifested through...young women’s susceptibility to have one night stands, pre-marital sex and the average amount of sexual partners for women during a lifetime.” He provides a handy chart, ranking European nation’s sexual ethics – that is, women’s promiscuity - on a scale from 0 to 100. The data for the chart, he explains without pause, is based “on the experiences of my network of male friends (my own included)” on “visit[ing] all these countries.” Some 50% of his female friends, he continues sadly, now fall “under the definition...female sluts” because they have had 20 or more partners, a situation that is, he argues, “clearly not sustainable.” (1170)

Quite why this should be so is never fully elucidated. It seems simply evident to Breivik that a chaos of undisciplined female flesh will inexorably cause “all social structures to completely deteriorate.” Rather unsurprisingly, however, this cataclysmic outcome is linked in his mind with the threat of contagion, the fact that “many people are suffering from STDs as a result of the current lack of sexual morals.” (1172) In the thought of

sovereign integrity, allowing the outside, the foreign, to penetrate inside, is straightforwardly synonymous with the corruption of both the individual body *and* the body politic. It is thus that we find Breivik, in an apparent non sequitur, moving within pages from a discussion of the “devastating” economic impact of STDs in Western Europe to an account of the tragedy of the “rapid extinction of the Nordic genotype.” (1182) “Marxist procreation policies,” by which he means, he clarifies, “feminism,” are “deliberate genocidal practices.” They will lead inevitably to the “demographical annihilation of European ethnic groups” and the “destruction of European culture.” (1157)

The Nice Guy

A little under three years after the Utøya massacre, on the other side of the Northern Hemisphere, another ‘manifesto’ was electronically published as a prelude to mass murder. On May 23 2014, Elliot Rodger, a 22-year old student, stabbed his roommates to death before driving to the center of Isla Vista, California, where he intended to launch an assault on the building of the Alpha Phi Sorority, selected after “extensive research” because it was the one with “the most beautiful girls.” (Rodger 2014a:132) He found the doors to the sorority house locked, and instead of “sneak[ing] into their house...and slaughter[ing] every single one of them” (132) as he had planned, he shot three women who were standing out the front of the house, killing two of them. He drove to a nearby deli and shot a young man dead, before careering through Isla Vista, striking people with his car and firing indiscriminately. After gunfire exchanges with the police, Rodger’s car crashed into a parked vehicle and came to a halt. The police found him dead inside from a self-inflicted gunshot wound to the head.

While Breivik's compendium sketches the contours of the sovereign imaginary in a political register, and is concerned with the threat of foreign penetration, Rodger's *My Twisted World* is personal, an autobiographical etiology of his murderous rage. The 137-page 'manifesto' petulantly catalogues every slight and victory of his short life, documenting an abiding inability to contend with the dilemma of desire or respond to the frustration of his needs with anything other than an incensed, entitled, fury. The story begins with everyday childhood disappointments but becomes, incrementally, testament to a volcanic resentment focused on "hot, beautiful blonde girls" (132) who "dare" to "give their love and sex to those other men and not me." (134) In the video released just prior to the massacre, Rodger's explained that 'The Day of Retribution,' was a result of having "been forced to endure an existence of loneliness and unfulfilled desires all because girls have never been attracted to me." While "throw[ing] themselves" at "obnoxious brutes," all "those girls that I have desired so much" have, he continued, "rejected me and looked at me as an inferior man." (Rodger 2014b)

In a refrain that sounds throughout *My Twisted World*, this state of affairs was, Roger's complained, "not fair," "an injustice" and "a crime." (Rodger 2014b) 'The Day of Retribution' would be, he wrote, the "final solution to all of the injustices...all of the wrongs I've had to face in my sorry excuse of a life." It would enable him to "finally...punish" men for "living a...more pleasurable life than me" and women for "giving that pleasurable life to those males instead of me." These men and women had, he wrote, "denied me a happy life, and in return I will take away all of their lives. It is only fair." Imagining himself "the closest thing there is to a living god...[m]agnificent, glorious,

supreme, eminent,' his 'Day of Retribution' would "purify the world of everything that is wrong with it...punishing everyone I deem to be impure and depraved." (2014a:135)

Unlike in Breivik's case, the media were quick to pick up on Rodger's evident misogyny, and, for the first time, a wide variety of think-pieces were simultaneously published on the lethal consequence of what Michael Kimmel has called 'aggrieved entitlement.' (Kimmel 2013; Penny 2014; Valenti 2014) Many of these noted that Rodger's had frequented Men's Rights forums online, and that his discourse chimed with that used by MRAs and Pick Up Artists, particularly in the way he framed himself as a 'nice guy' robbed of his sexual dues by "spoiled, stuck-up blonde s***[s]" (Rodger 2014b) and the swaggering 'alphas' they dated (Marcotte 2014). The florid nature of Rodger's grandiose fantasies in the manifesto's final pages certainly warrants the suspicion that his narcissistic tendencies were clinical in proportion. It would, however, be mistaken to infer from this, as Chris Ferguson did in *Time* magazine, that it is possible to cleanly dissect mental illness – the "real" reason for his rampage – from a "cultural hatred for women" which merely served as a pretext. (Ferguson 2014)

What comes across most forcefully from Rodger's self-pitying diatribe is the total absence of any other human consciousness. It is litany of fury (17; 18), outrage (10) and indignation (17; 40) which proceeds from childhood "tantrum," (6) through adolescent "tantrum" (43) to full-blown adult "tantrum," (108) with barely a glimmer of awareness of the interior life or particular needs of anyone other than himself, whether it be the people who cared for him, or the women whose affection he thought he deserved. Elliot

Rodger's 'twisted world' was entirely populated by tokens of his own aggrandizement or inadequacy, like the Pokemon cards he traded as a child. He was consumed by the need for recognition (24), but, like the self-positing Kojèvean subject, was concerned only with the 'absolute reality' and 'absolute value' of himself. Here was a sovereign-self – a 'living god' – who 'in no sense want[ed] to recognize the other in turn.'

As we will explore in the next chapter, Elliot Rodger's florid narcissism was only a more extreme manifestation of a general phenomenon intimately related to the hegemonic masculine ideal of sovereign self-sufficiency. This ideal, as we have seen, tends to posit sexual interaction as a one-way act of conquest and possession in order to disavow the vulnerability that derives from desiring other human beings, and, as the case of Elliot Rodger's makes evident, is often accompanied by an overweening sense of proprietorial entitlement. Rodger's was, from the onset of puberty, tormented by his own desire, (30-31; 39; 47) but while incessantly asking why the world was so unfair to him, he never once escaped the prison of his frustration long enough to wonder whether others' disinclination to meet his needs had anything to do with his greeting their successes with a singular and unrelenting hostility. (16; 53; 56; 79; 87) He spent his early adulthood transfixed by the idea that he could have lived an "amazing and blissful life...if only females were sexually attracted" to him, (135) but never once considered if the fact that they were not had anything to do with the bare concealment of his entitled misogynist rage. To his mind, his lack of sexual success resulted only from women's aberrant choices, the fact that they were interested in 'alpha' males and not (mass-murdering) 'beta nice-guys' like himself. Women, he writes on the penultimate page of his screed,

are “flawed creatures” who are “completely controlled by their depraved emotions and vile sexual impulses.” They are thus only attracted to the “most brutal of men,” the “stupid, degenerate” and “obnoxious,” rather than choosing “to mate... instead” with “magnificent gentlemen like myself.” They should not, therefore, “have the right to choose who to...breed with,” and that “decision...should be made for them by rational men of intelligence.” They should be placed in “concentration camps” and “quarantined like the plague they are,” allowing them to “be used in a manner that actually benefits a civilized society.” (136) Why women didn’t want to date him is, indeed, a puzzle.

The Anguish of Possession

Like Rodger, the protagonist of Tolstoy’s *The Kreutzer Sonata*, Pozdnyshev, also spends his life tortured by his own desire. For two years prior to losing his virginity he had “already...been corrupted in imagination” and “the bare thought of woman, not of any particular woman, but of woman in general, tormented me.” (Tolstoy 1993/1889:75) Assured by his peers that after sex “all my struggles and my suffering would disappear” (75-6), Pozdnyshev gives himself over to an experience he comes to describe as “a fall,” (76) and became, like the “opium-eater, the drunkard, and the immoderate smoker,” a “voluptuary.” (77) Like Kant, Pozdnyshev is convinced that sex is an inevitable debasement of the “simple, clear, pure relations with womankind” (77) that are only attainable before man’s descent into longing and corruption. He searches for a wife, “a girl whose purity would qualify her to the dignity” of the position, but rejects many candidates as insufficiently “immaculate.” Eventually he settles on one he believes to be

“the pink of moral perfection” (78) and proposes to her, and thus, he tells us, “fell into what may be described as a kind of trap.” (82)

Also like Kant, Pozdnyshev considers the debasement of the “spiritual character” (85) of men and women’s humanity to derive from the fact that woman “is looked upon and sought after as an instrument of pleasure, and that this view is considered the right one.” (95) Dworkin’s Kantian leanings lead her to conclude that Tolstoy is here exhibiting “a comprehension, almost unique in male literature, of the fundamental simplicity and destructiveness of sexual exploitation,” the fact that “intercourse distorts and ultimately destroys any potential human equality between men and women by turning women into objects and men into exploiters.” (Dworkin 2007:12) However, as we explored in Chapter 3, there is no necessary reason why taking someone as an object of desire is incompatible with respecting their being as a person, unless one is unwilling to countenance the possibility that that desire might be frustrated. But to Pozdnyshev’s mind, as for the Hegelian master, desire leads inexorably to domination. Women will “remain forever a being of a lower order,” a “degraded, demoralized serf” of a “demoralized slave-owner,” unless there is a “change in men’s view of women” as an “instrument of pleasure.” (Tolstoy 1993:96)

Pozdnyshev, like Rodger, also fails to understand that his unhappy situation is a product, not of the necessary architecture of desire, but the embedding of that desire within his own sense of possessive entitlement. He recognizes that “[d]uring the entire course” of his “married life,” he “never once enjoyed a moment’s relief from the maddening pangs

of jealousy.” (97) But for him, as for Rodger, these heteronomous inclinations are not his own, but are visited on him by an external nature he feels powerless against. His enmity towards his wife begins, and festers, through his sense of disgust after “outbursts of headstrong animal appetites,” (109) and, upon perceiving an attraction between her and the violinist with whom she will play the sonata, a “fury took possession of my soul.” (116) On the day he murders her he loses “the power of controlling my feelings,” (127) and the “furious wild beast of jealousy within me roared in his den and endeavored to escape.” (124) There is nothing to be done. His hand is forced. Men can only “give themselves up to indulgence or separate from their wives, or else must kill themselves or their wives as I killed mine.” (109) Through all of this, as also in Rodger’s case, Pozdnyshov’s “predominating feeling...was pity for myself.” (116) He was tormented like a “beast in a cage” and he “suffered terribly.” (128)

And so the lie is given to Rodger’s conviction that his life would have been unimpeded bliss if only his desire had achieved the satisfaction to which he thought he was entitled. As Dworkin observes, the root of Pozdnyshov’s torment was the impossibility of achieving the total possession of his wife, an appropriation demanded, I have argued, by the sovereign subject’s inability to tolerate the vulnerability and possible frustration of its own heteronomous desires. Pozdnyshov was, he tells us, “convinced I possessed an indefeasible right to my wife, just as if she were myself,” but yet, “at the same time...felt that I could not possess her, that she was not mine, and that she could dispose of herself as she liked” and “in a manner that I did not approve.” (129) For such a man, Dworkin argues, his “right to use a woman’s body...has a nightmarish dimension originating in his

absolute arrogance, his sense of total possession, which the woman...must not suborn or he will suffer.” The “recognition that finally her body is not his being an agony to him, causing him real and unbearable anguish.” (2007:21)

In *The Politics of Reality*, Marilyn Frye describes this male desire to perform a total ‘annexation’ by which the “slave’s substance is assimilated to the master” in terms of the “transference Ti-Grace Atkinson called ‘metaphysical cannibalism.’” (Frye 1983:65) However, as Rebecca Whisnant observes, the “problem with such annexation, from the exploiter’s point of view, is that it is inevitably partial, unstable and insecure.” (Whisnant 2008:163) For Whisnant, in line with her defense of the importance of feminism retaining a discourse of sovereign integrity, the reason for this necessary partiality of possession is “because of the irreducible fact of bodily separateness.” (163) You “cannot annex my living body and make it literally part of you,” she writes, and thus, “the separateness, privacy and internality of women’s bodies is one of the few structural brakes on the patriarchal annexation and exploitation of women.” It is, she continues, “enormously important that our bodies do, in fact, ‘end at the skin’” for “in the face of metaphysical cannibalism, the separateness of our female bodies is all that stands in the way of our being eaten alive.” (164)

I think this is wrong. Not only, or most importantly, because the imperative of sovereign integrity is the motive force of the appropriation that Whisnant wants to deploy it against. Nor even because it reinscribes the logic by which personhood is understood as a territorial integrity and penetration becomes figured as an act of possession. The reason

why it is impossible to achieve total appropriation of another person is not because their body is wrapped in a defensive sheath of skin, but *because they are a person*, and thus, have their own process of becoming, of unfolding towards their own ends. As Pozdnyshev indicates, they might at any time be “minded to dispose of” themselves “in a manner” other than one their would-be possessor might “approve.” (Tolstoy 1993:129) As Pozdnyshev looks at his dying wife, at her “bruised, blue face” for “the first time I forgot myself, my rights, my pride” and “saw in her a human being.” (139) As Dworkin observes, her “death ended his pain” because it “ended her rebellion against her object status,” her “assertion of will in this body that belonged to him.” (2007:22)

What confounded Pozdnyshev, and also, Dworkin suggests, his creator Tolstoy, was the inability to tolerate the intensity and precarity of desire without converting it into a doomed gesture of possession. Tolstoy, Dworkin asserts, “blamed and hated” his wife Sophie, “feeling antagonism and repulsion” towards her “because he wanted to fuck her.” Like his protagonist he “experienced the obsession as internal violence, violating him, not her.” The “wanting was violent – stubborn, cruel, as he called it,” and resulted in such enmity towards his wife that she came to the sad conclusion that the “main thing is *not* to love” because it is “so painful and humiliating” and “all my pride is trampled in the mud.” (24)

Entitlement and Invulnerability

David Gilmore concludes his ethnography of misogyny by noting that “men’s feelings towards women are contradictory, labile, bifurcated, and ambivalent,” (2001:202) a

“hodgepodge of...contrasting impulses, starkly contradictory affect and fantasies.” (203)

In a manner resonant of the position I am advancing, Gilmore suggests that this ambivalence derives from the fact that “most men need women desperately, and most men reject this driving need as both unworthy or dangerous.” (9) However, despite our agreement that misogyny issues from the tension between men’s need for women, and the way they respond to that need, Gilmore’s portrays both elements of this equation with a reifying complacency that gives his position a wholly different complexion. My concern is with the way that the imperative of sovereign integrity informs men’s experience, understanding and expression of their desire. Gilmore, by contrast, considers both men’s desire, and the way in which they manage it, to be a matter of hydraulic natural forces.

Gilmore’s text displays an inveterate hostility to feminism. He castigates the ‘viriphobia’ of radical feminists and ‘anti-masculinist’ theorists such as R.W Connell for their “hatred and fear of heterosexual masculinity,” and sets his sights predictably on Dworkin – the go-to anti-feminist bogey-woman – for her belief that men are “constitutionally” or “ipso facto evil.” (12) And yet, while dismissing feminist analysis for purportedly understanding male violence as “stemming from innate aggression” caused by men’s “endocrinology,” (173) he is, at the same time, happy to suggest that the “engines of conflicted emotion” which underpin misogyny are “*peremptory* male desire” combined with “the unconscious feelings of discomfort that such feelings prompt on behalf of the superego.” (203; my emphasis)

Appending the adjective ‘peremptory’⁹ to ‘male desire’ here transforms Gilmore’s potentially illuminating account of the tension between men’s sexual desire and their response to that desire, into a paradigmatic instance of what Wendy Hollway famously called ‘male sexual drive discourse.’ As Hollway noted, this discourse is prevalent both “in common-sense assumptions” while also being “reproduced and legitimized by experts.” (Hollway 2004:227) It departs from the observation – or assertion¹⁰ – that men’s sex drive differs from women’s, both in terms of a desire for more frequent sex, and a wider variety of partners. And, as we have seen in our encounter with sociobiology, its “key tenet” (227) is that these differences are entirely biological in origin, an inheritance ‘hard-wired’ by the reproductive demands of our evolutionary past. A recent article on ‘Men’s Sexual Response’ published by the medical website Netdoctor gives a nicely illustrative example. The reason “why the human race has survived for hundreds of thousands of years,” writes a Dr. David Delvin, is because “nature has 'programmed' men to be mad keen on penetrating women – and getting sperm into them.” And while this “may not sound very nice,” Dr. Delvin admits, it is, nonetheless, and notwithstanding all

⁹ ‘Peremptory’ denotes ‘admitting no refusal, or further questions or debates’ and was introduced into English and French from Roman jurisprudence, as in the example *peremptorium edictum*. It is thus, an adjective of absolute imperative, deriving from the Latin *perimere*, meaning to ‘kill,’ ‘destroy,’ or ‘annihilate.’ With respect to the relation between male sexual entitlement and the widely perceived ‘right’ of men to purchase, possess, or own the bodies of women, it is worth noting that *perimere* is formed of the prefix *per-* (meaning ‘through,’ ‘entirely,’ or ‘thoroughly’) and the suffix *-emere* (‘to buy’ or ‘to purchase’), hence, ‘to purchase entirely’ or ‘non-negotiably.’

¹⁰ Given the chiasmatic intertwining of the material and ideal, I would want to underline that my argument here is not predicated on an unequivocal rejection of the assertion that men’s sex drive differs in significant respects from women’s. This may well be the case, and there are certainly hormonal reasons to suppose that it is. That said, following a chiasmatic reading, just as a critique of ‘male sexual drive discourse’ does not necessarily indicate a belief in the pure construction of sexual drives, it also does not indicate a belief that cultural norms play no significant role in the expression of those drives, particularly with respect to the way notions of the ‘peremptory’ nature of those drives legitimates their ‘peremptory’ expression. Given the vast apparatus of gendered norms about the differing nature of male and female sexual drives and behavior, and the fact that we have no data about the expression of those drives absent those norms, all categorical claims about their ‘naturalness’ or otherwise should be regarded with skepticism.

scholarly reservations about sociobiological story-telling, “the scientific truth.” (Delvin 2014)

The function of sociobiological appeal in male sex drive discourse is to quietly convert an observation about men’s stronger sexual drive into the more-or-less explicit assertion that it is a “deep, driving ‘biological imperative,’” (Delvin 2014) and not individual male persons, who are singularly responsible for the expression of that desire. It is not particular men who are unable to tolerate frustration. It is not a certain individual whose response is ‘peremptory,’ and will brook no refusal in his quest for satisfaction. It is, rather, the unmediated activity of desire itself. Male sex drive discourse is thus a startling iteration of the tendency to posit desire as a heteronomous inclination, here invested with the authority and force of evolutionary necessity. It visits itself like Cupid’s arrow upon an otherwise autonomous person, or attacks the subject, as Pozdnyshev’s metaphors suggest, with the irresistible ferocity of an untamed animal. In some instances, as for David Gilmore, the nature of that force is literally hydraulic, the build up of sperm putting “relentless pressure on the man for release.” (2001:167)

For reasons that are never fully explained, the only satisfactory resolution to such hydraulic pressure is that provided by a woman, and their non-compliance, their tendency to act as an “inhibiting object” (167) leads then, inexorably, to “unremitting frustration” (222) and associated “feelings of anger” or “acts of aggression.” (167) As Nicole Gavey has noted, male sex drive discourse has multiple words for these ‘inhibiting objects.’ It calls them ‘ball-breakers,’ or ‘cock teasers,’ or ‘frigid, uptight bitches.’ (Cf. Gavey

2008:105) It often rounds out its sociobiological schooling with an appeal to women's understanding, and hence, implicitly, their accommodation, of men's far more *pressing* needs. As Dr. Delvin tells us, it is "enormously difficult for women to understand just how powerful the average man's sex drive is," (Delvin 2014) as if, somehow, this were not a truth drummed incessantly into women from the time of puberty onwards.¹¹

What Gilmore fails entirely to consider is the extent to which men's persistent claims about the irrepressible hydraulics of their desire serve to legitimate instances where that desire is expressed to devastating consequence. Moreover, he doesn't interrogate whether men's 'unremitting frustration' or 'feelings of anger' might be produced by means other than an unmediated, unstoppable force mechanically colliding with an 'inhibiting object.' As we will examine in the next chapter, the findings of empirical psychology demonstrate that one of the most significant predictors of men's sexual aggression is not the frustration of their desires, but the belief that their desires *should not be frustrated*. Male sex drive discourse instills in men the conviction that they have a natural right to sexual satisfaction, and that they are less than entirely responsible for the consequences of that satisfaction being frustrated. Male sex drive discourse is not a mere adumbration of 'scientific truth.' It is the discursive scaffold of male sexual entitlement.

¹¹ "Shotland and Hunter (1995) reported that among the 40% of college women in their sample who had at least once consented to unwanted sex, the most common reasons for this behavior included: 'I didn't want to disappoint him,' (67%) 'I didn't want to seem like I had been leading him on,' (56%) 'He was aroused and I didn't want to stop him,' (56%) 'I didn't want to destroy the mood,' (50%) and 'I was afraid he'd stop going out with me.' (21%)" (Gilbert, et al. 1999: 757) Nicole Gavey also discusses two interviews she conducted during the course of a study on women and condom use which demonstrates, she notes, how "even an embodiment of male sex drive discourse that is not perceived to be coercive can act out levels of sexual urgency that provide a momentum that is difficult for a woman to stop." (2008:119) In both instances female subjects recounted instances in which they were required to physically push their partners off them in order to ensure they used protection. As Gavey notes, these two encounters are evidence of the way in which male sexual drive discourse "places the sexual needs of men as paramount" and the extent to which women's resistance must contend with the knowledge that "it would not be right or fair for a woman to stop sex before male orgasm." (121)

What Gilmore's analysis also elides is the way the hydraulics of entitlement arises, not by simple unmediated mechanism, but in conjunction with the architecture of masculine invulnerability. He recognizes that 'most men reject' their 'driving need' for women 'as both unworthy or dangerous,' (Cf. 9) or that man's hostility stems from a "basic discomfort about his passionate desire for woman in all her guises." (204) However, this 'basic discomfort' requires, to Gilmore's mind, little critical interrogation or cultural interpretation beyond an appeal to fluid mechanics. Gilmore is skeptical of the "idea that misogyny is a by-product of the culture of manhood," (173) and, having reductively equated cultural masculinity with machismo, observes that many peace-loving non-warrior societies, such as the Nepalese Hindus, or Buddhists, still exhibit "*horror mulieris* in one form or another." (174) It is this affective imaginary dimension of misogyny that also leads Gilmore to dismiss feminist analysis, claiming that there is no logical reason why "a political ideology of male supremacy should necessarily include magical elements, a terror of the vagina...phobias about mermaids...and concepts of pollution and contagion." (180) Misogyny is, he asserts, an "irrational emotionality," and is hence distinct from "the simple expediency that characterizes political oppression." (181) The consistent contours of misogyny – the "repetitive emotional complex in so many males" – clearly points, rather "to some psychogenic factor above and beyond the vicissitudes of social context or environment." (219)

The first observation to make here is that cultural masculinity is not merely machismo. As Robert Brannon famously outlined in the opening essay of *The Forty-Nine Percent Majority* (1976), the male sex role can be understood as consisting of four principal

dimensions: 1) ‘No Sissy Stuff,’ or the repudiation of the feminine, 2) ‘The Big Wheel,’ or the need to achieve success, status and respect, 3) ‘The Sturdy Oak,’ denoting a mental and physical toughness born of confidence, self-reliance and courage, and finally, 4) ‘Give’em Hell,’ which concerns the manly projection of aggression, violence or risk-taking. (Brannon 1976) Only this last dimension corresponds to Gilmore’s reading of cultural masculinity as the type of machismo found in warrior-societies, but we may well imagine that the pacifist culture of, say, Nepalese Buddhist monks, is nonetheless committed to the equally masculine virtues of self-possession, or the meditative mastery of turbulent feminine emotionality. In contrast to Gilmore’s reduction of masculinity to machismo, I would argue that Brannon’s dimensions are threaded together by the imperative of sovereign invulnerability. This is most evident in two of the four facets; the repudiation of the feminine, which includes, most critically, the injunction against exhibiting emotions suggesting vulnerability¹² or tenderness, and relatedly, the pressure to assume a pose of tough – impermeable even – self-sufficiency.¹³ As we have explored, however, sovereign self-positing – with its denial of dependency and urge to establish itself as absolute – is also implicated in mechanisms of domination, manifested through displays of aggression and the pursuit of superior status. What, after all, is ‘the fight to the death for pure prestige’ if not an exhibition of machismo in the service of swaggering superiority?

¹² In his analysis of the central tenets of what he calls ‘The Guy Code’ Michael Kimmel notes that the development of an acceptable masculinity requires boys “suppress all the feelings they associate with the maternal – compassion, nurturance, vulnerability, dependency.” (Kimmel 2008:52)

¹³ These two facets of cultural masculinity are organized around the binary of softness/ permeability vs. hardness/impermeability and hence represent the two aspects of an ontology of sovereign integrity, viz., the feminine as that which needs the external/allows the outside in, and the masculine as that which does not.

Contra Gilmore, therefore, there is actually a connection between the political organization of male dominance and the masculine imaginary's anxiety about the threat of invasion, contagion or pollution. That connection is to be found in what Beauvoir, we will recall, called the 'existential infrastructure' of masculinity; the mechanism of sovereign self-positing, impelled, I have argued, by the disavowal of vulnerability implied by both constitutive relation, and ongoing relational need. The masculine subject's pose of sovereign self-sufficiency is, we have seen, implicated in men's refusal to assume responsibility for their own desire, which is frequently regarded as visited on them as if from outside, emanating from its object, and often, literally or figuratively, getting under their skin. We have considered the way that this experience of heteronomous desire gives rise to a dilemma, a felt torsion between the sovereign imperative of autonomy, and the possibility of intimacy or sexual satisfaction. This dilemma, I have argued, is often resolved by constructing penetrative intercourse as an act of possession, an moment of potential vulnerability converted into all-conquering-potency. And it is the determination to enforce this resolution of the tension between need and invulnerability, and not the evolved hydraulics of desire, which best accounts for the prevalence of masculine sexual entitlement, the conversion of women into appropriable object, property, or resource, and the blinding specular rage that ensues when women refuse to comply with such carefully crafted conceits.

Paradise Lost

In addition to gesturing at the literal pressure exerted by desire, Gilmore account of men's 'basic discomfort' with their longings also draws on that great model of intra-

psychic hydraulics, psychoanalysis. Rather than looking to cultural or political interpretations of masculinity formation, we should rather, Gilmore suggests, focus on “psychogenic factors,” (219) the “unconscious feelings of discomfort” that desire, or rather, libido, “prompts on behalf of the superego.” (203) The influence of this Oedipal account of the tension between desire and super-egoic injunction surfaces also in Gilmore’s reading of the misogynist’s regressive anxieties. The trope of the *downfall*, he suggests, signals surrender to the “universal” siren call of the “prelapsarian world of infancy,” (159-60) the longing for the ‘limitless’¹⁴ Edenic narcissism in which mother and child were merged,¹⁵ and need and its satisfaction precisely coincided. In this state, before emerging self-awareness brought desire and pain into the world,¹⁶ there was no wanting, tension, pressure or frustration. The imaginary of primary narcissism is of, Margaret Whitford notes, “an ideal sense of well-being” in which “one knows nothing of need but, being ignorant of one’s real dependence, feels autonomous and omnipotent.” (Whitford 2003:30)

According to classical psychoanalysis the boy’s Oedipal task is to drag himself – or rather, be dragged¹⁷ – out of the warm, ‘oceanic’ immersion in the mother in order to achieve rigorous self-delineation. This process of ‘differentiation’, or ‘separation-

¹⁴ “The original sense of oneness was seen as absolute, as ‘limitless narcissism.’” (Benjamin 1988:47)

¹⁵ “A child of either gender is born originally with what is called a “narcissistic relation to reality”: cognitively and libidinally it experiences itself as merged and continuous with the world in general, and with its mother or caretaker in particular.” (Chodorow 1989:102)

¹⁶ It is notable that The Fall – the development of self-awareness, figured paradigmatically as the emergence of sexual shame – is said to result from eating the fruit of ‘the tree of knowledge of good and evil.’ (Genesis 2:17) That is, the Bible clearly links self-awareness, and the emergence of need, with the cognizance of difference, although that difference is always already understood as a hierarchical polarity.

¹⁷ The extent to which the Oedipal paternal injunction corresponds to a process of forcibly extracting the male child from a place of dark, regressive, security is clearly reminiscent of the way Plato’s prisoner is dragged from the ‘womb’ of the cave in the course of the philosopher’s education and ascent towards ideality.

individuation,' is, Nancy Chodorow observes, an "essential early task of infantile development," and involves the "development of ego boundaries (a sense of personal psychological division from the rest of the world) and of a body ego (a sense of the permanence of one's physical separateness and the predictable boundedness of one's own body, of a distinction between inside and outside)." (Chodorow 1989:102) This concept of the subject qua spatial integrity is, our analyses have suggested, inherently defensive. The emerging ego, like Parmenidean Being, is 'fenced about,' and bounded, "symbolized in dreams," Lacan would claim, "by a fortress." (Lacan 1977:5) In *The Bonds of Love*, her classic study of the psychoanalytic roots of domination, Jessica Benjamin observes the way in which the Freudian account of individuation conceives it as a "process of disentanglement," rather than a developing state of intersubjective "balance,"¹⁸ (Benjamin 1988:46) a consequence, I would argue, of understanding the subject according to the logic of sovereign impermeability. As suggested by Keller's notions of the 'soluble' and the 'separative,' the psychoanalytic self can exist in only one of two opposed states, *either* entirely merged, *or* absolutely separate. As such, it casts "experiences of union...and self-other harmony as regressive opposites to differentiation and self-other distinction." (Benjamin 1988:46-47)

Classical psychoanalysis thus takes for granted that individuation, and according to Benjamin's Hegelian-inflected reading, the subject's quest for recognition, cannot be achieved within the mother-child dyad. It assumes that "two subjects alone could never

¹⁸ Psychoanalysis defines "differentiation not as a tension or balance, not in terms of mutual recognition, but solely as the achievement of separation: as long as the boy gets away from the mother, he has successfully become as individual." (Benjamin 1988: 165-6) "Separation takes precedence over connection, and constructing boundaries becomes more important than insuring attachment." (170)

confront each other without merging, one being subordinated and assimilated by the other.” (Benjamin 1995:96) The Oedipus complex is thus posited to “organize[s] the great task of coming to terms with difference,” and to foster the child’s evolving awareness of the existence of others, and “an eternal reality that is truly outside of his control.” (1988:140) The supplanting of the child’s narcissistic omnipotence – his transition from dissolute pre-Oedipal pleasure to the hard fact of limitation – is achieved through the imposition of the law of the father, the paternal injunction which breaks the maternal-infant dyad and accomplishes the task of “bringing the child into reality.” (1995:96)

For the male child this break has two critical moments – the repudiation of the maternal feminine, and the transferal of identification to the phallic power of the father, which, Benjamin notes, “represents freedom from dependency on the powerful mother of early infancy.” (Benjamin 1988:95) The paternal injunction, the “oedipal structure of subordination to paternal authority,” (Benjamin 1995:96) is famously – and somewhat cryptically – portrayed by classical analysis as enforced through the threat of castration. This notion becomes more readily comprehensible however, if we follow Benjamin’s suggestion that the phallus represents the achievement of individuation wrought from the threat of archaic maternal dependency. The ‘castration anxiety’ that impels the male child toward the father thus names the psychosocial tension associated with an incomplete incarnation of masculine *independence*; the penalties the growing boy incurs for failing to cleanse himself sufficiently of ‘sissy stuff.’ The threat of castration is the threat of social emasculation if one does not learn to abide by the imperative of sovereign invulnerability.

The Oedipus complex is thus organized around the opposition between the “progressive, oedipal father and a regressive, archaic mother,” (Benjamin 1988:146) and accordingly gives birth to two psychic structures. The ‘ego-ideal’ – named by Freud as ‘heir to our narcissism’ – is the remaining “locus of the child’s desire for omnipotence and aspirations to perfection,” (148) while the ‘super-ego’ – or ‘heir to the Oedipus complex’ – is tasked with maintaining the subject’s hard-won delineation. As Benjamin observes, the “superego represents the paternal demand for separation, and the ego ideal represents the goal of maternal oneness.” (149) The Oedipal achievement of individuation is, however, precarious. The lure of primary narcissistic union – the total, tensionless fulfillment of the pleasure principle – is thought to exert a continual and “profound psychological force.” (174) For men, Gilmore suggests, the “sensual impulse,” the “vulnerability to sensuality itself” is experienced as inherently “regressive,” suggestive of “going back in time, devolving...returning to a prior, formless, childlike state.” (2001: 140) Such sensuality, inextricably bound to the memory of the mother, is linked to an “inherent *vulnerability* within the male psyche, a specifically masculine susceptibility” conceived as a “lingering residue of femininity *within* the man.” (140) And it is for this reason, Gilmore would suggest, that men’s libidinal desires prompt profound “unconscious feelings of discomfort...on behalf of the superego.” (203) Both “femininity and narcissism,” Benjamin observes, are “twin sirens calling us back to undifferentiated infantile bliss.” (1988:147)

And so the figure of the mother is merged with the figure of the lover. Just as with the object of adult desire, “the opening to the mother,” Irigaray writes, “appears as threats of contagion, contamination, falling into sickness, madness, death.” (Irigaray 1993/1987:15)

If “the father did not intervene to sever this uncomfortably close link” between the male child and “the original matrix,” she continues, “there would be a danger of fusion, death, lethal sleep.” (14) The threat posed by the regressive force of this original identification, makes of the mother – as of the lover – a monster. She is a “devouring mouth,” (16) “dreaded...over-whelming and tantalizing,” (Benjamin 1995:99) a “toothy or engulfing vagina” as “ferocious as the boy’s unsatisfied desire.” (100) As symbol of the “early, primitive gratifications that must be renounced,” (Benjamin 1988:159) she becomes an index of insatiable orality, and the vertiginous, destructive depths to which desire will drag an unsuspecting self. In the Oedipal imaginary the “mouth cavity of the child” becomes, Irigaray writes, “a bottomless pit,” an “unquenchable thirst,” the need to be filled “to the brim.” (1993:15-6) If the fledgling self is to emerge unscathed, both the omnipotent devouring mother, and the child’s insatiable orality, must be rigorously resisted. Given the mother/lover’s tantalizing power, only an “equally omnipotent father appears strong enough to counteract this regressive urge” and safely deliver “the child to the reality principle.” (Benjamin 1988:174)

The Culture of Narcissism

This story of the child’s deliverance from the regressive clutches of the mother has been told and retold. (Cf. n.20) While Freud chose the Oedipus myth to illustrate the male child’s psychosexual conflicts, the resolution of the complex is more accurately rendered by the *Oresteia*’s depiction of, as Janine Chasseguet-Smirgel observes, the “subordination of the chthonic law of subterranean maternal powers to celestial Olympian law.” (1989:28) The judgment of Athena, absolving Orestes of the murder of his mother, and

converting the chthonic furies, and their demand for blood-justice, into the kindly Eumenides, is commonly understood as the founding gesture of civilization – the imposition of juridico-political order on the savage ways of wild women. Athena¹⁹ is, famously, the most masculine of goddesses, born fully formed and armed to the hilt,²⁰ she burst forth from her father’s head after he had ingested her mother Metis. Her casting vote in favor of Orestes is given, Athena explains, because “[n]o mother gave me birth,” and she is therefore inclined to uphold “the father’s claim / And male supremacy in all things.” (Aeschylus 1956:736-738) Thus, Irigaray notes ruefully, “the murder of the mother is rewarded by letting the son go scot free, by burying the madness of women – and burying women in madness – and by introducing the image of the virgin goddess, born of the Father, obedient to his laws at the expense of the mother.” (1993:13)

The story of Orestes’ acquittal is then both, and at the same time, an account of imagined social transformation, and individual psychogenesis. The trial institutes the principle of communal justice, “the lasting bonds of law” over the individualist “shackles of the primitive vendetta.” (Fagles 1977:22) But this transition – called by Freud, in *Civilization*

¹⁹ Athena’s legend is intertwined with that of Medusa, whose severed head was embossed upon her shield. According to tradition, it was Athena who turned Medusa into a Gorgon as punishment for her rape by Poseidon, and it was Athena who gave Perseus the polished specular shield which deflected/reflected Medusa’s petrifying gaze and enabled him to remove her head. Perseus’ murder of Medusa is an archetypal instance of the young male warrior’s victory over the monstrous feminine, as found also, for example, in the Babylonian creation myth’s depiction of Marduk’s defeat of the sea-serpent, and primal ocean goddess, Tiamat. Perseus, and Athena with whom he is linked, thus represent the ascendancy of paternal law over the forces of chthonic feminine chaos, and, following Freud’s famous footnote, the threat of emasculating castration – or pre-Oedipal disintegration – represented by devouring Gorgon femininity.

²⁰ Like the ‘virgin goddess’ Athena, the power of Joan, Maid of Orleans, is also linked to her repudiation of the feminine, signified by her virginity, and her martial costume. For Dwokin, the armor, which “closed off” Joan’s body and rendered her sexually “inaccessible” (2007:126) was the basis of her “autonomy” and “intransigent self-definition.” (105) An impenetrable shell which asserted “that which was fundamental but had not yet been claimed by any woman... the right to physical privacy... essential to personal freedom and self-determination.” (128) Notably, the sovereignty enacted by Joan’s armored body is linked to Joan’s status as “the first French nationalist, a military liberator of an occupied country that did not yet see itself as she... militantly saw it – as a... *unity that must repel foreign domination.*” (103; my emphasis)

and its Discontents, “the decisive step of civilization”²¹ – is achieved, as we have seen, by explicit maternal repudiation, and a process of juridical accounting which values only the crime against the father, and not the murder of a daughter or a mother. Just as the Oedipal resolution marks the transition from primitive maternal dependence to identification with the father’s sovereign law, the *Oresteia* can be read also as representing the movement “from a matriarchy to a patriarchy...equivalent to the subordination of material...to spiritual principles.” (Chasseguet-Smirgel 1989/1986:28) Such an interpretation is supported by Freud’s almost parapraxical observation that insight into the pre-Oedipal life of the child “comes to us as a surprise, like the discovery, in another field, of the Minoan-Mycenean civilization behind the civilization of Greece.” (Freud 2001d/1931:226) But this is not just ancient history. “Our society and our culture” are, Irigaray tells us, founded on “the basis of an original matricide,” (1993: 11) a gesture repeated, once and once again, with each encircling of a new sovereign self. “Everything described in the *Oresteia*,” she warns, “is still taking place.” (12)

Thus we arrive at the confluence between the misogynist’s regressive terrors and the fear – expressed with such brutality by Anders Breivik – that the waning of paternal authority will lead to total cultural collapse.²² The most influential modern recounting of this

²¹ “Human life in common is only made possible when a majority comes together which is stronger than the individual” in order to “set up as ‘right’ in opposition to the power of the individual, which is condemned as ‘brute force.’ This replacement of the power of the individual with the power of the community represents the decisive step of civilization.” (Freud 2001c: 95)

²² Following a week of acquisitive rioting in England in 2011, I wrote a reflection on the way this purported case of moral collapse was linked by the Prime Minister and cultural commentators with the breakdown of the nuclear family and, in particular, the absence of father-figures. This argument – which views fatherlessness as the responsibility of excessively emancipated women and a usurping ‘nanny-state’ – is predicated on the Oedipal assumption that only men, and the law they impose, are capable of taming wanton human desire and instilling morality. (Jones 2011b) One of the commentators outlining this position was Melanie Phillips, who wrote in *The Daily Mail* that, “the single most crucial factor behind all

narrative was that given by Christopher Lasch in his bestselling *The Culture of Narcissism* (1979), widely credited with popularizing the then abstruse psychoanalytic term. Lasch's account of cultural degeneration was considerably more complicated²³ than those still served up by politicians, MRAs and tabloid journalists (Cf. n.23), but it retained the hallmarks of the form. Lasch's narcissist is "[a]cquisitive in the sense that his cravings have no limits." He "does not accumulate goods and provisions against the future" but rather "demands immediate gratification and lives in a state of restless, perpetually unsatisfied desire." (Lasch 1979:xvi) His cultural landscape is marked by "the proliferation of images," "therapeutic ideologies," "the cult of consumption" (32) and "the fascination with fame and celebrity." (176) Unlike the "rugged individualist" (10) of yesteryear, who "had in himself the principle of self-government," (131) the fragile, insatiable narcissist is other-directed and concerned only with "an admiring audience." (10) And while the self-directed individual regards the world as "an empty wilderness to be shaped to his own design," the narcissist's "world is a mirror." (10) Lasch may have

this mayhem is the willed removal of the most important thing that socialises children and turns them from feral savages into civilised citizens: a father who is a fully committed member of the family unit." Notably, Phillips was quoted by Breivik in *A European Declaration of Independence*, both on the subject of the state's 'culturally suicidal' support for single mothers (Breivik 2011:368) and on immigration. Breivik in fact reproduced an entire article by Phillips on Labour's immigration policy that claimed that the then government had "been engaged upon a deliberate and secret policy of national cultural sabotage." (Breivik 2011:375-377; Phillips 2009)

²³ Lasch's version of the cultural damage wrought by inadequate paternal authority (in his version a consequence of industrialization and the farming out of family functions to various institutions of the state), does not reside simply in the father's failure to impose paternal law. The crisis is due, not so much to a simple "'decline of the superego' as to an alteration of its contents." (1979:178) Lasch contests Freud's claim that the superego is 'heir to the Oedipus complex' and it "cannot be understood to serve as the representative of established morality" as "those who see psychoanalysis as the last bastion of patriarchal morality" assume. The superego is rather an archaic vestige of the "unconscious rage of infancy" which was "directed initially against his parents...reinternalized as...domineering images of authority, and finally redirected in this form against the ego." (1984:175) The role of the real father is, therefore, to mitigate the formation of a unduly punitive superego, and his absence "allows early fantasies of the father to dominate subsequent development." (1979:175) That is, the "'decline of the superego' in a permissive society is better understood as the creation of a new kind of superego in which archaic elements predominate." (179) As Jessica Benjamin notes this schema is still dependent on the "assumption that the [pre-Oedipal] narcissistic or infantile components of the psyche are the more destructive ones" and that "psychological development is a progress away from badness" dependent on "paternal authority." (1988:138-9)

deployed a reworked account of the development of moral restraint (Cf. n.24), but the cause of this limitless voraciousness nonetheless remained changes in family structure and the diminished role of the father in “the conscious life of the child.” (176) In *The Minimal Self*, published five years after his popular polemic, Lasch underlined that the significance of “the emotional absence of the father” lay in “the removal of an important obstacle to the child's illusion of omnipotence.” (Lasch 1984:192)

While *The Culture of Narcissism* steered clear of any overt discussion of gender, its argument invokes, as Jessica Benjamin notes, a “debate over Oedipus and Narcissus” that “has an implicit sexual politics.” (1988:156) For Stephanie Engels, writing in *The Socialist Review* in 1980, Lasch’s analysis, like Breivik’s thirty years later, reflected a fear of individual and cultural ‘feminization.’ (Cf. Benjamin 1988: 156) Indeed, there is a marked resonance between Lasch’s critique of mass consumption driven by “unsatisfied oral cravings,” (33) and the misogynist’s fear of a cultural collapse precipitated by women’s sexual wantonness,²⁴ or the specious suggestion that, as Pozdnyshv claims, “all the trade in the luxuries of life is called into existence and sustained...in order to satisfy the whim of woman.” (Tolstoy 1993:84) It is indicative of the paternal schema of Lasch’s thought that he considers insatiable orality – the residue of unrestrained pre-Oedipal narcissism – to be a defining feature of a narcissistic culture, despite the fact that it features nowhere in diagnostic criteria of narcissistic personality disorder, and analytic accounts, as we will explore shortly, are, as Elizabeth Lunbeck suggests, concerned rather

²⁴ “Feminism has only concealed the nature of women. It is traditionalism that addresses the nature of women correctly, as deviant sexual beings that have an insatiable sex appetite and will manipulate everyone around them given the chance. Why do you think traditional values always restrict sex? Because it is a basic requirement of civilization and patriarchy. It allows for the advancement of civilization, so that everyone isn’t stuck in a hedonistic orgy (sexual or other pleasures).” (Futrelle 2015c)

with the “narcissist’s many refusals in the name of self-sufficiency.” (Lunbeck 2014:15) That is, she continues, “Lasch’s imperial self of yesteryear was...a clinical description of the analyst’s narcissist,” the “so-called autonomous self of Western culture...that celebrates renunciation, independence, and sovereign self-mastery.” (36)

Lasch was, however, implacably resistant to the gendered reading of his analysis. By the time of *The Minimal Self* he had apparently concluded that the “desire for complete self-sufficiency” was “just as much a legacy of primary narcissism as the desire for mutuality and relatedness,” (1984:245) and that both equally expressed the urge to “to revive the original illusion of omnipotence and deny our dependence on external sources of nourishment and gratification.” (246) He was adamant, however, that there could be no suggestion that “the qualities associated respectively with the ego ideal and the superego are assigned a gender so that feminine ‘mutuality’ and ‘relatedness’ can be played off against the ‘radically autonomous’ masculine sense of self.” (1984: 245) “[A]ll of us, men and women alike” he argued “experience the pain of separation and simultaneously long for the restoration of the original sense of union,” and it is impossible to identify “the desire to return to this blissful state” with “‘feminine mutuality’” without obscuring both its universality and the illusions of ‘radical autonomy’ to which it also gives rise, in women as well as men.” (246) The feminist critique was, he suggested, simply the dialectical reversal of the “technological project of achieving independence from nature” which “embodies the solipsistic side of narcissism.” (246) This “party of Narcissus,” (255) as he called it, “permeates not only the women’s movement but the environmental movement and the peace movement as well,” celebrating “a narcissistic symbiosis with

nature as a cure for technological solipsism,” (248) and demanding the ““resurrection of the body”” and of ““feminine’ intuition and feeling against the instrumental reason of the male.” (258)²⁵

Lasch may well be commended for belatedly recognizing self-sufficiency as an equal manifestation of narcissism, and his diagnosis of the yearning for ‘a narcissistic symbiosis with nature’ in elements of the environmental and women’s movement is not without merit. His critique, however, founders on the facile equation of narcissistic symbiosis with ‘relatedness’ or ‘mutuality,’ both of which require the apprehension of separate subjectivities *between whom* relation is enacted. Positing the feminist critique as a simple dialectical reversal of the masculine ideal of sovereign autonomy fails utterly to appreciate the extent to which feminist accounts of cultural narcissism conceive both the vision of primary narcissism, and its dialectical negation in illusions of self-sufficiency, to be products of the patriarchal metaphysics of the Same, a logic of impermeability which, as we have encountered, understands relation only according to the couplet ‘soluble’/‘absolute.’ The assertion of the need to interrogate sovereign self-sufficiency in order to allow for mutual recognition, genuine intersubjectivity, and a culture of difference rather than domination, is not a prescription of narcissistic dissolution, of

²⁵ In a chapter tellingly entitled ‘The Ideological Assault on the Ego,’ Lasch dedicates a full five-pages of his rebuttal of the feminist critique of *The Culture of Narcissism* to documenting the “shopworn slogans and platitudes” advanced by those who “blindly follow feminists in conceiving ‘feminine’ virtues as the remedy for environmental destruction, imperialism, and war.” (248) In what, according to the logic of restrained masculine locution, could be described as an almost hysterical display, he piles example after example after example. William Irwin Thompson indicts the phallic culture of industrialism that “climaxes in the technological rape of Vietnam,” (248) and Marilyn Ferguson recommends a “new sensibility” that “rests on the limits of rational thought.” (250) Mary Daly turns up to castigate “male demonic destructiveness” (249) and even Valerie Solanas puts in an appearance, with her, Lasch claims, “reductive interpretation of war” (249) as something to do with males “obsession to compensate for not being female” (249) and “inability to relate and to feel compassion.” (250) “The predicable quality of such arguments,” Lasch writes “shows how deeply psychopolitical clichés, thanks to feminism, psychiatry, and the culture of psychic self-help, have penetrated popular thinking.” (248)

mystical union or wanton gratification. It is a demand that difference be thought otherwise, and it requires what Lasch could not appreciate – an understanding that the dreaded and desired imaginary of pre-Oedipal, oceanic annihilation, may be itself a symptom of the fortifications we erect against it.

Chapter 6: Narcissism and Rape: Two Tales of a Culture

Paradise Lost?

While classical psychoanalysis posits early experience as an undifferentiated Eden, for object-relations psychoanalysis, infants are, from the first, object-seeking. (Stern 1985) The child enters the world, Jessica Benjamin suggests, “primed to be interested in and to distinguish itself from the world of others.” (1988:18) The Oedipal account, which imagines psychic development according to a hydraulic “drive-repression dynamic,” (Chodorow 1989:152) conceives the mother-infant dyad as a site of simple narcissistic gratification that must be renounced in order to enact individuation. By this reckoning, the “human subject” is a “monadic energy system,”¹ (Benjamin 1988:17) and the mother is always and only an object of libidinal cathexis, first embraced, and then repudiated, but never herself a participating subject in the relational constitution of her child. The logic of the pleasure principle understands our experience of others as a mere matter of alleviating the painful pressure exerted by our needs. By contrast, object-relations suggests that “there are no pristine drives” that are “experienced in a universal developmental sequence,” but “only an ego potential that develops in relationship,” the “environment and quality of care” providing the “context and material from which the individual forms and shapes” their “psyche.” (Chodorow 1989:149)

For object-relations psychoanalysis, therefore, the nature and development of the mother-infant dyad is of critical importance, for it is the internalization of experiences of

¹ In the “conception of the individual as a closed system...the ego invests objects with its desire and takes in these objects to further his autonomy from them.” (Benjamin 1988:49)

maternal recognition and ‘good-enough’ attentiveness that come to form the stuff of the self.² Differentiation is a process enacted through the quality of engagement. Adequate attunement is not a matter of absolute identity, and an excessively aligned, or over-involved, maternal response is experienced as intrusiveness,³ just as insufficient attention is experienced as abandonment. Through the process of acting into the world, and receiving an adequately attuned response,⁴ the child comes to understand itself as a being-in-the-world, capable of effecting change in its external environment and so able to regulate its internal states. (Cf. Benjamin 1988:27) The use of what Winnicott famously identified as ‘transitional objects’ (Winnicott 1999/1971)⁵ allows the child to map a ‘transitional’ space between itself and the mother which is “neither ‘me’ nor ‘not-me,’

² Joan Riviere, a British analyst who was an associate of Melanie Klein’s, wrote: “There is no such thing as a single human being, pure and simple, unmixed with other human beings. Each personality is...a composite structure which has been and is being formed and built up since the day of our birth out of countless never-ending influences and exchanges between ourselves and others. These other persons are in fact therefore parts of ourselves... We are members one of another... When this proposition meets with an intense emotional rejection there is clearly a direct association in the hearer’s mind of this idea with danger, as though anything inside one which is not ‘oneself’ pure and simple... must be dangerous or pathological.” (Cited Chodorow 1989:158)

³ “Infancy theorists... have argued that even at four months an attuned mother is not undifferentiated, does not create the illusion of perfect oneness... more than a midrange responsiveness constitutes not harmony but control... the metaphor of the mirror is therefore not appropriate to early mothering: mirror imitation is less satisfying than complex interaction.” (Benjamin 1995:87)

⁴ “The integration of a ‘true self’” as opposed to Winnicott’s notion of the ‘false self,’ involves “a particular set of internalized feelings about others in relation to the self. These include developing a sense that one is able to affect others and one’s environment” and “a sense that one has been accorded one’s own feelings” which “all give the self a sense of agency and authenticity.” This “sense of agency... is fostered by caretakers who do not project experiences... onto the child and who do not let the environment impinge indiscriminately” and who “understand and validate the infant as a self in its own right, and the infant’s experience as real. Thus, the sense of agency, which is one basis of the inner sense of continuity and wholeness, grows out of the nature of the parent-infant relationship. (Chodorow 1989:106)

⁵ “Of every person who has reached to the stage of being a unit with a limiting membrane and an outside and an inside, it can be said that there is an *inner reality* to that individual” but “if there is a need for this double statement, there is also need for a triple one: the third part of the life of a human being... is an intermediate area of *experiencing*, to which inner reality and external life both contribute... a resting-place for the individual engaged in the perpetual human task of keeping inner and outer reality separate yet interrelated.” (Winnicott 1999:2) Notably for Winnicott, children’s noted tendency to put things in their mouths, which could perhaps be understood as a manifestation of primary narcissistic orality, is rather an instance of transitional phenomena, of the “infant’s capacity to recognize the object as ‘not-me’” through positioning it “outside, inside, at the border.” (2) Moreover, Winnicott underlines “*there is no noticeable difference between boy and girl in their use of the original ‘not-me’ possession.*” (4)

where there is neither merging nor insistent separation.” (Chodorow 1989:152) Both adequate attunement, and the exploration of transitional phenomena, support the child in their developing grasp of the distinction between internal states and external reality, while also maintaining a sense of interrelation, and thus allow “the individual to maintain a more permeable boundary and enter more readily into states in which there is a momentary suspension of felt boundaries between inside and outside.” It is these experiences in which “separateness and union are reconciled”⁶ that, Benjamin argues, “underlie[s] the most intense experience of adult erotic life,” (1988:29) while by contrast, the “failure of early mutuality seems to promote a premature formation of the defensive boundary between inside and outside.” (28) Indeed, as Chodorow observes, the experience of “[e]xternality and internality” does not simply “follow easily observable physiological boundaries” but is “constituted by psychological and emotional processes as well.” (1989:106)

While these ‘psychological and emotional processes’ are significantly informed by the pre-Oedipal experience of attunement within the mother-infant dyad, the narcissistic development of excessively defensive boundaries also requires an “explanation...which goes beyond the mother’s response to her child, beyond the individual level.” (Benjamin 1995:95) This, I would suggest, is to be found in the imaginary of sovereign integrity and the Oedipal imperative of sovereign invulnerability, the demand that the male child

⁶ It is important to understand ‘reconciled’ here as something other than merging, as it is easy, given the dominance of spatialized logics of the Same, to understand a ‘reconciliation of unity and difference’ as a sublation in which difference is ultimately gathered into unity, rather than a state in which both unity and difference interpenetrate without merging.

repudiate all that dependent, softening, ‘sissy stuff,’⁷ and incarnate the hard, impermeable shell of a properly masculine self-sufficiency. The child receives this imperative as the requirement to shift his identification from the mother to the father, whose phallus stands, in the words of Bela Grunberger, as a symbol of “wholeness and integrity...a narcissistic indicator par excellence.” (Cited Whitford 2003:31) This Oedipal demand is socially (re)enforced – by ritual male initiation, by removing young boys from their mothers and packing them off to cold, comfortless institutions and by the ever-present threat of social emasculation should a male child fail to strike the appropriate pose of confident, self-possessed insouciance. It is a demand that functions by splitting the world in half, parceling every aspect of emotional experience, activity, or bodily comportment into blue and pink portions, converting them into a hierarchical polarity, and insisting, on pain of ridicule, ostracism or violence, that every single person must be either/or. Were such a state one that just effortlessly unfolded, there would seem to be no need for quite such stringent color-coding.

The Oedipus complex is alleged to organize the great work of differentiation, but, under its aegis, the “two central elements of recognition – being like and being distinct – are split apart.” Rather than “recognizing the other who is different, the boy either identifies or disidentifies,” and the wholesale repudiation of the mother reduces the process to “a one-dimensional identification with likeness.” (Benjamin 1988:170) Just as political sovereignty is organized around the friend/enemy distinction, the development of

⁷ “Researchers find...that fathers sex-type children more than mothers. They treat sons and daughters more differently and enforce gender role expectations more vigorously than mothers do. Boys and men come to deny the feminine identification within themselves and those feelings they experience as feminine.” (Chodorow 1989:109)

sovereign masculinity is structured through a process of purification, polarization and projective identification in which the masculine 'I' is radically demarcated from the feminine 'not-I.' According to this schema the feminine exists only as a negative, just as, by the logic of phallic monism, woman is an absence, a zero to the phallic One. Thus, while Oedipus is traditionally thought to mark the child's newfound acceptance of limitation – the accommodation of his infantile omnipotence to the reality of paternal law – it actually, Benjamin writes, “harbors the...narcissistic omnipotence of being ‘the one and only.’” (1995: 104) When what the child “gives up is turned into ‘nothing’” and “the father with his phallus is turned into ‘everything,’” (103) the “solipsistic omnipotence of the single psyche” (1988:46) is magically restored. The Oedipus complex, Benjamin notes, “undoes the very difference...it purports to consolidate.” (159)

The Oedipal transition, founded on a spatialized logic of impermeability that posits relation as *either* dissolution *or* absolution, thus enacts a movement from the narcissistic omnipotence of oceanic immersion to the narcissistic omnipotence of sovereign self-sufficiency. Freud thought the repudiation of femininity was “nothing else than a biological fact” (Freud 2001f/1937:252), a ““natural scorn”” which “originated” in women’s “lack of a penis.” (Chasseguet-Smirgel 1989/1986:23) And while it is now more commonly read as resulting from the boy’s need to develop a gender identity in opposition to, rather than in continuity with, his primary carer, this account still begs a question about the character of that opposition. The “son's male core gender identity,” writes Chodorow, must develop “away from his mother,” and “as a result, becomes based on a more fixed ‘me’ ‘not-me’ distinction” in which “[s]eparateness and difference as a

component of differentiation become more salient” than for the girl. (1989: 110) In the context of a compulsory heterosexuality that always already defines masculine gender identity as a repudiation of the feminine, it is impossible to know to what extent this increased salience is itself produced by rigid gender demarcation. But even assuming the ‘core’ nature of male gender identity conflicts, and the male child’s amplified need to distinguish himself from the mother, these conflicts do not necessarily have to be played out according to a logic of impermeability, such that renunciation of elements of maternal identification harden into thoroughgoing repudiation.

Rather, if, as object-relations psychoanalysis suggests, the development of selfhood does not critically depend “on the strength and impermeability of ego boundaries,” (110) then one suspects that the particular psychological salience of sexual difference for men has been “transmuted into a conscious cultural preoccupation with gender difference.” (112) One which has “become intertwined with and...helped to produce more general cultural notions,” particularly regarding the assumption that “individualism, separateness, and distance from others are desirable and requisite to autonomy and human fulfillment.” (12) Such an “interpretation of difference” is then, Chodorow maintains, “imposed on earlier developmental processes” and is not itself “the deepest, unconscious root of either the female or the male sense of gendered self.” (111-12) Because “men have power and cultural hegemony in our society” she continues, they “have the means to institutionalize their unconscious defenses against repressed yet strongly experienced developmental conflicts.” (111) This institutionalization is instantiated in the imperative of sovereign invulnerability, imposed on developing boys as the repudiation of femininity, and

culturally disseminated in the idealization of the many tropes of sovereign integrity – the valorization of the masculine virtues of independence, self-sufficiency and rational autonomy over against their inferior feminine other.

There is wide theoretical agreement that this defense is erected in response to the narcissistic wound of vulnerable infantile dependence. The child's maternal repudiation and transferal of identification to the ideal of phallic sovereign integrity serve, Benjamin asserts, to "defend against feelings of helplessness." (1988:103) The "original threat" to the child, she argues, "is not castration by the father but narcissistic injury in relation to the mother," (1995: 83) and the "identification with the father functions as a denial of dependency," the "father's phallus" symbolizing "the wholeness and separateness that the child's real helplessness and dependency belied." (1988: 171) Thus, the erection of phallic integrity, and the figuring of femininity as absence, enacted by Freud's theory of "sexual phallic monism" functions, Chassegeut-Smirgel argues, to "eradicate a narcissistic wound" that "springs from the child's helplessness, a helplessness which makes him completely dependent on his mother." (1989:20)

The reduction of the mother to naught, the gesture of psychogenic and cultural matricide buried beneath the edifice of sexuo-metaphysical polarity, is an assertion of illusory invulnerability over against the reality of constitutive and ongoing relational dependence. It is a gesture that constructs the masculine imaginary according to a logic of likeness, a fantasy of self-sufficiency by which the narcissistic sovereign subject denies its debts to the material and emotional matrices which sustain it. In so doing, Irigaray asserts, the

“father refuses to allow the mother her power of giving birth” and “seeks to be the sole creator.” He “drills a hole through the female womb and the place of female identity. A stake, an axis...to mark out the boundaries of the sacred space,” (1993:16) transforming the phallus “into an instrument ...with which to master maternal power.” (17)

As we have seen, more traditional psychoanalytic accounts have used this power – embodied in the figure of the devouring archaic mother – as explanatory of the psychogenic necessity of the repudiation of the feminine. According to Chassegeut-Smirgel, the construction of woman as phallic-lack is “*exactly the opposite of the primal maternal imago,*” (1989:20) and woman, in her everyday existence, consistently “comes up against the very concrete fact that fear of the primitive mother prompts men and women to control the female powers and accord inferior status to women.” (4) As Benjamin notes, Chassegeut-Smirgel “accepts the transfer of power to the father as the only means by which the child can free him or herself from helpless subjection to the omnipotent mother.” (1995:83) According to the imaginary of primary narcissism, “nothing seems more logical than the theorem that the mother’s power over her dependent infant directly necessitates male dread and retaliation.” (105)

Both Irigaray and Benjamin however, advance an account of primary narcissism as phantasy – an effect produced according to the logic Derrida named auto-immunity, or Freud understood as *Nachträglichkeit*. “The threat which the original sense of bodily continuity poses to male identity,” Benjamin writes, “remains...the unassailable explanation for male fear and dread of woman,” but she notes, this cannot account for the

“persistence of this threat once masculine identity is consolidated.” (1988:175) Rather, it is the defensive nature of identity consolidation that itself produces the persistence of the threat, and, indeed, the very perception of threat in the first place. This experience of maternal danger, produced by excessive defensiveness, is then “projected retroactively upon the primitive relation to the mother’s body,” (Irigaray 1993/1987:13) and posited as the reason for the defense’s own development. The threat of the feminine is not the cause of maternal repudiation and masculine self-sufficiency. Rather, just as with the misogynist’s projection of his own desire, the imperative of sovereign invulnerability generates the perception of woman as heteronomous threat.

The reason for this is that the sovereign demand of maternal repudiation forecloses the male child’s identification with the mother, forestalling the process by which her containing presence is internalized, and, furthermore, issuing an injunction against drawing on the internal nourishment it should offer. The ability to tolerate frustration, disappointment and loss, to weather the discomforts of unsatisfied desire, circumstantial hardship, or even freely chosen challenge, is an artifact of an adequately internalized, and easily accessible, maternal imago. We have to learn to hold ourselves. Resilience resides in the capacity to self-soothe, comfort and contain – to respond to ourselves with the attentive and encouraging appreciation we should have learnt, if everything was ‘good-enough,’ from our first relation. The imperative of sovereign invulnerability, received as an injunction against feminine contamination, strips the boy of a “usable maternal identification,” (Benjamin 1988: 173) blocking his access to internalized nurturance, and

leaving him, “lonely, debased, and uncontained.” (1995:100) When “identification is foreclosed,” Benjamin notes, “the result is a more frightening loss.” (99)

Within a schema that understands defensive repudiation as the means to stave off vulnerability, the response to amplified loss is to redouble defense. The imperative of sovereign invulnerability vitiates the self’s emotional resourcefulness, fostering rigidity over resilience, and thereby produces exactly what it is purports to counter – increased emotional vulnerability and dependence. The “denial of the need for nurturance” Benjamin writes, “takes a tremendous toll on those who live by it.” (1988:178) The inability to access “the source of goodness inside,” produces a self that “can neither soothe” itself “nor find a way to communicate” its “needs,” (173) and this in turn creates a “new kind of helplessness... which has to be countered by a still greater idealization of control and self-sufficiency.” (174) The child becomes trapped inside the vicious circle of sovereign self-fortification. Rather than developing emotional self-holding, further frustrations serve only to “intensify rather than dissolve omnipotence” (99) and he becomes ever more disconnected from his own emotional landscape. Dreaming of glory, he indulges in grandiose fantasies of gratuitous acquisitions⁸ that will compensate for his own lack of resources. “The boy who has lost access to inner space” Benjamin notes, “becomes enthralled with conquering outer space.” (163)

Trying to maintain a pose of invulnerability in the face of such emotional destitution is trying indeed. The slightest sense of nourishment becomes both a threat and an

⁸ “I began to feel hopeless, until I saw the current jackpot for the Megamillions Lottery...I believed that it was destiny for me to win the Megamillions Lottery, particularly this very jackpot...I was meant to live a life of significance and extravagance. I was meant to win this jackpot. It was destiny.” (Rodger 2014a:104)

irresistible enticement – a siren song luring the self towards the rocks upon which its sovereignty will shatter. The identification of “maternal power, the phallic mother, as an ensnaring net” writes Irigaray, “occurs only as a defensive mesh that the man-father or his sons casts over” the gaping absence of internal sustenance, “the chasms of a silent and threatening womb.” (1993:16) It is “certain...assumptions about dependency” Benjamin concurs, that “serve to reencode the lost mother as a dangerous other.” (1995:88) A “seductive threat to autonomy” (135) whose “nurturance threatens to re-engulf him with its reminder of... dependency” and who must be “countered by his assertion of difference and superiority.” (1988:162) The “more violent the repudiation” she continues, the “more dangerous and tempting it begins to appear.” And so the twin-image of the devouring mother, and of narcissistic bliss, accrue the enduring power that “repression confers upon a forbidden wish.” (176) The vision of “perfect oceanic symbiosis” is a “reading backwards through the lens of loss...which generates the wish for omnipotence and the projection of the longing for a symbiotic oneness with the mother.” (1995:87) “Isn’t...all this wrestling (corps-à-corps) with the mother,” Irigaray concludes rhetorically, “part of a...phantasy projected backwards onto the Oedipal phase?” (Irigaray 1993/1987:13)

The Culture of Narcissism

According to this account then, the etiology of societal narcissism is precisely the inverse of that outlined by Lasch, who, we will remember, was concerned with the nefarious social effects of an insatiable orality stemming from the failure of the paternal Oedipal injunction to arrest the child’s primary narcissistic omnipotence. By contrast, Benjamin and Irigaray suggest that it is the repudiating Oedipal injunction itself, which, in erecting

the ideal of masculine self-sufficiency and vitiating the child's access to internalized nurturance, retroactively produces the longing for narcissistic merger and the maternal imago as overwhelming seduction and threat. Moreover, the masculine imaginary's failure to understand individuation as separation-in-relation rather than separation-by-repudiation serves to secure, rather than undermine, the production of subjectivity as, in Benjamin's words, the "solipsistic omnipotence of the single psyche." (1988:46) To borrow a formulation from Nancy, we could say that the Oedipal injunction functions to replace the postulated experience of the 'One-All' with a subject structured according the principal of the 'One-Me.' (Cf. Nancy 2000:92)

As Elizabeth Lubeck indicated, this formulation of the subject as the 'One-Me' bears a much closer resemblance to the analyst's understanding of the narcissistic personality than Lasch's caricature of insatiable orality. Narcissism is the psychological modality of the logic of sovereign integrity and the conceit of sovereign self-positing we encountered in our engagement with Beauvoir. Like the combatants in the Hegelian fight-to-the-death, narcissists, writes Daniel Shaw, "seek hegemonic subjectivity, the opposite of intersubjectivity," (Shaw 2014:xv) and their relations are characterized by the refusal of "mutual recognition." (3) Analytic accounts of narcissism moreover support our suggestion that the etiology of sovereign self-positing is to be found in an imperative towards invulnerability, particularly in that narcissistic defenses are, as Arnold Modell notes, "supported by a fantasy of grandiose self-sufficiency" which "permit...patients to maintain the illusion that they need nothing from others, that they can provide the source of their own emotional sustenance." (Modell 1975:275-276) Moreover, he continues, in a

manner reminiscent of Lacan's description of the generic structure of the ego, narcissistic patients "describe themselves as encased in a 'plastic bubble'" or "a cocoon" that "provides sustenance for its occupant and protects it from the dangers of the environment; it is like a fortress which nothing leaves and nothing enters." (276)

There is then a marked assonance between analytic accounts of unhealthy narcissistic defense and the conceit of sovereign integrity which, as we have explored, characterizes Western notions of the working of semantic signs and states, the legitimation of political power and property right, and our understandings of the very basis of what constitutes a person. This is the sense in which Margaret Whitford argues that Irigaray's analysis of Western culture as founded on an economy of the same can be read as "delineating a cultural pathology of narcissism," (Whitford 2003:27) in which "man, via the representations of the masculine imaginary" is able to disavow the narcissistic wound of original constitutive vulnerability and "projects the wound onto the woman in order to deny need and dependence, protecting – more or less successfully – his own narcissism." (30) Moreover, if it is the case, as I have argued, that the logic of sovereign integrity is implicated in constructing heterosexual interaction in the modality of appropriation in order to protect male narcissism from the vulnerability of desire, then there is reason to think that there would be a coincidence between a 'cultural pathology of narcissism' and a culture which fosters sexual violence. That is, there is reason to think that a culture of masculine narcissism would also be a rape culture.

Masculinity, Narcissism and Rape

Given that rape is an empirical phenomenon, and has been subject to extensive empirical investigation since the early eighties, it would be remiss to make theoretical claims about the relationship between cultural masculinity, narcissism and rape without examining the social psychological literature on the variables impacting rape-supportive attitudes and the commission of sexual violence. The first point to be drawn from this work is that there is ample evidence that men's beliefs about rape, about men and women's proper roles, and about the nature of sexual interaction, all have significant effects on men's reported likelihood of raping or reported histories of sexual aggression. That is, contra Thornhill and Palmer's axiomatic attempt to naturalize sexual violence, the evidence suggests that individual men's propensity to rape is linked to their holding beliefs which "*serve to deny and justify male sexual aggression against women,*" (Payne et al. 1999:29) and which are in turn related to their views about the adversarial nature of sexual relationships, the acceptability of interpersonal violence and their hostility to women. That is, rape is not a purely natural phenomenon and is impacted by attitudes which are disseminated at the level of culture. This is primarily the sense in which feminists talk of our living in a rape culture.

The theoretical and empirical analysis of the existence of rape culture is undertaken in more detail in Appendix I. My interest here is to press against the question of the extent to which empirical evidence supports our suggestion that masculine narcissism impelled by a sovereigntist imperative is an important factor informing rape-supportive attitudes and the commission of sexual violence itself. As Hill and Fischer noted in 2001, early

research into the cultural support of rape focused largely on establishing the correlation between rape-supportive attitudes and sexually aggressive behavior, and on the “relation of masculine gender role socialization with rape-related behaviors and attitudes” but gave little attention to “what it is, specifically, about masculinity variables that predicts sexually assaultive behaviors and rape supportive attitudes.” (Hill and Fischer 2001:39)

For instance, one of the most influential models developed during the nineties, Neil Malamuth’s ‘Confluence Model,’ posited that sexual coercion arises from the intersection, or ‘confluence,’ of two pathways – a) an ‘Impersonal Sex/Sexual Promiscuity’ pathway, with an etiology in delinquency stemming from abusive childhood experiences, and b) a ‘Hostile Masculinity’ pathway, responsible for determining “whether a high level of sexual promiscuity leads to sexual aggression.” (Malamuth, et al. 1991:672) Malamuth’s early work suggested to him that his previous assumption that hostility was itself a function of delinquency and childhood trauma was not supported by the evidence, noting that hostile masculinity may be “less a function of the home environment and delinquency” and “may be better understood in the context of the macrosystem or cultural factors.” (679-680) He also rejected the suggestion that sexual aggression could be accounted for by a “sociobiological model,” observing that, were it merely an outcome of an invariant “drive to control” or a “simple sex-drive explanation” then “hostile masculinity would have no effect mediating promiscuity into coercion.” (680)

There is however, a degree of opacity about what ‘Hostile Masculinity’ exactly consists of, the nature of its determinations, and how it relates to more general ‘masculinity

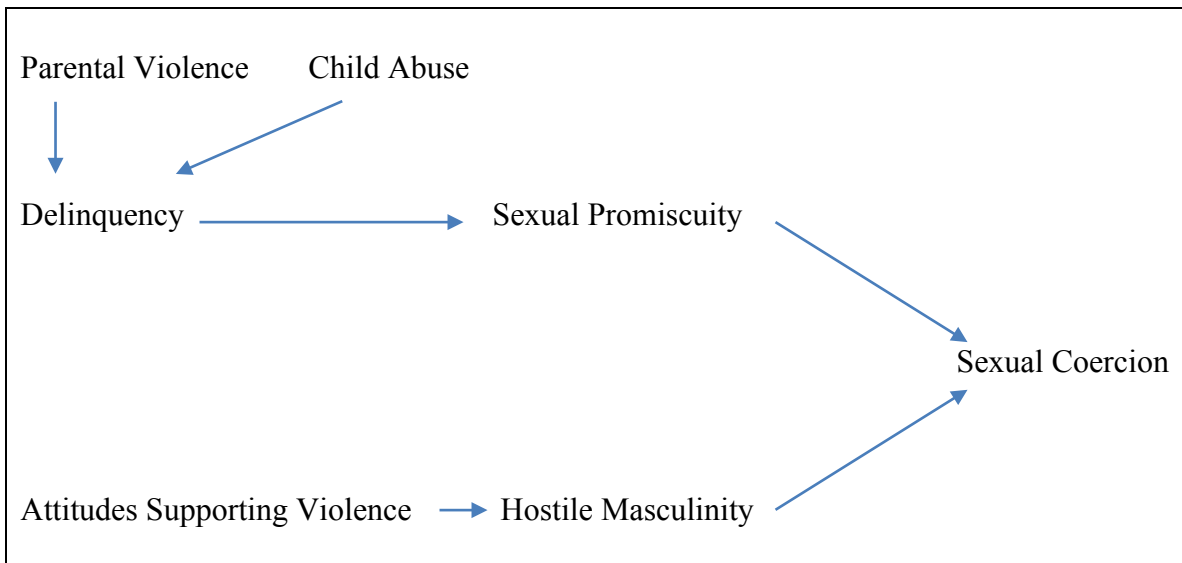


Figure 5: The Confluence Model of Sexual Aggression

variables.’ In the 1991 study that first tested the confluence model, the ‘hostility pathway’ was assessed using five instruments. It was hypothesized and confirmed that ‘Hostile Masculinity’ would be predicted by ‘Attitudes Supporting Violence,’ and these were assessed using Burt’s 1980 *Rape Myth Acceptance Scale (RMA)*, *Acceptance of Interpersonal Violence Scale (AIV)*, and *Adversarial Sexual Beliefs Scale (ASB)* (Burt 1980: See Appendix I). ‘Hostile Masculinity’ itself was assessed using the ASB as well as a *Hostility Towards Women Scale (HTW)*; See Appendix I) and a scale devised to measure ‘Negative Masculinity.’ In subsequent studies this last measure was abandoned, in favor of the *Sexual Dominance Scale*, in order to reflect the conviction that “the hostile masculinity path as a personality variable” combines “two interrelated components: a) an insecure, defensive, hypersensitive, and hostile-distrustful orientation, particularly toward women, and b) gratification from controlling or dominating women.” (Malamuth, et al. 1995:353-354) Malamuth et al. usefully hypothesized a relation between these two aspects, noting that the “sexual power that a woman may have by virtue of her sexual

appeal may be particularly threatening” to a man with a marked “sense of insecurity or defensiveness,” and hence dominating women may function to reduce “her control over him by eliminating her ability of exercise choice.” (354) However, their research was primarily focused on establishing the mediating role of hostility and dominance in the generation of sexual aggression, rather than drilling down into the structure and determinations of such hostility and its relation to cultural masculinity more widely.

However, as Truman et al. noted in 1996, given that “rape-supportive attitudes and beliefs have been revealed as consistent correlates of self-reported sexual aggression” there has latterly been more investigation of the “potential predictors of these attitudes and beliefs” following the “robust finding” that “men who self-report possessing masculine personality traits” (Truman, et al. 1996:556) are more likely to endorse rape-supportive attitudes or self-report sexual aggression. (Quackenbush 1989; Tieger 1981) Truman et al. investigated “the relation between the male gender role and date rape supportive attitudes by focusing on three masculinity-related constructs...masculinity ideology, attitudes towards feminism, and homophobia.” (556) They found that negative attitudes toward feminism “emerged as the most consistent predictor of date rape supportive attitudes,” (559) and, most notably for our purposes, that “the Facade/Counterdependence dimension of masculinity ideology” predicted more unique variance in men’s self-reported history of sexual aggression than the three other dimensions (i. Rationality/ Respect/Status, ii. Anti-femininity, and iii. Physical Violence), although Anti-femininity itself was found to uniquely predict ‘Acceptance of Interpersonal Violence.’ (560) On the basis of this finding Truman et al. suggested that “[i]f Facade/

Counterdependence involves proclamation of self-containment without needing others, then our results are consistent with Gilbert's (1992) conceptualization of some men's sexual entitlement: 'Our culture allows men to make their sexual needs explicit because they appear as rights or entitlement divorced from emotional neediness.'" (Gilbert 1992:392; Truman, et al. 1996:560)

Subsequent research has borne out Truman et al.'s suspicion that entitlement plays a particular role in mediating the relationship of masculinity to sexual aggression. Hill and Fischer's 2001 study aimed specifically to investigate whether a "masculine sense of entitlement is a crucial underlying... corollary of more general masculine gender role socialization" in terms of its relation to "date-rape supportive attitudes and beliefs." (Hill and Fischer 2001:40) They examined both a general sense of entitlement, defined as a sense that "what [men] do or want takes precedence over the needs of women and... should not be questioned," (Gilbert 1992:391) and specific sexual entitlement, the belief that men "have strong sexual needs that must be satisfied" and "are entitled to act out their sexual impulses." (Hanson, et al. 1994:189) They set out to undertake a "path analysis to "test a conceptual model whereby entitlement mediated the links between masculine gender roles and rape-related variables," and their hypothesis was strongly supported. "Masculinity factors," they write, "predict both men's general and sexual entitlement, and both general and sexual entitlement, in turn, predicted an array of rape-related attitudes and behaviors." (Hill and Fischer 2001:45)

While Hill and Fischer's study did not examine masculine entitlement under the rubric of narcissism, there has been considerable investigation of the role played by narcissistic entitlement in the generation of hostility towards women, rape-supportive attitudes, and the commission of sexual violence. In a 2002 paper, Roy Baumeister, Kathleen Catanese and Harry Wallace laid out a 'Narcissistic Reactance Theory of Rape' in which they proposed that sexual violence arises as a composite of emotional reactance and narcissism. Reactance theory posits that "people desire to have freedom of choice and therefore have a negative, aversive response (for which the term *reactance* is specifically used) when some or all of their behavioral options are removed by external constraints." (Baumeister, et al. 2002:95-96) As is evident from this formulation, in order for reactance to precipitate an aversive response to a woman's – or women's – sexual unavailability, that unavailability must be "experienced as a restriction of freedom." (96) Given that "most people assume that their rights end where another person's begin" (96-7) reactance in this circumstance requires that "the man must hold some expectation... that this particular woman (or perhaps a variety of interchangeable women) ought to be willing to satisfy his sexual desires," (96) that is, that he is "entitled to have sex with a particular woman." And this "exaggerated sense of entitlement," Baumeister et al. suggest, may be explicable in terms of the fact that "narcissists have...higher expectations of receiving sexual favors than other men would have." (97)

In 2003 Baumeister and colleagues set out to test their theory in a set of three studies. The first demonstrated that "narcissism correlated positively with rape myth acceptance and negatively with empathy towards rape victims," (Bushman, et al. 2003:1037-1038) the

second that narcissists rated filmed depictions of rape as “more entertaining, more enjoyable, and more sexually arousing,” and the third that narcissists responded more punitively and aggressively to a perceived sexual refusal by a woman. (1038) Following this work, a 2010 study by Scott W. Keiller aimed to test the hypothesis that “heterosexual women...bear the brunt of narcissistic hostility” from men “given that most men, being heterosexual, seek and expect several types of gratification from heterosexual women.” (Keiller 2010:531) Keiller’s studies are particularly useful in that he deployed “regression analyses to disentangle narcissism’s link to antipathy toward heterosexual women from its link to attitudes toward heterosexual gender roles more broadly.” (530) He found that while “narcissism in heterosexual men was associated with patriarchal orientations toward heterosexual relationships” in general, “Hostility Towards Women accounted for statistically significant amounts of unique variance in narcissism.” (537) The fact that “heterosexual male narcissism’s association with attitudes toward traditional heterosexual gender roles was accounted for primarily by men’s resentment and anger toward heterosexual women.” (538) thus supported Keiller’s intuition that women are particularly subject to patriarchal male hostility because they “have unparalleled potential for gratifying, or frustrating, heterosexual men’s narcissism” (531)

A final study worthy of note is Abbey et al.’s 2011 investigation into the possibility of extending Malamuth’s ‘Confluence Model’ to incorporate growing evidence of the relation between sexual aggression and narcissism, and whether narcissistic personality traits could be added as a “distal factor that indirectly contributes to sexual aggression because they encourage hostile masculinity.” (Abbey, et al. 2011:451-452) According to

the self-reporting of this sample of 470 single men in the Detroit metropolitan area, 43% had perpetrated some type of sexual aggression since the age of 14, with 10.8% reporting instances of attempted or completed rape. The study found that the ‘Entitlement’ dimension of narcissism was significantly correlated with all three dimensions of ‘Hostile Masculinity,’ assessed in this instance by the *Sexual Dominance Scale* (Malamuth, et al. 1995), *Stereotypic Attitudes about Women that Justify Forced Sex* (adapted from Payne et al.’s IRMA; See Appendix 1) and *Hostility Towards Women* (adapted from Buss and Perry’s 1992 general hostility measure.) Interestingly however, the relation of ‘Hostile Masculinity’ to reported sexual aggression was found in this study to be significantly mediated by ‘Misperception of Sexual Intent,’ suggesting that narcissistic hostility to women is implicated in men ‘misreading’ women’s behavior in a manner that they then use to justify sexual aggression. As Abbey et al. note, men with high scores on ‘Misperception of Sexual Intent,’ “know they frequently misjudge women’s sexual interest, yet continue to make this mistake” which “implies a willful disregard of what women want and a single-minded focus on pushing their own sexual agenda.” (462)

To summarize: There is extensive empirical evidence that, contra sociobiological or simple male sex-drive accounts, individual men’s propensity to rape is informed by their attitudes. These attitudes have been empirically investigated under the rubric of ‘Hostile Masculinity,’ and include the propensity to believe rape myths, beliefs about the adversarial or manipulative nature of sexual relations, belief about the legitimacy of using violence in interpersonal relations, beliefs about the importance of masculine sexual dominance, and negative beliefs about the nature of women in general. Following

Lonsway and Fitzgerald's useful analysis of early work on the relationship between rape myth acceptance, other measures of 'Attitudes Supporting Violence' (the *Acceptance of Interpersonal Violence Scale* and the *Adversarial Sexual Beliefs Scale*) and 'Hostility to Women,' I would suggest that what is being tapped under the rubric of 'Hostile Masculinity' is "a general hostility toward women," (Lonsway and Fitzgerald 1995:705; See Appendix 1) or "a multidimensional misogyny." (709) That is, there is empirical support for the argument I outlined in Chapter 5 about the role of misogynist hostility in the generation of sexual violence.

There is, moreover, evidence to suggest that this misogynist hostility is intertwined with narcissistic entitlement; that narcissism contributes to 'Hostile Masculinity,' that heterosexual women are specifically targeted by masculine hostility because women are uniquely positioned as obstacles that frustrate masculine narcissism, and that narcissistic entitlement mediates the relation between masculinity and sexual aggression much as hostility to women mediates the relation between masculinity and sexual aggression. These findings raise important questions about the interaction between narcissistic entitlement and misogyny and the etiology of masculine narcissism itself. Some of the literature within empirical psychology tends towards the assumption that narcissism is a form of organic psychopathy requiring no further adumbration, although Baumeister et al. (2002) are at pains to underline that reactance theory does not conceive narcissism as a "mental illness" and "does not assume psychopathology." (94) Indeed, any account of the mediating role of narcissism in sexual aggression which assumed clinical psychopathy would be significantly weakened by the fact that, as Abbey et al. (2011) observe, "[l]ess

than 1% of the population meets all diagnostic criteria for psychopathy,” although there is a markedly higher subclinical population amounting to “10% of college students.” (451)

There is presently no consensus across the psychological disciplines about the etiology of narcissism, or whether narcissism should be considered an enduring personality disorder, or a set of specific traits or behaviors (Cf. Baumeister et al. 2002:94). Surveying and assessing the conflicting clinical, psychodynamic and psychoanalytic accounts of narcissism is far beyond the scope of the present enquiry and would represent a weighty project in and of itself. I will thus confine myself to underlining that the narcissistic dimension I consider most relevant to the interaction of narcissism, misogyny, and sexual violence would be the ‘fantasy of grandiose self-sufficiency’ central to psychoanalytic accounts and which, as we have explored, corresponds to an ‘existential infrastructure’ informed by cultural values of sovereign masculine invulnerability and enacted through the repudiating injunction of the Oedipal imperative. As Truman et al. (1996) suggested, the aspect of ‘masculinity ideology’ most implicated in the generation of sexual aggression is that which indexes ‘Counterdependence,’ the “proclamation of self-containment without needing others,” (560) and which issues, as I argued in Chapter 4, and Gilbert (1992) observed, in appropriative entitlement in order to negotiate the meeting of needs while obviating the recognition of the vulnerability of neediness. This mechanism would account for the mediating role of entitlement in sexual violence, and its relation to cultural masculinity is further supported by the fact that – contra Freud and Lasch – it is men rather than women who exhibit higher levels of narcissism, and these gender differences are particularly marked with respect to the Exploitative/Entitlement

dimension (rather than the Leadership/Authority or Grandiose/Exhibitionism dimensions). (Grijalva, et al. 2015:276)

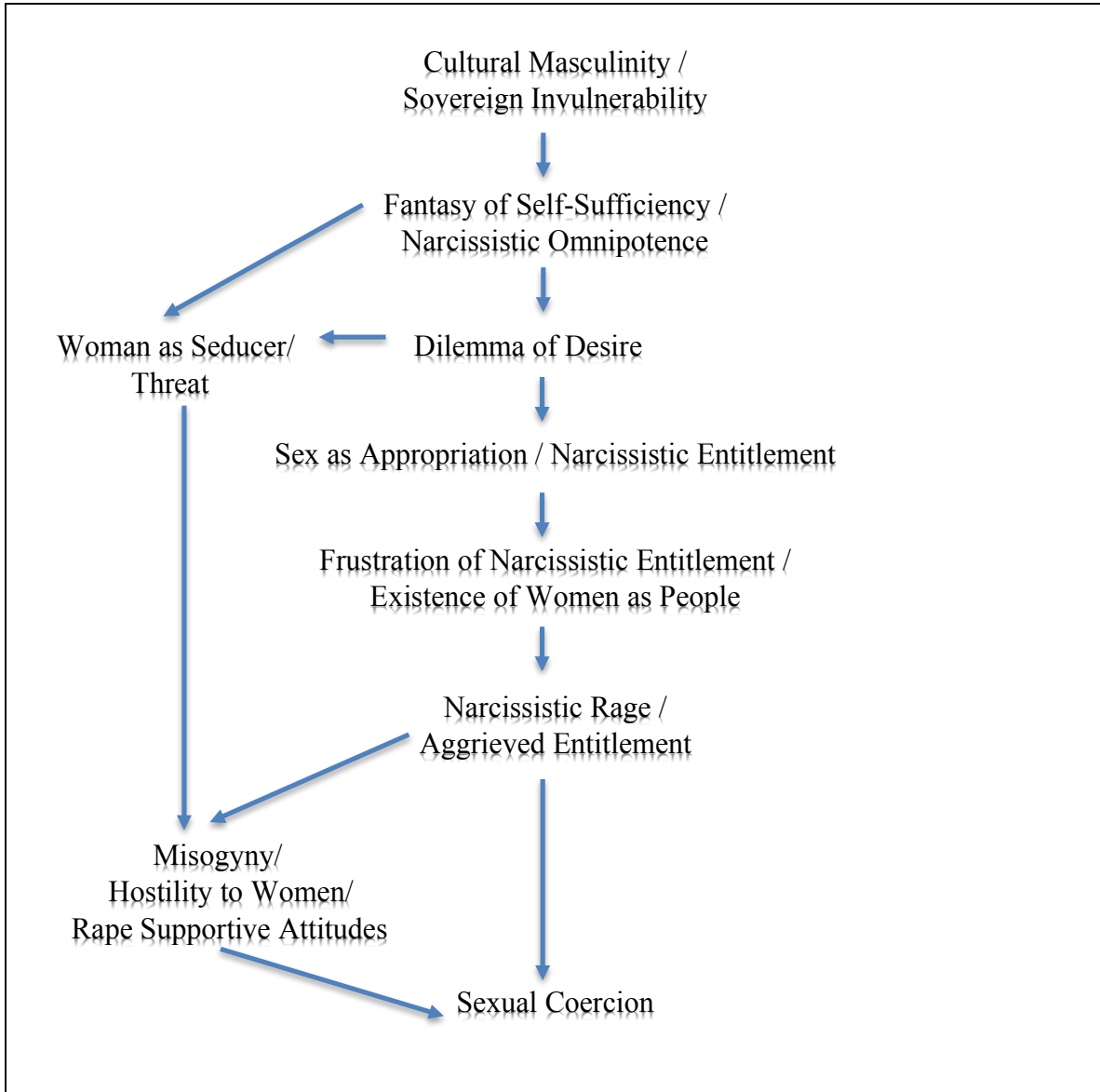


Figure 6: The Relation of Sovereign Invulnerability to Rape

Within this account then, masculine narcissism is linked to misogynist hostility to women via, in Michael Kimmel’s memorable phrase, ‘aggrieved entitlement.’ Both the misogyny which mediates the conversion of promiscuity into coercion, and the violence

of that coercion itself, are instances of the narcissistic rage that issues from the perceived frustration of narcissistic entitlement. The testimony of convicted rapists and men asked about their attitudes to rape, along with the ‘She asked for it’ dimension of rape myth acceptance (See Appendix 1) all support our suggestion that men frequently experience their own desire for women as the woman’s sole responsibility and as the exercise of an egregious and illegitimate power. When “I see a woman...and she’s giving off very feminine, sexy vibes” and “I know she’s not really interested...it makes me feel she’s laughing at me and I feel *degraded*” one man explains. (Beneke 1982:43) “Some girls you can tell they’re flaunting it and they have power over you” agrees another. (36) Exerting such diabolical power while refusing to service the desire it elicits is, according to these men, intolerable. “I don’t like the feeling that I’m supposed to stand there and take it, and not be able to hug her or kiss her” one notes, (44) while another tells us that “when I see something that’s appealing to me and she doesn’t want to submit to me, then I have this rage in me.” (Sussman and Bordwell 2000:33)

In some of these case studies the assault occurred after an actual refusal by a particular woman, but in many the refusal is simply assumed, or the rage is activated merely by the existence of a woman who has the power of refusal, herself an exemplar of the fact that the personhood of women in general is a fundamental challenge to the conceit of proprietorial entitlement, one which threatens to pierce the narcissistic defense and force a confrontation with the reality of dependence, neediness and vulnerability. The response to this insupportable challenge is the attempt to reassert sovereign omnipotence, and to do

so in the modality of vindictive punishment for the insubordination represented by Woman's very existence as a self-determining and, ultimately, non-appropriable being. If "[y]ou can't get it voluntarily, you have to take it," (59) explains one convicted rapist in a refrain which echoes throughout the testimony. "She turned me down, so I had to go into my burglary act...I took from her what I wanted," says one (32), while another similarly notes that, "[s]he showed us something we wanted. We know we couldn't get it unless we take it. That's what we did. We took it." (95)

Many of these men are absolutely cognizant that this violent reassertion of proprietorial right is performed as an act of vengeance. Bob, 24, tells us that:

The bitches are the type that need to be raped...these are the women that are up on a high horse, okay? They're stuck up. They think they're better than you. They don't think you're worth throwing their legs up for. So these are the women you have to take it from just to knock them down off that high horse. (149-50)

Luke, 28, remembers that "[t]hat was my goal. It was to humiliate them. That's what the goal of rapists are – to humiliate. To me it was more like a revenge type of thing." (179)

Sal, a 36-year-old who had confessed to multiple incidents of rape accompanied by murder, tells us that "[t]o me it was worth it. Because every time I went to see a decent girl, she always refused me. So I took it upon myself to punish her." (63) And finally Jay, a 23-year-old who has not committed rape but is chock-full of misogynist resentment about women's desirability, reflects:

If I were actually desperate enough to rape somebody, it would be from wanting the person, but it would also be a very spiteful thing, just being able to say, 'I have power over you can do anything I want with you,' because really I feel that *they* have power over *me* just by their presence. Just the fact that they can come up to me and just melt me and make me feel like a dummy makes me want revenge. They have power over me so I want power over them. (Beneke 1982: 44)

Rape, Sex, Power

This analysis of the role of sovereign invulnerability in the production of narcissistic sexual violence also sheds light on the vexed question of whether rape is to be understood as a sexual act, or as an act of power and domination. And, as almost always, the answer to the question is both. The second wave analysis of rape as an act of domination rather than sex (to the extent that that characterization is accurate), was, as Ann Cahill suggests, a "crucial step" in giving an account that resisted the tendency of normalizing patriarchal 'sex-drive' discourses to make "its brutality, its sheer violence and destructiveness, virtually invisible." (Cahill 2001:20) Rape does not result from the unstoppable hydraulic force of male desire. No human desire is unstoppable, and the conceit that it is, is, as we have seen, part of the ever-reinscribed discursive scaffold of male sexual entitlement. Rape is also not an act of sex which just happens to have happened in the absence of one party's participation or desire, and which can thus be conveniently trivialized as 'just sex' minus consent. As the testimony above indicates, it is, rather, an intentional act of punitive violence fueled by narcissistic rage which aims to reassert threatened sovereign omnipotence by annihilating the personhood of the victim. In this respect, rape is much closer to murder than it is to sex.

There is also much virtue in the second wave recognition that rape is a culturally and politically informed act; that it is maintained by a web of exculpatory discourse, that it enacts a gendered relation of proprietorial domination, and that this is a class relation, and not only a relation between given individuals. Insofar as rape is impelled by the threat to masculine sovereign invulnerability – as are other institutions of male proprietorial domination – men rape as members of their class, and in order to reassert the entitlement they believe is conferred by that membership. And insofar as this mechanism posits women as the resource to which men think themselves entitled, and the very existence of women’s self-determination is an enraging threat to that entitlement, women are punished for the insubordination of their personhood as members of a class. As feminists have long observed, this means that sexual violence directed at a particular woman is often entirely disconnected from any given attribute or behavior of that woman, the annihilation of her personhood redoubled by the fact that she is attacked not as an individual but as an instantiation.

However, absent an understanding of the tense interaction of the imperative of sovereign invulnerability and the experience of desire, the second wave analysis of the political function of rape cannot account for either the etiology of rape, or for why rape is a specifically sexual form of violence. As we will recall from our discussion in Chapter 4, for Brownmiller rape exists because it is a structural biological possibility which then came to be instrumentalized as a weapon of class domination. But, as Cahill observes, the fact that “men can rape does not explain why they do,” (24) and Brownmiller’s account of the “social meanings of rape and its role with regard to existing political structures”

(21) leaves an opacity around the way such political “effects provide the individual motivation for rape.” (20) The concern to desexualize rape in order to foreground its violence and obviate the ever-present attempt to make women culpable for inciting that violence is both comprehensible and laudable. However, its explanatory weakness and evident reductiveness leaves the singular political account open to easy dismissal, and, as we saw in Chapter 4, gives patriarchal thinkers an avenue through which to reassert versions of male sex-drive discourse. It moreover cannot account for the intuition that there is something very wrong in the Foucauldian attempt to reposition rape as an act of simple assault, a gesture which would erase the recognition that rape is violence directed at women in their sexuality, that the damage it inflicts is a harm to both women’s personhood in general, and to their sexuate personhood in particular, and that the narcissistic misogynist rage involved is of a type, and amplitude, which distinguishes rape from much common assault, and cannot be accounted for without recognition of the torsions and lability of human desire.

Rape is not a straightforward product of male sexual desire. But it is a product of male sexual desire in its inevitable collision with the imperative of masculine sovereign invulnerability. It is thus, in both origin and object, eminently sexual, and at the same time, entirely culturally mediated. It is fueled by a rage which derives its intensity from the particular power of desire to unsettle conceits of self-sufficient invulnerability, and the absolute and irrevocable fragility of all efforts to secure masculine narcissism through fantasies of proprietorial entitlement. Women, we are fond of saying, are people. We are not uncharted territory or rich tracts of soil or landed estates with inadequate fences. We

are not laptops left in cars or unlocked houses or wallets flaunted recklessly in the bad part of town. We cannot leave our homes and go about our business without taking our bodies with us. We are people, and as people, we are an embodied being-towards-ends which is ultimately inassimilable. No matter how fervently he might cleave to his impossible omnipotence, at base, every man knows this, and if he won't countenance abandoning his illusion, he is committed to a course of ever-amplifying violence. In the name of all the nameless women whose lives are ground out by this incessant wave of annihilating rage, we say finally only this: *learn to tolerate your vulnerability.*

Appendix I: The Existence of Rape Culture: Analysis and Empirical Evidence

The concept of rape culture evolved in the context of grassroots feminist organizing and is still a central plank of popular feminist analysis. As a popular concept it lacks a precise academic definition, but it is generally taken to refer to the existence of, as the authors of *Transforming a Rape Culture* suggest, “a complex of beliefs that encourage male sexual aggression and supports violence against women.” (Buchwald, et al. 1994:vii) The term refers, according to Melissa McEwan, author of popular feminist blog ‘Shakesville,’ to the prevalence of rape within Western culture, the fact of “1 in 6 women being sexually assaulted in their lifetimes.” (McEwan 2009) But it describes particularly the beliefs that support the prevalence of rape, a tendency to normalize and exculpate sexual violence by seeing “violence...as sexy and sexuality as violent” and the assumption by “both men and women...that sexual violence is a fact of life, inevitable as death or taxes.” (Buchwald, et al. 1994:vii) Rape cultures are, McEwan notes, “victim-blaming” and inclined towards “tasking victims with the burden of rape prevention.” (McEwan 2009) But while they normalize sexual violence in order to exculpate perpetrators, they also, at the same time, exceptionalize sexual violence in order to exculpate perpetrators. Rape cultures deny that rape exists on a continuum with ‘normal’ modes of aggressive heterosexuality, or that ‘normal men’ rape, or that anything but archetypal violent stranger rape counts as ‘real rape.’ Rape cultures propagate the idea that women lie about rape, and that most reported incidents are false allegations, despite all evidence that the problem with the prosecution of rape is under-reporting rather than over-reporting. In short, rape cultures have a tendency to foster as many contradictory narratives as are

necessary to obviate serious structural challenges to the continued commission of epidemic proportions of sexual violence.

While it would be impossible to present a comprehensive account of the characteristics and beliefs of a rape culture, below is a representative survey:

1. High Incidence of Sexual Violence

i) Rates of Sexual Violence

a) 'The Scope of Rape' (Koss, et al. 1987)

In Koss et al.'s groundbreaking study a self-report questionnaire entitled the 'National Survey of Inter-Gender Relationships' was administered to 6,159 students at 32 HE institutions in the US. Data on sexual aggression was obtained through a 10-item 'Sexual Experiences Survey' (Koss and Gidycz 1985) To prevent multiple experiences of aggression inflating the data, each respondent was classified according to the most severe incident they reported. 53.7% of women revealed some form of sexual victimization. This percentage broke down into 14.4% unwanted sexual contact, 11.9% sexual coercion, 12.1% attempted rape, 15.4% rape. This figure of 15.4% is the origin of the widely cited claim that 1 in 6 women have experienced rape, and when taken with the 12.1%, the claim that 1 in 4 women have experienced rape or attempted rape.

Koss's data has been replicated across the US (Sanday 2003:347) and around the Western world (Gavey 2008:58). A 1991 New Zealand study by Nicole Gavey for example, found that 51.6% of women reported some form of sexual victimization, with 14.1% reporting

an experience consistent with rape, and 25.3% an experience consistent with rape or attempted rape. (Gavey 1991)

b) 'The Sexual Victimization of College Women' (U.S. DOJ: Fisher, et al. 2000)

A study conducted in 1996 on a randomly selected sample of 4,446 college women found that the percentage of women who had been the victim of rape in the previous six months was 1.8%, while for attempted rape it was 1.3%. If the summed 2.8% victimization rate is calculated for a 1-year period “the data suggest that nearly 5 percent (4.9 percent) of college women are victimized in any given calendar year.” Over the course of a 5-year college career this means “the percentage of completed or attempted rape victimization among women in higher educational institutions might climb to between one-fifth and one-quarter. (10)

c) National Intimate Partner and Sexual Violence Survey 2010 (CDC: Black, et al. 2011)

	Lifetime		12 Month	
	Weighted %	Estimated Number of Victims	Weighted %	Estimated Number of Victims
Rape	18.3	21,840,000	1.1	1,270,000
Completed forced penetration	12.3	14,617,000	0.5	620,000
Attempted forced penetration	5.2	6,199,000	0.4	519,000
Completed alcohol/drug facilitated penetration	8.0	9,524,000	0.7	781,000

ii) Rape Proclivity Among Males

In a 1981 survey of a series of studies conducted between 1980 and 1981, Neil Malamuth reported that an average of 35% of male college students indicated some likelihood of raping when asked if “they personally would rape if they could be assured of not being caught and punished.” (Malamuth 1981:140) The respondents were asked to assess this likelihood on a 5 point scale from 1 – not likely, to 5 – likely. 35% gave a likelihood of 2 or above, while 20% indicated a likelihood of 3 or above.

iii) Rape-Free vs. Rape-Prone Societies

While data on the incidence of rape has been reproduced across many Western cultures, it is important to remember that this figure is not invariant across all cultures, and we can meaningfully talk of Western culture as being ‘rape-prone.’ As we will recall from our discussion of Thornhill and Palmer’s evolutionary account of rape, Peggy Reeves Sanday ethnographic studies have revealed that there is a wide variation in how rape-prone a culture is, with 47% of the tribal societies she studied exhibiting either no, or very few incidents of rape. (Sanday 2003:341)

2. Impunity for Perpetrators

Rape cultures are characterized by marked levels of criminal under-reporting (produced in no small measure by the hostility of the criminal justice process to victims)⁹ and low convictions rates. The rates of estimated commission to conviction are such that it is not hyperbolic to suggest that rape is a crime which can be committed with near impunity.

⁹ One study for example found that 43% of prosecuting attorneys in a Midwestern state exhibited a moderate to high level of rape myth acceptance. (Gyls and McNamara 1996)

Moreover, even in cases where there are convictions the assumptions of the culture about the nature of the crime, and the value placed on the damage to perpetrator's lives over against damage to victim's lives often results in extreme leniency of sentencing.

i) Under-reporting/Under-estimating Incidence

In a 1985 conference paper presented on the data later published in her 1987 article on the scope of rape, Mary Koss noted that, according to the FBI, rape is “one of the most underreported’ of major crimes against the person,” with government estimating that between 3-10 rapes are committed for every crime reported. (Koss, Gidycz, et al. 1985:3) Koss also noted that the estimates of the prevalence of rape based on measures such as the National Crime Survey (NCS) which indicated the incidence to be less than 1% were methodologically flawed (3-4). On the basis of her data Koss calculated a “victimization rate for women of 38/1,000... This figure represented the number of women per thousand who experienced a rape during the previous six months that met the FBI definition. This rate is 10-15 times greater than the estimated rape victimization rates that are based on the NCS (BJS,1984) which are 3.9/1,000 for women aged 16-19 and 2.5/1,000 for women aged 20-24. This finding strongly suggests that studies such as the NCS fail to document the true scope of sexual victimization among young women.” (Koss, Gidycz, et al. 1985)

The gap between commission and reporting has not changed significantly in the intervening years. A 2013 ‘Overview of Sexual Offending in England and Wales,’ based on aggregated data from the 2009/10, 2010/11 and 2011/12 ‘Crime Survey of England

and Wales,' suggested that 0.5% of women had been the victim of rape in the previous 12 months, amounting to approximately 85,000 individuals per year. Police data for the year 2011/12 however records only 16,000 reported incidents of rape, suggesting that there are nearly 6 times more incidents of rape every year than are reported to police. This figure is supported by the fact that only 15% of victims identified in the survey said they had reported the crime to the police. (Matheson 2013:6)

ii) Trial and Conviction Rates

As we have seen, based on the aggregated data from the 'Crime Survey of England and Wales,' approximately 85,000 women are raped per year while only 16,000 incidents are reported. Of these, 2,910 were brought to trial, while 1,070 resulted in a conviction. The rate of commission to trial in England and Wales is therefore approximately 3.4%, and the rate of commission to conviction 1.26%.

iii) Sentencing

The catalogue of lenient sentencing and exculpatory judgment is far too extensive to do justice to here, but two notable recent incidents are:

2016 – Stanford Rape Trial

In March 2016 Brock Allen Turner, a successful university swimmer, was convicted of 3 felony counts for a sexual assault which took place on the Stanford campus in January 2015. The victim was unconscious at the time, and the crime was disturbed by some passers-by who noticed Turner assaulting the woman behind a dumpster. Turner faced up to ten years in prison, but when sentenced in June 2016 he received a six-month custodial

sentence and probation on the basis that, Judge Aaron Perksy said, “[a] prison sentence would have a severe impact on him ... I think he will not be a danger to others.” (Levin 2016) Prior to sentencing Dan Turner, the defendant’s father, wrote a letter to the judge pleading for leniency in which he noted that his son’s “life will never be the one that he dreamed about and worked so hard to achieve. That is a steep price to pay for 20 minutes of action out of his 20 plus years of life.” (M. E. Miller 2016) In response to the verdict the victim released her court statement to the media. While it apparently had little impact on the judge the statement is one of the most powerful dissections of the impact of assault and the failures of the judicial system widely available. (Baker 2016)

2014 – Adam Hulin Rape Trial

In March 2014, Adam Hulin, a successful high-school athlete, was convicted of two counts of sexual assault – oral rape of a child under 13 and assault of a child under 13 by penetration – at Guilford Crown Court in the UK. The charges related to an assault on a 12-year-old girl that had taken place in March 2012, when Hulin was 18 years old. Before the sentencing the defense pleaded that Hulin had engaged in what he had believed was “what most people would ordinarily define as regular sexual activity,” adding that had “this incident...taken place three months later then...Mr Hulin...would have had a complete defence of law...It is simply to do with the fact that she was a couple of months shy of her 13th birthday that Mr Hulin finds himself subject to the law at all.” The judge seemed to concur, noting that “Once upon a time it wouldn’t have been rape at all,” and while he couldn’t “dismiss the contention that what happened was not by mutual consent” the defendant had “much to be said in his favour. He has clear prospects for the future and he is pursuing these at this time. I certainly wouldn’t want to do

anything which would prejudice his future career.” (Hardwick 2014) Hulin was sentenced to 100 hours of community service and ordered to attend six sessions on his attitude to sexual encounters. Writing in *The New Statesman* that May, I argued that the judge’s evident prioritization of the future of the defendant over the damage to the victim was a “stinging reminder” that the “lives of women are just not worth that much” and that many consider “the reputation of a single man...too high a price to pay for a possible world in which tens of thousands of women are not consigned...to spend their futures struggling with despair.” The fact that the judge accepted the claim that this incident represented ‘regular sexual activity’ was, furthermore, I suggested, evidence that we continue to “live in a culture riddled with rape-supportive beliefs about consent.” (Jones 2014)

3. Rape-Supportive Attitudes

Martha Burt, 1980

The social psychology literature on sexual aggression attributes the notion of ‘rape myths’ to Martha Burt’s landmark paper ‘Cultural Myths and Support for Rape’ (Burt 1980) which concerned itself with investigating “prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists” and their correlation with three measures of personality “antecedents of rape myth acceptance” in a study which “operationalized and tested some of the key tents of feminist analysis of rape.” (217) Burt developed the first significant instrument of rape myth acceptance, the *Rape Myth Acceptance Scale* (RMA), and investigated its relation to three attitudinal correlates, *Sexual Conservatism*, *Adversarial Sexual Beliefs*, and *Acceptance of Interpersonal Violence*. The *Adversarial Sexual Beliefs Scale* aimed to tap the belief that “sexual relationships are fundamentally

exploitative, that each party to them is manipulative...opaque to the other's understanding, and not to be trusted,” while the *Acceptance of Interpersonal Violence Scale* aimed to measure the belief that “force and coercion are legitimate ways to gain compliance and specifically that they are legitimate in intimate and sexual relationships.” (217)

Rape Myth Acceptance Scale (Burt 1980)

Item	Item-to-total correlation
A woman who goes to the home or apartment of a man on their first date implies that she is willing to have sex.	.271
Any female can get raped.	.363
One reason that women falsely report a rape is that they frequently have a need to call attention to themselves.	.423
Any healthy woman can successfully resist a rapist if she really wants to.	.533
When women go around braless or wearing short skirts and tight tops, they are just asking for trouble.	.545
In the majority of rapes, the victim is promiscuous or has a bad reputation.	.532
If a girl engages in necking or petting and she lets things get out of hand, it is her own fault if her partner forces sex on her.	.560
Women who get raped while hitchhiking get what they deserve.	.539
A woman who is stuck-up and thinks she is too good to talk to guys on the street deserves to be taught a lesson.	.617
Many women have an unconscious wish to be raped, and may then unconsciously set up a situation in which they are likely to be attacked.	.512
If a woman gets drunk at a party and has intercourse with a man she's just met there, she should be considered "fair game" to other males at the party who want to have sex with her too, whether she wants to or not.	.598
^a What percentage of women who report a rape would you say are lying because they are angry and want to get back at the man they accuse?	.561
^a What percentage of reported rapes would you guess were merely invented by women who discovered they were pregnant and wanted to protect their own reputation?	.512
^b A person comes to you and claims they were raped. How likely would you be to believe their statement if the person were:	
your best friend?	.355
an Indian woman?	.578
a neighborhood woman?	.587
a young boy?	.462
a black woman?	.607
a white woman?	.599

Adversarial Sexual Belief Scale (Burt 1980)

A woman will only respect a man who will lay down the law to her.	.489
Many women are so demanding sexually that a man just can't satisfy them.	.432
A man's got to show the woman who's boss right from the start or he'll end up henpecked.	.566
Women are usually sweet until they've caught a man, but then they let their true self show.	.562
A lot of men talk big, but when it comes down to it, they can't perform well sexually.	.420
In a dating relationship a woman is largely out to take advantage of a man.	.580
Men are out for only one thing.	.452
Most women are sly and manipulating when they are out to attract a man.	.578
A lot of women seem to get pleasure in putting men down.	.381

Acceptance of Interpersonal Violence Scale (Burt 1980)

Acceptance of interpersonal violence (Cronbach's alpha = .586)	
People today should not use "an eye for an eye and a tooth for a tooth" as a rule for living.	.206
Being roughed up is sexually stimulating to many women.	.363
Many times a woman will pretend she doesn't want to have intercourse because she doesn't want to seem loose, but she's really hoping the man will force her.	.345
A wife should move out of the house if her husband hits her.	.254
Sometimes the only way a man can get a cold woman turned on is to use force.	.396
A man is never justified in hitting his wife.	.318

Burt found only *Sexual Conservatism* didn't significantly correlate with rape myth acceptance, with *Acceptance of Interpersonal Violence* showing the greatest correlation. She concluded that her study had given support to the "predicative validity of feminist theoretical ideas about the rape-supportive nature of American culture" (228) noting that "from this perspective, it appears that the task of preventing rape is tantamount to revamping a significant proportion of our societal values." (229)

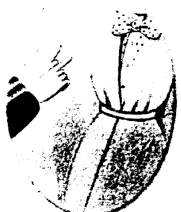
Lonsway and Fitzgerald, 1995

In this re-examination of Burt's classic study, Kimberly Lonsway and Louise Fitzgerald set out to investigate the extent to which Burt's attitudinal correlates of rape myth acceptance were theoretically confounded with hostility towards women and acceptance of violence against women rather than indexing gender neutral adversarial beliefs. They hypothesized that "the critical construct in understanding rape myth acceptance is a general hostility toward women," and conducted studies intended to separate hostility toward women from other theoretical constructs (such as adversarial sexual beliefs and

acceptance of interpersonal violence) by revising the relevant measures...so that they parallel more closely their respective constructs, as originally defined by Burt" (Lonsway and Fitzgerald 1995:705) and then assessing the variance of a specific measure of *Hostility Towards Women* (Check, et al. 1985). They concluded that the "Hostility Toward Women Scale scores alone accounts for 21% of the variance in women's rape *Hostility Towards Women Scale* (Check, et al. 1985)

HOSTILITY TOWARD WOMEN

To be Completed by Men



<p>1. I feel that many times women flirt with men just to tease them or hurt them. T F</p> <p>2. I feel upset even by slight criticism by a woman. T F</p> <p>3. It doesn't really bother me when women tease me about my faults. T F</p> <p>4. I used to think that most women told the truth but now I know otherwise. T F</p> <p>5. I do not believe that women will walk all over you if you aren't willing to fight. T F</p> <p>6. I do not often find myself disagreeing with women. T F</p> <p>7. I do very few things to women that make me feel remorseful afterward. T F</p> <p>8. I rarely become suspicious with women who are friendlier than I expected. T F</p> <p>9. There are a number of women who seem to dislike me very much. T F</p> <p>10. I don't agree that women always seem to get the breaks. T F</p> <p>11. I don't seem to get what's coming to me in my relationships with women. T F</p> <p>12. I generally don't get really angry when a woman makes fun of me. T F</p> <p>13. Women irritate me a great deal more than they are aware of. T F</p> <p>14. If I let women see the way I feel, they would probably consider me a hard person to get along with. T F</p> <p>15. Lately, I've been kind of grouchy with women. T F</p> <p>16. I think that most women would not lie to get ahead. T F</p>	<p>17. It is safer not to trust women. T F</p> <p>18. When it really comes down to it, a lot of women are deceitful. T F</p> <p>19. I am not easily angered by a woman. T F</p> <p>20. I often feel that women probably think I have not lived the right kind of life. T F</p> <p>21. I never have hostile feelings that make me feel ashamed of myself later. T F</p> <p>22. Many times a woman appears to care but just wants to use you. T F</p> <p>23. I am sure I get a raw deal from the women in my life. T F</p> <p>24. I don't usually wonder what hidden reason a woman may have for doing something nice for me. T F</p> <p>25. If women had not had it in for me, I would have been more successful in my personal relations with them. T F</p> <p>26. I never have the feeling that women laugh about me. T F</p> <p>27. Very few women talk about me behind my back. T F</p> <p>28. When I look back at what's happened to me, I don't feel at all resentful toward the women in my life. T F</p> <p>29. I never sulk when a woman makes me angry. T F</p> <p>30. I have been rejected by too many women in my life. T F</p>
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myth acceptance scores, but 40% of the variance (i.e., virtually double) among the men. Clearly, this variable is a very powerful concept in men's cognitive understanding of rape.” (707) They suggested that Burt’s instruments “may be tapping a multidimensional misogyny, a construct that is at once broader than those Burt proposes and also more specifically antiwoman than the gender-neutral descriptions and titles of her scales would suggest.” (709)

Payne et al., 1999

In this study Diana Payne, Kimberley Lonsway and Louise Fitzgerald developed Lonsway and Fitzgerald’s 1995 critique of Burt’s original work on rape myth acceptance in order to develop a more rigorous measure entitled the *Illinois Rape Myth Acceptance Scale* (IRMAS). They began by noting that following “the traditions of psychology, sociology, anthropology, and philosophy, the concept of myth is theorized to constitute (1) false or apocryphal beliefs that (2) explain some cultural phenomenon and (3) whose importance lies in maintaining existing cultural arrangements.” (Payne, et al. 1999:29) Consistent with Lonsway and Fitzgerald’s 1995 observation that “the essential characteristic of a myth is not necessarily the degree to which it represents an empirical fact...but rather the particular cultural function that is served by the belief or attitude,” (Lonsway and Fitzgerald 1995:704) they reaffirmed Lonsway and Fitzgerald’s 1994 definition of rape myths as “*attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women.*” (Lonsway and Fitzgerald 1994:134; Payne et al. 1999:29)

Noting that “[d]espite extant theoretical and empirical work with the construct of rape myths, comparatively little research has focused on the questions of underlying structure and conceptual mapping,” (Payne et al. 1999:31) they set out to remedy this deficit by undertaking “the first large-scale investigation into the question of rape myth structure.”

(32) Based on a literature review Payne, Lonsway and Fitzgerald extracted 120 rape myth items which, through psychometric analysis, multidimensional scaling and cluster analysis they reduced to 19 rape myth categories.

In the first sub-study, Payne et al. conducted factor analysis on the 19 components and first reduced them to 11 items labeled “*She was careless; She implicitly agreed; She deserved it; It wasn’t really rape; He didn’t mean to; She wanted it; She lied; Rape is a trivial event; Rape is a deviant event; Rape is natural; and Rape is inevitable.*” (36)

Correlations indicated that that “*Rape is inevitable* and *Rape is natural* were not highly related to the other components and therefore, presumably, not to the general rape myth acceptance construct” and so they were removed. Results also indicated that *She implicitly agreed, She was careless, and She deserved it* could be consolidated under *She asked for it* with little loss of information, (36) resulting in seven different rape myth components; *She asked for it; It wasn’t really rape; He didn’t mean to; She wanted it; She lied; Rape is a trivial event; Rape is a deviant event.* (42)

Study 2 examined the structure of the construct by using a paired comparison methodology and resulted in diagnosis of 9 conceptual clusters, the first six of which correlated closely with items yielded by Study 1. These were labeled *Male Absolution*

(corresponding to *He didn't mean it*); *Women lie about rape (She lied)*; *Women exaggerate about the effects of rape (Rape is a trivial event)*; *It's not rape if (It wasn't really rape)*; *Rape only occurs in the bad part of town (Rape is a deviant event)*. The final three clusters were labeled *She led him on*, *The woman is responsible for preventing the rape* and *She was a tease/promiscuous*, which, the authors note, “appear to be subtypes of the more general *She asked for it* component of Study 1.” (44)

On the basis of this analysis the IRMA scale was developed as follows:

Subscale 1: She asked for it

- If a woman is raped while she is drunk, she is at least somewhat responsible for letting things get out of control.
- When women go around wearing low-cut tops or short skirts, they're just asking for trouble.
- If a woman goes home with a man she doesn't know, it is her own fault if she is raped.
- When a woman is a sexual tease, eventually she is going to get into trouble.
- A woman who “teases” men deserves anything that might happen.
- When women are raped, it's often because the way they said “no” was ambiguous.
- A woman who dresses in skimpy clothes should not be surprised if a man tries to force her to have sex.
- A woman who goes to the home or apartment of a man on the first date is implying that she wants to have sex.

Subscale 2: It wasn't really rape

- If a woman doesn't physically fight back, you can't really say that it was rape.
- A rape probably didn't happen if the woman has no bruises or marks.

- If the rapist doesn't have a weapon, you really can't call it a rape.
- If a woman doesn't physically resist sex—even when protesting verbally—it really can't be considered rape.
- If a woman claims to have been raped but has no bruises or scrapes, she probably shouldn't be taken too seriously.

Subscale 3: He didn't mean to

- When men rape, it is because of their strong desire for sex.
- Rapists are usually sexually frustrated individuals.
- When a man is very sexually aroused, he may not even realize that the woman is resisting.
- Men don't usually intend to force sex on a woman, but sometimes they get too sexually carried away.
- Rape happens when a man's sex drive gets out of control.

Subscale 4: She wanted it

- Although most women wouldn't admit it, they generally find being physically forced into sex a real "turn-on."
- Many women secretly desire to be raped.
- Many women find being forced to have sex very arousing.
- Some women prefer to have sex forced on them so they don't have to feel guilty about it.
- Many women actually enjoy sex after the guy uses a little force.

Subscale 5: She lied

- Women who are caught having an illicit affair sometimes claim that it was rape.
- Many so-called rape victims are actually women who had sex and "changed their minds" afterwards.
- Rape accusations are often used as a way of getting back at men.

- A lot of women lead a man on and then they cry rape.
- A lot of times, women who claim they were raped just have emotional problems.

Subscale 6: Rape is a trivial event

- If a woman is willing to “make out” with a guy, then it’s no big deal if he goes a little further and has sex.
- Rape isn’t as big a problem as some feminists would like people to think
- Being raped isn’t as bad as being mugged and beaten.
- Women tend to exaggerate how much rape affects them.
- If a woman isn’t a virgin, then it shouldn’t be a big deal if her date forces her to have sex.

Subscale 7: Rape is a deviant event

- Rape mainly occurs on the “bad” side of town.
- Usually, it is only women who do things like hang out in bars and sleep around that are raped.
- Men from nice middle-class homes almost never rape.
- It is usually only women who dress suggestively that are raped.
- Rape is unlikely to happen in the woman’s own familiar neighborhood.
- In reality, women are almost never raped by their boyfriends.
- Rape almost never happens in the woman’s own home.

4. Rape Supportive Beliefs and Sexual Aggression

Katherine Ryan has argued that rape myths “can influence sexual scripts that determine sexual attitudes and behavior” (Ryan 2011:774) and that “acquaintance rapists and

convicted sex offenders have a common belief system that includes rape myths, other rape-supportive beliefs (e.g., adversarial sex, hypersexuality), and sexual scripts” which “encourage sexual narcissism, allow for victim blame, and the minimization and denial of rape.” (777)

Indeed, there are numerous studies demonstrating the relationship between rape-supportive attitudes (‘Rape Myth Acceptance’, ‘Hostility Towards Women,’ ‘Adversarial Sexual Beliefs,’ ‘Acceptance of Interpersonal Violence’ etc.) and sexual aggression.

Briere and Malamuth, 1983

This study examined “the relative effectiveness of sexuality variables versus attitudes hypothesized to be rape-supportive in the prediction of ‘likelihood to rape’ (LR) and ‘likelihood to use sexual force’ (LF) measures,” concluding that “sexuality variables were generally not predictive of LF or LR” while “a variety of rape-supportive attitudes and beliefs such as blaming the victim for her rape or viewing sexual violence as sexually arousing to women were successful predictors of both LF and LR.” (Briere and Malamuth 1983:315)

Koss, Leonard et al, 1985

This study examined the psychological characteristics of three types of sexually aggressive men selected in the basis of the Sexual Experiences Survey (Koss and Gidycz 1985) and tested the psychological variables relevant to two major theories of rape – the psychopathology model and the social control/social conflict model. Koss, Leonard et al. concluded that the “results of the present study indicate the importance of rape-supportive

beliefs in differentiating men who report sexual aggression from men who do not report such behavior.” (Koss, Leonard, et al. 1985:990)

Muehlenhard and Linton, 1987

This study was designed to assess “the incidence of and the risk factors for date rape and other forms of male-against-female sexual aggression (SA) in dating situations,” (Muehlenhard and Linton 1987:186) and found that “[s]exually aggressive men were more likely than nonaggressive men to accept traditional sex roles, violence toward women, adversarial sexual beliefs, and rape myths. These results are consistent with those of previous studies.” (195)

Further studies which show a link between rape-supportive attitudes and sexual aggression include:

- Rapaport, K., & Burkhart, B. R. (1984). Personality and attitudinal characteristics of sexually coercive college males. *Journal of Abnormal Psychology, 93*(2), 216-221.
- Muehlenhard, C. L, Friedman, D. E., & Thomas, C. M. (1985). Is date rape justifiable? The effects of dating activity, who initiated, who paid, and men's attitudes toward women. *Psychology of Women Quarterly, 9*, 297-309.
- Malamuth, N. M. (1986). Predictors of naturalistic sexual aggression. *Journal of Personality and Social Psychology, 50*, 953-962.
- Malamuth, N., Sockloskie, R. J., Koss, M., & Tanaka, J. S. (1991). Characteristics of aggressors against women: Testing a model using a national sample of college students. *Journal of Consulting and Clinical Psychology, 59*(5), 670-681.
- Lackie, L., & de Man, A. F. (1997). Correlates of sexual aggression among male university students. *Sex Roles, 37*(5/6), 451-457.
- Abbey, A., McAuslan, P., Zawacki, T., Clinton, A. M., & Buck, P. O. (2001). Attitudinal, experiential, and situational predictors of sexual assault perpetration. *Journal of Interpersonal Violence, 16*(8), 784-807.
- Loh, C., Gidycz, C. A., Lobo, T. R., & Luthra, R. (2005). A prospective analysis of sexual assault perpetration: Risk factors related to perpetrator characteristics. *Journal of Interpersonal Violence, 20*, 1325–1348.

Appendix II: Summary of Scientific Disputations of Thornhill and Palmer’s Theory

1. By-product Hypothesis	
<p>Thesis: Rape “may be only a by-product of other psychological adaptations, especially those that function to produce the sexual desires of males for multiple partners without commitment.” (Thornhill and Palmer 2000a:59-60)</p>	<p>Disputation: “Since we have an evolutionary history, everything that we are and do can be furnished with an evolutionary explanation.” Therefore “such explanations are crushingly trivial” (Coyne 2003:176)</p> <p>Thornhill and Palmer claim that “[w]hen one is considering any feature of living things, whether evolution applies is never a question.” (12) This constitutes an “explicit admission that the by-product hypothesis lacks the defining property of any scientific theory – falsifiability, that is, the ability to be disproven by some possible observation.” (Coyne 2003: 176)</p>
2. Direct Adaptation: The ‘Rape-specific’ Hypothesis	
<p>Thesis: Rape results from an adaptation “that was directly favored by selection because it increased male reproductive success by way of increasing mate number.” (338) It is a “direct adaptation installed by natural selection to allow sexually disenfranchised men to produce children.” (Coyne 2003: 174)</p>	
I: Demonstration of Adaptation	
<p>a) <i>Selection and Adaptation:</i> Thornhill and Palmer maintain that “selection is the most important cause of evolution” (8) and “selective pressure will be apparent in the functional design of the adaptation.” (240) That is, functional design provides evidence of adaptation by selection pressure.</p>	<p>This account sidelines four other accepted forces of evolution – drift, mutation, recombination and gene flow. (E. A. Lloyd 2003:240)</p> <p>Functional design is not sufficient to infer adaptation by selection pressure, population geneticist Sewall Wright’s ‘Shifting Balance Theory,’ “demonstrate[s] the possibility of mutation and drift playing a major role in producing adaptations.” (243)</p>
<p>b) <i>Adaptation and Diversity:</i> The “diversity of life has two major components: adaptations and the effect of adaptations” (244)</p>	<p>This “is not the mainstream evolutionary view” (Lloyd 2003: 244) For example; phyletic remnants - such as the five-digit vertebrate limb - are not necessarily maintained due to selection pressure, but as a result of phyletic inertia. Hence, the choice between adaptation or by-product of adaptation is not exhaustive.</p>
<p>c) <i>Specificity of Psychological Adaptations:</i> Thornhill and Palmer’s thesis depends on the notion that very specific psychological adaptation could be selected for.</p>	<p>This depends on the “scientifically undefended thesis – contradicted by neuropsychological data – that the brain is constructed of a high number of very special-purpose physiological mechanisms.” (Lloyd 2003: 245) This is a familiar “hobby-horse” of evolutionary psychologists who are “considered a fringe group by most evolutionary theorists.” (246)</p>
<p>d) <i>It is scientifically necessary to demonstrate that a trait is an adaptation by:</i></p>	
<p>i) Showing genotype/phenotype variation</p>	<p>Thornhill and Palmer claim that the rape adaptation is universal, hence there is – conveniently – no variation that could be demonstrated.</p>
<p>ii) Showing evolutionary antecedents</p>	<p>Use of evidence from non-humans is inconsistent. Rape exists in some species but not in others. Thornhill and Palmer appeal to evidence from scorpion flies, but sideline behaviour of non-human primates that does not fit their thesis.</p>
<p>iii) Examining past evolutionary circumstances: The “crucial assumption of their entire book is that rape was indeed, at some point in evolution, a reproductively successful strategy” (Lloyd 2003: 249)</p>	<p>Provide no historical evidence, and rely on present estimate that 2% of rapes lead to conception. This may be sufficient to produce selection pressure, but fail to show that “raping provided, at some point in history a higher frequency of fertilization than nonraping for those individuals. (Lloyd 2003: 249) They “begin by assuming that the trait is an adaptation and reason backward from there.” (242)</p>

II: Demonstration of Mechanism	
a) Males are capable of performing a cost/benefit calculation about the utility of rape as a reproductive strategy	While difficult, the existence of a mechanism of cost/benefit analysis is not untestable and “must be shown to exist in the societies with corresponding variations in rape rates.” (Lloyd 2003: 242) They provide no evidence (Travis 2003b:212) and as such, “all such speculations remain mere stories about our unrecoverable past.” (Coyne 2003: 180)
b) Ability to detect female vulnerability to rape	“While we are telling evolutionary stories, isn’t it more likely that the ability to detect vulnerability evolved as a broadly valuable social and parenting capacity.” (Lloyd 2003: 247)
III: Demonstration of Predictions	
a) <i>Most women raped will be of childbearing age (70-73)</i>	Rape in America Survey (1/3 of victims are under 11 and 2/3 under 17 (Koss 2003:195) When postmenopausal women are taken into account as well, “a significant number of rape victims are either too old or too young to reproduce.” (Coyne 2003: 180)
b) <i>Rapists will not seriously injure their victims (76)</i>	22% of peacetime rapes involve excessive injury which “plainly supports the view that at least some rapes involve anger and gratuitous violence and are not completely motivated by a desire to reproduce.” (Coyne 2003: 180). Moreover, wartime rape frequently involves multiple perpetrators (which is less reproductively adaptive) and often ends in mutilation and/or murder. “There are thus a great many rapes that are nonreproductive.” (181)
“Faced with many clear cases of nonadaptive rapes, Thornhill and Palmer revert to their two fallback positions: the by-product hypothesis and special pleading about the different conditions of our evolutionary past.” (Coyne 2003: 181) “Aspects of rape that seem adaptive must have evolved by direct selection, while non-adaptive aspects are seen as evolutionary holdovers or by-products. Lawyers call this ‘arguing the alternative.’ It’s not science, but advocacy.” (182) Explaining away non-adaptive rapes “is defensible only in the absence of other alternative explanations for the occurrence of the nonreproductive rapes, that is, in the absence of explanations based on dominance and aggression.” (241)	
c) <i>Rape victims who suffer most violence will be less distressed (92, 192)</i>	Major predictor of PTSD is “objective severity of the violence inflicted” (Koss 2003: 196)
d) <i>Vaginal penetration will be more distressing than other forms of rape (94, 192)</i>	Methodological obstacles: i) Meaning of different forms of penetration is culturally conditioned ii) Many rapes involve multiple types of penetration iii) Amount of injury is significant and would need to be controlled for to establish effect of type of penetration (Koss 2003: 196)
e) <i>Married women and women of child-bearing age will experience more distress (89-93, 192-193). Support derived from study of 79 rape victims in Philadelphia, analyzed by Thornhill and Thornhill that “showed that reproductive-age victims suffered significantly more psychological trauma than non-reproductive age victims.” (90)</i>	i) Girls under 12 did appear to suffer less trauma, but were interviewed only 5 days after assault, despite fact that CSA is known to have the “most severe, broad, and long-lasting” effects. (Koss 2003: 195) ii) Rates of distress between reproductive and post-menopausal women did not differ. The contrast between reproductive and non-reproductive women was obtained by lumping together young and older women with the younger group contributing the entire difference. This is an incidence of statistical sleight-of-hand and “is not the way scientists normally behave.” (Coyne 2003: 183)
f) <i>Rapists will tend to be men from lower socio-economic classes “who supposedly have limited access to mates.” (Coyne: 2003 182)</i>	This is true but poorer men are disproportionately represented among all violent criminals. (Coyne 2003: 182)

Bibliography/References

- Abbey, Antonia, Angela J. Jacques-Tiura and James M. LeBreton
2011 'Risk Factors for Sexual Aggression in Young Men: An Expansion of the Confluence Model'. *Aggressive Behavior* 37:450-464.
- Aeschylus
1956 *The Oresteian Trilogy*. Translated by P. Vellacott. Penguin, Harmondsworth, UK.
- Alcoff, Linda
1996 'Dangerous Pleasures: Foucault and the Politics of Pedophilia'. In *Feminist Interpretations of Michel Foucault*, edited by S. Hekman, pp. 99-135. Pennsylvania State Press, University Park, PA.
- Aristotle
1953 *Generation of Animals*. Translated by A. L. Peck. Loeb Classical Library. Harvard University Press, Cambridge, MA.
- Askin, Kelly
2004 'A Decade of the Development of Gender Crimes in International Courts and Tribunals: 1993 to 2003'. *Human Rights Brief* 11(3):16-19.
- Bacchetta, Paola
2000 'Reinterrogating Partition Violence: Voices of Women/Children/Dalits in India's Partition'. *Feminist Studies* 26(3):566-585.
- Baker, Katie J.M.
2016 'Here Is The Powerful Letter The Stanford Victim Read Aloud To Her Attacker'. In *BuzzFeed*. Available at <https://www.buzzfeed.com/katiejmbaker/heres-the-powerful-letter-the-stanford-victim-read-to-her-ra>. Accessed on 08/18/16.
- Ball, Kelly H.
2013 'More or Less Raped': Foucault, Causality, and Feminist Critiques of Sexual Violence'. *philoSOPHIA* 3(1):52-68.
- Ballengee, Jennifer R
2009 *The Wound and the Witness: The Rhetoric of Torture*. SUNY Press, Albany, NY.
- Barkan, Joanne
2002 'As Old as War Itself: Rape in Foča'. In *Dissent*. Available at <https://www.dissentmagazine.org/article/as-old-as-war-itself-rape-in-foca>. Accessed on 12/10/15.

- Bartsky, Sandra Lee
 1990 *Femininity and Domination: Studies in the Phenomenology of Oppression*. Routledge, New York and London.
- Baumeister, Roy F., Kathleen R. Catanese and Harry M. Wallace
 2002 'Conquest by Force: A Narcissistic Reactance Theory of Rape and Sexual Coercion'. *Review of General Psychology* 6(1):92-135.
- Beauvoir, Simone de
 1976/1948 *The Ethics of Ambiguity*. Translated by B. Frechtman. Citadel Press, New York.
- 2004/1944 'Pyrrhus and Cineas'. In *Simone de Beauvoir: Philosophical Writings*, edited by M. A. Simons, pp. 77-150. University of Illinois Press, Champaign, IL.
- 2011/1949 *The Second Sex*. Translated by C. Borde and S. Malovany-Chevallier. Vintage, London.
- Beneke, Timothy
 1982 *Men on Rape*. St Martin's Press, New York.
- Benjamin, Jessica
 1988 *The Bonds of Love: Psychoanalysis, Feminism and the Problem of Domination*. Pantheon Books, New York.
- 1995 *Like Subjects, Love Objects: Essays on Recognition and Sexual Difference*. Yale University Press, New Haven and London.
- Bennington, Geoffrey
 1999 *Jacques Derrida*. Chicago University Press, Chicago.
- Bergoffen, Debra B.
 1997 *The Philosophy of Simone de Beauvoir: Gendered Phenomenologies, Erotic Generosities*. SUNY Press, Albany, NY.
- 2012 *Contesting the Politics of Genocidal Rape: Affirming the Dignity of the Vulnerable Body*. Routledge Research in Gender and Society. Routledge, New York and London.
- Bergson, Henri
 1965/1923 *A Study in Metaphysics: The Creative Mind*. Littlefield, Adams and Co, Totowa, NJ.
- 2002 'The Idea of Duration'. In *Bergson: Key Writings*, edited by J. Mullarkey. Continuum, New York.

- 2005/1907 *Creative Evolution*. Cosimo, New York.
- Bernstein, Elizabeth
2007 'The Sexual Politics of the 'New Abolitionism''. *differences* 18(3):128-151.
- Bernstein, J.M.
2015 *Torture and Dignity: An Essay on Moral Injury*. University of Chicago Press, Chicago and London.
- Berry, Phillipa
1989 *Of Chastity and Power: Elizabethan Literature and the Unmarried Queen*. Routledge, London.
- Black, Michele C., Kathleen C. Basile, Matthew J. Breiding, Sharon G. Smith, Mikel L. Walters, Melissa T. Merrick, Jieru Chen and Mark R. Stevens
2011 *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*. National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention.
- Blackstone, William
1766 *Commentaries on the Laws of England* Vol. II, Of the Rights of Things. Clarendon Press, Oxford.
- Brannon, Robert
1976 'The Male Sex Role: Our Culture's Blueprint of Manhood and What it's Done for us Lately'. In *The Forty-Nine Percent Majority: The Male Sex Role*, edited by D. S. David and R. Brannon, pp. 1-45. Addison-Wesley, Reading, MA.
- Breivik, Anders
2011 *2083: A European Declaration of Independence*, Available throughout the internet.
- Briere, J and Neil M. Malamuth
1983 'Self-reported Likelihood of Sexually Aggressive Behavior: Attitudinal vs. Sexual Explanations'. *Journal of Research in Personality* 17:315-323.
- Brison, Susan
2003a *Aftermath: Violence and the Remaking of the Self*. Princeton University Press, Princeton, NJ.

2003b 'Beauvoir and Feminism: Interviews and Reflections'. In *The Cambridge Companion to Simone de Beauvoir*, edited by C. Card, pp. 189-207. Cambridge University Press, Cambridge.
- Brown, Wendy

- 1995 *States of Injury: Power and Freedom in Late Modernity*. Princeton University Press, Princeton, NJ.
- 2010 *Walled States, Waning Sovereignty*. Zone Books, New York.
- Brownmiller, Susan
1976 *Against Our Will*. Penguin, New York.
- Brunner, Otto
1985/1965 *Land and Lordship: Structures of Governance in Medieval Austria*. University of Pennsylvania Press, Philadelphia, PA.
- Buchwald, Emile, Pamela Fletcher and Martha Ross (editors)
1994 *Transforming a Rape Culture*. Milkweed Editions, Minneapolis, MN.
- Burt, Martha R.
1980 'Cultural Myths and Support for Rape'. *Journal of Personality and Social Psychology* 38(2):217-230.
- Bushman, B. J., A. M. Bonacci, M. van Dijk and R.F. Baumeister
2003 'Narcissism, Sexual Refusal, and Aggression: Testing a Narcissistic Reactance Model of Sexual Coercion'. *Journal of Personality and Social Psychology* 84(5):1027-1040.
- Butler, Judith
1987 *Subjects of Desire: Hegelian Reflections in Twentieth Century France*. Columbia University Press, New York.
- 1990 *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, London and New York.
- 1993 *Bodies that Matter: On the Discursive Limits of 'Sex'*. Routledge, London and New York.
- 1998 'The Future of Sexual Difference: An Interview with Judith Butler and Drucilla Cornell, with Elizabeth Grosz and Pheng Cheah'. *Diacritics* 28(1):19-42.
- Cahill, Ann J
2000 'Foucault, Rape, and the Construction of the Feminine Body'. *Hypatia* 15(1):43-63.
- 2001 *Rethinking Rape*. Cornell University Press, Ithaca, NY.
- 2011 *Overcoming Objectification: A Carnal Ethics*. Routledge Research in Gender and Society. Routledge, New York.

- Cameron, Deborah
2009 *The Myth of Mars and Venus*. Oxford University Press, Oxford.
- Campbell, Kirsten
2003 'Rape as a 'Crime against Humanity': Trauma, Law and Justice in the ICTY'. *Journal of Human Rights* 2(4):507-515.
- Canning, Greg
2012 'Sweden: Empire of Governance Feminism'. In *A Voice for Men*. Available at <http://www.avoiceformen.com/feminism/government-tyranny/swedens-empire-of-governance-feminism/>. Accessed on 30/12/15.
- Card, Claudia
1996 'Rape as a Weapon of War'. *Hypatia* 11(4):5-18.
- Carmody, Moira
2004 'Sexual Ethics and the Erotics of Consent'. In *Making Sense of Sexual Consent*, edited by M. Cowling and P. Reynolds, pp. 45-56. Ashgate, Farnham, UK.
- Casey, Edward S.
1984 'Origin(s) in (of) Heidegger/Derrida'. *The Journal of Philosophy* 81(10):601-610.
- Cavarero, Adriana
1995 *In Spite of Plato: A Feminist Rewriting of Ancient Philosophy*. Polity Press, Cambridge.
- Chasseguet-Smirgel, Janine
1989/1986 *Sexuality and Mind: The Role of the Father and the Mother in the Psyche*. Karnac, London.
- Check, James V.P., Neil M. Malamuth, Barbara Ellias and Susan A. Barton
1985 'On Hostile Ground'. *Psychology Today* April:56-61.
- Chodorow, Nancy
1989 *Feminism and Psychoanalytic Theory*. Yale University Press, New Haven and London.
- Cohen, Morris R
1927 'Property and Sovereignty'. *Cornell Law Review* 13(1):8-30.
- Convery, Alison
2011 'Feminist Theory And Discursive Intersections: Activating The Code Of 'Political Correctness'', Department of Business and Law, University of Newcastle, Australia, Available at

<http://nova.newcastle.edu.au/vital/access/manager/Repository/uon:8220>.
Accessed on 11/24/2015.

Coyne, Jerry A.

2003 'Of Vice and Men: A Case Study in Evolutionary Psychology'. In *Evolution, Gender and Rape*, edited by C. B. Travis, pp. 171-189. The MIT Press, Cambridge, MA.

CPS

2015 'CPS and Police Focus on Consent at First National Rape Conference'. Crown Prosecution Service. Available at http://www.cps.gov.uk/news/latest_news/cps_and_police_focus_on_consent_at_first_joint_national_rape_conference/. Accessed on 09/15/16.

Cuneo, Michele de

1963 'Letter on the Second Voyage, 28 October 1495'. In *Journals and Other Documents on the Life and Voyage of Christopher Columbus* edited by S. E. Morison. Heritage Press, New York.

Davies, Margaret

2007 *Property: Meaning, Histories, Theories*. Routledge-Cavendish, Abingdon, UK and New York.

Davies, Margaret and Ngaire Naffine

2001 *Are Persons Property?: Legal Debates About Property and Personalty*. Ashgate Publishing Ltd., Farnham, UK.

De Toqueville, Alexis

1945 *Democracy in America*. Alfred A. Knopf, New York.

Deer, Sarah

2005 'Sovereignty of the Soul: Exploring the Intersection of Rape Law Reform and Federal Indian Law'. *Suffolk University Law Review* 38:455-466.

2009 'Decolonizing Rape Law: A Native Feminist Synthesis of Safety and Sovereignty'. *Wicazo SA Review* 24(2):149-167.

Delvin, Dr David

2014 'Men's Sexual Response'. In *NetDoctor*. Available at http://www.netdoctor.co.uk/sex_relationships/facts/malesexualresponse.htm. Accessed on 11/5/2015.

Derrida, Jacques

1973/1967 *Speech and Phenomena, and Other Essays on Husserl's Theory of Signs*. Translated by D. B. Allison. Northwestern University Press, Evanston, IL.

1974/1967 *Of Grammatology*. Translated by G. C. Spivak. John Hopkins University Press, Baltimore and London.

1982 'Sending: On Representation'. *Social Research* 49(2):249-326.

1992 'Before the Law'. In *Acts of Literature*, edited by D. Attridge. Routledge, London and New York.

1994/1993 *Specters of Marx: The State of the Debt, the Work of Mourning and the New International*. Translated by P. Kamuf. Routledge, London and New York.

2000/1996 *Of Hospitality*. Translated by R. Bowlby. Stanford University Press, Stanford, CA.

2001/1967 'Violence and Metaphysics'. In *Writings and Difference*. Routledge, London and New York.

2002a/1989 'Force of Law: The 'Mystical Foundation of Authority''. In *Acts of Religion*, edited by G. Anidjar. Routledge, London and New York.

2002b/1996 'Faith and Knowledge: The Two Sources of 'Religion' at the Limits of Reason Alone'. In *Acts of Religion*, edited by G. Anidjar. Routledge, London and New York.

2004 'Autoimmunity: Real and Symbolic Suicides'. In *Philosophy in a Time of Terror: Dialogues with Jurgen Habermas and Jacques Derrida*, edited by G. Borradori. University of Chicago Press, Chicago.

2004/1968 'Plato's Pharmacy'. In *Dissemination*. Translated by B. Johnson. Continuum, London.

2005/2002 *Rogues: Two Essays on Reason*. Translated by P.-A. Brault and M. Naas. Stanford University Press, Stanford, CA.

Descartes, René

1984/1641 *Meditations on First Philosophy*. In *The Philosophical Writings of Descartes*. Translated by J. Cottingham, R. Stoothoff and D. Murdoch. vol. II. Cambridge University Press, Cambridge.

1985/1637 *Discourse on the Method*. In *The Philosophical Writings of Descartes*. Translated by J. Cottingham, R. Stoothoff and D. Murdoch. vol. I. Cambridge University Press, Cambridge.

1991 *The Correspondance*. In *The Philosophical Writings of Descartes*. Translated by J. Cottingham, R. Stoothoff, D. Murdoch and A. Kenny. vol. III. Cambridge University Press, Cambridge.

- Deutscher, Penelope
 1997 *Yeilding Gender: Feminism, Deconstruction and the History of Philosophy*. Routledge, London and New York.
- Ditum, Sarah
 2013 'Three Reasons Why a Vagina is Not Like a Laptop'. In *The Guardian*, Available at <https://www.theguardian.com/commentisfree/2013/may/26/nick-ross-confuse-vagina-laptop>. Accessed on 6/7/16.
- Doran, Susan
 2003 'Virginity, Divinty and Power: Portraits of Elizabeth I'. In *The Myth of Elizabeth*, edited by S. Doran and T. Freeman, pp. 171-199. Palgrave Macmillan, New York.
- Dream
 2010 'Observations on How Women Dress'. In *CoAlpha Reactionary Forum*, Available at <http://www.coalpha.org/Observations-On-How-Women-Dress-td5549205.html> Accessed on 10/25/15. Cited by David Futrelle of 'We Hunted the Mammoth' <http://wehuntedthemammoth.com/2010/11/24/ladies-stop-assaulting-us-by-dressing-like-slutty-sluts/> 11/24/2010. Accessed on 10/25/2015.
- Du Toit, Louise
 2007 'The Conditions of Consent'. In *Choice and Consent*, edited by R. Hunter and S. Cowan, pp. 58-73. Routledge-Cavendish, Abingdon, Oxon.
 2009 *A Philosophical Investigation of Rape*. Routledge Research in Gender and Society. Routledge, New York and London.
- Duehren, Andrew M.
 2015 'A Call to Arms: Law School Professor Janet Halley is Pushing Back Against Harvard and the Government's Approach to Title IX'. In *The Harvard Crimson*, Available at <http://www.thecrimson.com/article/2015/5/28/janet-halley-title-ix/>. Accessed on 12/23/15.
- Dworkin, Andrea
 2000 'Against the Male Flood: Censorship, Pornography, and Equality'. In *Feminism and Pornography*, edited by D. Cornell, pp. 19-38. Oxford Readings in Feminism. Oxford University Press, Oxford.
 2007 *Intercourse*. Twentieth Anniversary Edition ed. Basic Books, New York.
- Eisenstein, Zillah

- 2004 'Sexual Humiliation, Gender Confusion and the Horrors at Abu Ghraib'. In *ZNet*. Available at <https://zcomm.org/znetarticle/sexual-humiliation-gender-confusion-and-the-horrors-at-abu-ghraib-by-zillah-eisenstein/>. Accessed on 12/11/2015
- Engle, Karen
2005 'Feminism and Its (Dis)contents: Criminalizing Wartime Rape in Bosnia and Herzegovina'. *The American Journal of International Law* 99(4):778-816.
- Engle, Karen and Annelies Lottmann
2010 'The Force of Shame'. In *Rethinking Rape Law: International and Comparative Perspectives*, edited by C. McGlynn and V. E. Munro, pp. 76-91. Routledge, London and New York.
- Fagles, Robert
1977 'The Serpent and the Eagle: A Reading of "The Oresteia"'. In *The Oresteia*, edited by W. Stanford, pp. 13-98. Penguin Classics, London and New York.
- Ferguson, Chris
2014 'Misogyny Didn't Turn Elliot Rodger Into a Killer'. In *Time*. Available at <http://time.com/114354/elliott-rodger-ucsb-misogyny/>. Accessed on 10/27/2015.
- Fisher, Bonnie S., Francis T. Cullen and Michael G. Turner
2000 *The Sexual Victimization of College Women*. U.S. Department of Justice.
- Foucault, Michel
1977 *Discipline and Punish*. Vintage Books, New York.
1978 *The History of Sexuality Volume 1: A Introduction*. Pantheon Books, New York.
1988 *Language, Counter-memory, Practice: Selected Essays and Interviews*. Cornell University Press, Ithaca, NY.
2003 *Abnormal: Lectures at the College of France 1974-1975*. Verso, London and New York.
- Freud, Sigmund
2001a/1923 'The Ego and the Id'. In *The Standard Edition: The Ego and the Id and Other Works*, edited by J. Strachey. vol. XIX. Vintage, London.
2001b/1925 'Negation'. In *The Standard Edition: The Ego and the Id and Other Works*, edited by J. Strachey. vol. XIX. Vintage, London.

2001c/1929-30 'Civilization and its Discontents'. In *The Standard Edition: The Future of an Illusion, Civilization and its Discontents and Other Works*, edited by J. Strachey. vol. XXI. Vintage, London.

2001d/1931 'Female Sexuality'. In *The Standard Edition: The Future of an Illusion, Civilization and its Discontents and Other Works*, edited by J. Strachey. vol. XXI. Vintage, London.

2001e/1933 'Femininity'. In *The Standard Edition: New Introductory Lectures on Psycho-Analysis and Other Works*, edited by J. Strachey. Translated by J. Strachey. vol. XXII. Vintage, London.

2001f/1937 'Analysis Terminable and Interminable'. In *The Standard Edition: Moses and Monotheism, An Outline of Psycho-Analysis and Other Works*, edited by J. Strachey, pp. 209-254. vol. XXIII. Vintage, London.

Frye, Marilyn

1983 *The Politics of Reality: Essays in Feminist Theory*. The Crossing Press, Berkeley, CA.

Futrelle, David

2010a 'Quote OTD: Whatever Terrible Shit Men Do, It's All Women's Fault. Their Sexy Fault'. In *We Hunted the Mammoth*. Available at <http://wehuntedthemammoth.com/2010/10/12/quoteotd-whatever-terrible-shit-men-do-its-all-womens-fault-their-sexy-fault/>. Accessed on 10/25/2015.

2010b 'Shakespeare Before Hoes'. In *We Hunted the Mammoth*. Available at <http://wehuntedthemammoth.com/2010/11/18/shakespeare-before-hoes/>. Accessed on 10/25/2015.

2010c 'How to Find Women Disgusting: A Do-It-Yourself Guide'. In *We Hunted the Mammoth*. Available at <http://wehuntedthemammoth.com/2010/11/20/how-to-find-women-disgusting-a-do-it-yourself-guide/>. Accessed on 10/26/2015.

2010d 'Women Are...Part 1'. In *We Hunted the Mammoth*. Available at <http://wehuntedthemammoth.com/2010/11/21/women-are-part-one/>. Accessed on 10/25/2015.

2010e 'Women Are... Part 3: A Voice for Men Edition'. In *We Hunted the Mammoth*. Available at <http://wehuntedthemammoth.com/2010/11/28/women-are-part-3-a-voice-for-men-edition/>. Accessed on 10/25/15.

2011 'Bla Bla Pussy Cartel Bla Bla Cock Blockade'. In *We Hunted the Mammoth*. Available at <http://wehuntedthemammoth.com/2011/09/12/bla-bla-pussy-cartel-bla-bla-cock-blockade/>. Accessed on 10/26/2015.

2015a 'The Parable of the Cupcakes and the Male Spaces'. In *We Hunted the Mammoth*. Available at <http://wehuntedthemammoth.com/2015/04/21/the-parable-of-the-cupcakes-and-the-male-spaces/>. Accessed on 10/26/2015.

2015b 'MGTOW: Women Literally Hypnotize Men with their Zombifying Vagina Goo'. In *We Hunted the Mammoth*, Available at <http://wehuntedthemammoth.com/2015/11/06/mgtow-women-literally-hypnotize-men-with-their-zombifying-vagina-goo/>. Accessed on 11/10/2015.

2015c 'Women Enjoy Being Forced to Do Things, Just like Children,' Creepy-as-hell Red Pill Redditor Observes'. In *We Hunted the Mammoth*, Available at <http://wehuntedthemammoth.com/2015/05/25/women-enjoy-being-forced-to-do-things-just-like-children-creepy-as-hell-red-pill-redditor-observes>. Accessed on 11/10/2015.

Gallop, David

1984 *Parmenides of Elea: Fragments*. Translated by D. Gallop. University of Toronto Press, Toronto.

Gavey, Nicole

1991 'Sexual Victimization and Prevalence Among New Zealand University Students'. *Journal of Consulting and Clinical Psychology* 59(3):464-466.

2008 *Just Sex?: The Cultural Scaffolding of Rape*. Routledge, London and New York.

Gilbert, L. A.

1992 'Gender and Counseling Psychology: Current Knowledge and Directions for Research and Social Action'. In *Handbook of Counseling Psychology*, edited by S. D. Brown and R.W.Lewnt. Wiley, New York.

Gilmore, David D

2001 *Misogyny: The Male Malady*. University of Pennsylvania Press, Philadelphia, PA.

Goldstone, Richard

1996 'United Nations' War Crimes Tribunals: An Assessment'. *Connecticut J. of Int. Law* 12:227-240.

Gottschalk, Marie

2006 *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge University Press, Cambridge.

Grey, T

1980 'The Disintegration of Property'. *Nomos* 22:69-85.

- Grijalva, Emily, Daniel A. Newman, Louis Tay, M. Brent Donnellan, P. D. Harms, Richard W. Robins and Taiyi Yan
 2015 'Gender Differences in Narcissism: A Meta-Analytic Review'.
Psychological Bulletin 141(2):261-310.
- Guibbory, Achsah
 1990 'Oh, Let Mee Not Serve So': The Politics of Love in Donne's Elegies'.
ELH 57(4):811-833.
- Gyls, J. A. and R. McNamara
 1996 'Acceptance of Rape Myths Among Prosecuting Attorneys'. *Psychological Reports* 79:15-18.
- Häggland, Martin
 2008 *Radical Atheism: Derrida and the Time of Life*. Stanford University Press, Stanford, CA.
- Halley, Janet
 2006 *Split Decisions: How and Why to Take a Break from Feminism*. Princeton University Press, Princeton, NJ and Oxford.
- 2008 'Rape at Rome: Feminist Interventions in the Criminalization of Sex-Related Violence in Positive International Criminal Law'. *Michigan Journal of International Law* 30(1):1-123.
- 2015 'The Move to Affirmative Consent'. In *Signs: Currents*, Available at <http://signsjournal.org/currents-affirmative-consent/halley/>. Accessed on 10/12/15.
- Halley, Janet, Prabha Kotiswaran, Hila Shamir and Chantel Thomas
 2006 'Four Studies in Contemporary Governance Feminism: From the International to the Local in Feminist Legal Responses to Rape, Prostitution/Sex Work, and Sex Trafficking'. *Harvard Law Review* 29:335-423.
- Hanisch, Carol
 1970 'The Personal is Political'. In *Notes from the Second Year: Women's Liberation*, edited by S. Firestone and A. Koedt. Notes from the Second Year, New York. Available at http://library.duke.edu/digitalcollections/wlmpc_wlms01039/. Accessed on 20/11/2015.
- Hanson, R. K., R. Gizzarelli and H. Scott
 1994 'The Attitudes of Incest Offenders: Sexual Entitlement and Acceptance of Sex with Children'. *Criminal Justice and Behavior* 21:197-202.
- Haraway, Donna

1991 *Simians, Cyborgs and Women*. 2nd ed. Free Association Books, London.

Hardwick, J

2014 'Headley Man Sentenced to Community Order After Admitting Sex Acts with 12-year-old Girl'. In *Dorking and Leatherhead Advertiser*. Available at <http://www.dorkingandleatherheadadvertiser.co.uk/man-sentenced-community-order-admitting-sex-acts/story-21000770-detail/story.html>. Accessed on 08/19/16

Heberle, Renee

1996 'Deconstructive Strategies and the Movement Against Sexual Violence'. *Hypatia* 11(4):63-76.

Hegel, G.W.F

1977/1807 *The Phenomenology of Spirit*. Translated by A. V. Miller. Oxford University Press, Oxford.

Heidegger, Martin

1959/1953 *An Introduction to Metaphysics*. Translated by R. Manheim. Yale University Press, New Haven and London.

1962/1927 *Being and Time*. Translated by J. Macquarrie and E. Robinson. Blackwell, Oxford.

1968/1962 *What is a Thing?* Translated by W. B. Barton and V. Deutsch. Regnery/Gateway, South Bend, IN.

1975/1961 *The End of Philosophy*. Translated by J. Stambaugh. Souvenir Press, London.

1993/1964 'The End of Philosophy and the Task of Thinking'. In *Basic Writings*, edited by D. F. Krell. Routledge, London.

1998a/1931-2 'Plato's Doctrine of Truth'. In *Pathmarks*, edited by W. McNeill. Cambridge University Press, Cambridge.

1998b/1961 'Hegel and the Greeks'. In *Pathmarks*, edited by W. McNeill. Cambridge University Press, Cambridge.

2000/1953 *An Introduction to Metaphysics*. Translated by G. Fried and R. Polt. Yale University Press, New Haven and London.

Held, Virginia

2006 'The Ethics of Care'. In *Oxford Handbook of Ethical Theory*, edited by D. Copp. Oxford University Press, Oxford and New York.

- Hengehold, Laura
 1994 'An Immodest Proposal: Foucault, Hysterization, and the 'Second Rape''. *Hypatia* 9(3):88-107.
- Herman, Barbara
 1993 'Could It Be Worth Thinking About Kant on Sex and Marriage?'. In *A Mind of One's Own: Feminist Essays on Reason and Objectivity*, edited by L. M. Anthony and C. Witt, pp. 53-72. Westview Press, Boulder, CO.
- Herman, Judith L.
 1997 *Trauma and Recovery*. New Edition ed. Basic Books, New York.
- Hester, M. Thomas
 1987 'Donne's (Re)Annunciation of the Virgin(ia Colony) in 'Elegy XIX''. *South Central Review* 4(2):49-64.
- Hill, Melanie S. and Ann R. Fischer
 2001 'Does Entitlement Mediate the Link Between Masculinity and Rape-Related Variables?'. *Journal of Counseling Psychology* 48(1):39-50.
- Hobbes, Thomas
 1985/1651 *Leviathan*. Penguin Classics, Harmondsworth, UK.
- Hollway, Wendy
 2004 'Gender Difference and the Production of Subjectivity'. In *Changing the Subject: Psychology, Social Regulation and Subjectivity*, edited by J. Henriques, W. Hollway, C. Urwin, C. Venn and V. Walkerdine, pp. 223-261. Routledge, London and New York.
- Irigaray, Luce
 1981 *Le Corps-à-corps avec la Mère*. Les Éditions de la Pleine Lune, Montreal.
 1985a/1974 *Speculum of the Other Woman*. Translated by G. C. Gill. Cornell University Press, Ithaca, New York.
 1985b/1977 *This Sex Which Is Not One*. Translated by C. Porter. Cornell University Press, Ithaca, NY.
 1989 'The Language of Men'. *Cultural Critique* 13:191-202.
 1993/1987 *Sexes and Genealogies*. Translated by G. C. Gill. Columbia University Press, New York.
 1997 *Être Deux*. Bernard Grasset, Paris.

1999/1983 *The Forgetting of Air in Martin Heidegger*. Translated by M. B. Mader. University of Texas Press, Austin, TX.

Iverson, Duncan

2002 'Property, Territory and Sovereignty: Justifying Political Boundaries'. In *Natural Law and Civil Sovereignty: Moral Right and State Authority in Early Modern Political Thought*, edited by I. Hunter and D. Saunders, pp. 219-234. Palgrave Macmillan, Basingstoke, UK and New York.

Jackson, Robert

2007 *Sovereignty: Evolution of an Idea*. Polity Press, Cambridge.

James, Susan

2002 'Freedom and the Imaginary'. In *Visible Women: Essays on Feminist Legal Theory and Political Philosophy*, edited by S. James and S. Palmer, pp. 175-196. Hart Publishing, Oxford and Portland, OR.

Jones, Jane Clare

2011a 'Anders Breivik's Chilling Anti-feminism'. In *The Guardian*. Available at <http://www.theguardian.com/commentisfree/2011/jul/27/breivik-anti-feminism>. Accessed on 10/26/15.

2011b 'After the Riots, a Politics of Compassion'. In *The Guardian*. Available at <http://www.theguardian.com/commentisfree/2011/aug/15/riots-compassion>. Accessed on 11/08/2015.

2014 'We Live in a Culture Riddled with Rape-supportive Beliefs about Consent'. In *The New Statesman*, Available at <http://www.newstatesman.com/law/2014/05/we-live-culture-riddled-rape-supportive-beliefs-about-consent>. Accessed on 08/19/16.

Judovitz, Dalia

1988 *Subjectivity and Representation in Descartes*. Cambridge University Press, Cambridge.

Kant, Immanuel

1964/1785 *Groundwork of the Metaphysics of Morals*. Translated by H. J. Paton. Harper and Row, New York.

Kantorowicz, Ernst H

1997/1957 *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton University Press, Princeton, NJ.

Kapur, Ratna

- 2002 'The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in International/Post-Colonial Feminist Legal Politics'. *The Harvard Human Rights Journal* Spring:1-38.
- 2013 'Gender, Sovereignty and the Rise of a Sexual Security Regime in International Law and Postcolonial India'. *Melbourne Journal of International Law* 14:1-29.
- Keiller, Scott W.
2010 'Male Narcissism and Attitudes Toward Heterosexual Women and Men, Lesbian Women, and Gay Men: Hostility toward Heterosexual Women Most of All'. *Sex Roles* 63:530-541.
- Keller, Catherine
1988 *From a Broken Web: Separation, Sexism and Self*. Beacon Press, Boston, MA.
- Kelly, Liz
2005 'Inside Outsiders: Mainstreaming Violence Against Women Into Human Rights Discourse And Practice'. *International Feminist Journal of Politics* 7(4):471-495.
- Kennedy, Duncan
1992 'Sexual Abuse, Sexy Dressing and the Eroticization of Domination'. *New England Law Review* 26(Summer):1309-1393.
- Kimmel, Michael
2003 'An Unnatural History of Rape'. In *Evolution, Gender and Rape*, edited by C. B. Travis, pp. 221-233. The MIT Press, Cambridge, MA.
- 2008 *Guyland: The Perilous World Where Boys Become Men*. Harper Collins, New York.
- 2013 'America's Angry White Men'. In *The Huffington Post*, Available at http://www.huffingtonpost.com/michael-kimmel/americas-angry-white-men_b_4182486.html. Accessed on 10/27/2015.
- Kojeve, Alexandre
1969 *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*. Translated by J. James H. Nichols. Cornell University Press, Ithaca and London.
- Koslowski, Peter
1996 *Ethics of Capitalism and Critique of Sociobiology*. Translated by D. Ambuel. Studies in Economic Ethics and Philosophy. Springer-Verlag, New York.

Koss, Mary P.

2003 'Evolutionary Models of Why Men Rape: Acknowledging the Complexities'. In *Evolution, Gender and Rape*, edited by C. B. Travis, pp. 191-205. The MIT Press, Cambridge, MA.

Koss, Mary P. and Christine A. Gidycz

1985 'Sexual Experiences Survey: Reliability and Validity'. *Journal of Consulting and Clinical Psychology* 53:422-423.

Koss, Mary P., Christine A. Gidycz and Nadine Wisniewski

1985 'Hidden Rape: Incidence and Prevalence of Sexual Aggression and Victimization in the National Sample of Students in Higher Education'. Paper presented at the Annual Convention of the American Psychological Association, Los Angeles.

1987 'The Scope of Rape: Incidence and Prevalence of Sexual Aggression and Victimization in a National Sample of Higher Education Students'. *Journal of Consulting and Clinical Psychology* 55(2):162-170.

Koss, Mary P., Kenneth E. Leonard, Dana A. Beezley and Cheryl J. Oros

1985 'Nonstranger Sexual Aggression: A Discriminant Analysis of the Psychological Characteristics of Undetected Offenders'. *Sex Roles* 12(9/10):981-992.

Kunarac

2001 'Trial Judgment: Prosecutor v. Kunarac, Kovac and Vukovic'. UN International Criminal Tribunal for the Former Yugoslavia. Available at <http://www.icty.org/x/cases/kunarac/tjug/en/kun-tj010222e.pdf>.

2002 'Appeal Judgment: Prosecutor v. Kunarac, Kovac and Vukovic'. UN International Criminal Tribunal for the Former Yugoslavia. Available at <http://www.icty.org/x/cases/kunarac/acjug/en/kun-aj020612e.pdf>

Lacan, Jacques

1953 'Some Reflections on the Ego'. *International Journal of Psychoanalysis* 34:11-17.

1977 *Écrits: A Selection*. Translated by A. Sheridan. Routledge, London.

1988 'The Family Complexes'. *Critical Texts* 5:12-29.

Lakoff, George and Mark Johnson

1980 *Metaphors We Live By*. University of Chicago Press, Chicago and London.

- Larson, Jane
1993 'Women Understand So Little, They Call my Good Nature 'Deceit': A Feminist Rethinking of Seduction'. *Columbia Law Review* 93(2).
- Lasch, Christopher
1979 *The Culture of Narcissism: American Life in an Age of Diminishing Expectations*. W.W. Norton & Co, New York and London.

1984 *The Minimal Self: Psychic Survival in Troubled Times*. W.W. Norton & Co, New York and London.
- Lauretis, Teresa de
1987 *Technologies of Gender: Essays on Theory, Film, and Fiction*. Indiana University Press, Bloomington, IN.
- Lee, Daniel
2016 *Popular Sovereignty in Early Modern Constitutional Thought*. Oxford University Press, Oxford.
- Levin, Sam
2016 'Ex-Stanford Swimmer Gets Six Months in Jail and Probation for Sexual Assault'. In *The Guardian*, Available at <https://www.theguardian.com/us-news/2016/jun/02/stanford-swimmer-sexual-assault-brock-allen-turner-palo-alto>. Accessed on 08/18/16.
- Lloyd, Elisabeth A.
2003 'Violence Against Science: Rape and Evolution'. In *Evolution, Gender and Rape*, edited by C. B. Travis, pp. 235-261. The MIT Press, Cambridge, MA.
- Lloyd, Moya
2007 *Judith Butler: From Norms to Politics*. Polity Press, Cambridge.
- Loades, David
2006 *Elizabeth I: A Life*. Hambledon Continuum, London.
- Locke, John
1960/1689 *Two Treatises of Government*. Cambridge Texts in the History of Political Thought. Cambridge University Press, Cambridge.
- Lombardo, Stanley
1979 *Parmenides and Empedocles: The Fragments in Verse Translation*. Grey Fox Press, San Francisco.
- Lonsway, Kimberly A. and Louise F. Fitzgerald
1994 'Rape Myths: In Review'. *Psychology of Women Quarterly* 18:133-164.

1995 'Attitudinal Antecedents of Rape Myth Acceptance: A Theoretical and Empirical Reexamination'. *Journal of Personality and Social Psychology* 68(4):704-711.

Lunbeck, Elizabeth

2014 *The Americanization of Narcissism*. Harvard University Press, Cambridge, MA.

Lundgren-Gothlin, Eva

1998 'The Master-Slave Dialectic in The Second Sex'. In *Simone de Beauvoir: A Critical Reader*, edited by E. Fallaize, pp. 93-108. Routledge, London and New York.

MacKinnon, Catharine

1987 *Feminism Unmodified*. Harvard University Press, Cambridge, MA and London.

Malamuth, Neil M.

1981 'Rape Proclivity Among Males'. *Journal of Social Issues* 37(4):138-157.

Malamuth, Neil M., Daniel Linz, Christopher L. Heavey, Gordon Barnes and Michele Acker

1995 'Using the Confluence Model of Sexual Aggression to Predict Men's Conflict With Women: A 10-Year Follow-Up Study'. *Journal of Personality and Social Psychology* 69(2):353-369.

Malamuth, Neil M., Robert J. Sockloskie, Mary P. Koss and J.S. Tanaka

1991 'Characteristics of Aggressors Against Women: Testing a Model Using a National Sample of College Students'. *Journal of Consulting and Clinical Psychology* 59(6):670-681.

Mann, Bonnie

2014 *Sovereign Masculinity: Gender Lessons from the War on Terror*. Oxford University Press, Oxford.

Marcotte, Amanda

2014 'How 'Pick-Up Artist' Philosophy and Its More Misogynist Backlash Shaped Mind of Alleged Killer Elliot Rodger'. In *The American Prospect*. Available at <http://prospect.org/article/how-pick-artist-philosophy-and-its-more-misogynist-backlash-shaped-mind-alleged-killer>. Accessed on 09/15/16.

Marcus, Sharon

1992 'Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention'. In *Feminists Theorize the Political*, edited by J. Butler and J. W. Scott, pp. 385-403. Routledge, New York.

Mardorossian, Carine

- 2002 'Towards a New Feminist Theory of Rape'. *Signs* 27(3):743-775.
- Masson, Jeffrey M.
1984 'Freud and the Seduction Theory: A Challenge to the Foundations of Psychoanalysis'. In *The Atlantic Monthly*, Available at <http://www.theatlantic.com/magazine/archive/1984/02/freud-and-the-seduction-theory/376313/>. Accessed on 19/10/16.
- Matchar, Emily
2014 'Men's Rights' Activists Are Trying to Redefine the Meaning of Rape'. In *New Republic*. Available at <https://newrepublic.com/article/116768/latest-target-mens-rights-movement-definition-rape>. Accessed on 30/12/15.
- Matheson, Jil
2013 *An Overview of Sexual Offending in England and Wales*. Ministry of Justice, Home Office & the Office for National Statistics.
- McEvelley, Thomas
2002 *The Shape of Ancient Thought: Comparative Studies of Greek and Indian Philosophies*. Allworth Press, New York.
- McEwan, Melissa
2009 'Rape Culture 101'. In *Shakesville*. Available at <http://www.shakesville.com/2009/10/rape-culture-101.html>. Accessed on 08/17/16.
- Mehrhof, Barbara and Pamela Kearnon
1971 'Rape: An Act of Terror'. In *Notes from the Third Year: Women's Liberation*, edited by A. Koedt and S. Firestone. Notes from the Second Year, Inc., New York.
- Menon, Rita and Kamla Bhasin
1998 *Borders and Boundaries: Women in India's Partition*. Kali for Women, New Delhi.
- Merrill, Thomas W.
1998 'Property and the Right to Exclude'. *Nebraska Law Review* 77(4):730-755.
- Miller, Michael E.
2016 'A Steep Price to Pay for 20 Minutes of Action': Dad Defends Stanford Sex Offender'. In *Washington Post*. <https://www.washingtonpost.com/news/morning-mix/wp/2016/06/06/a-steep-price-to-pay-for-20-minutes-of-action-dad-defends-stanford-sex-offender/>. Accessed on 08/18/16.
- Miller, Ruth A.

- 2007 *The Limits of Bodily Integrity: Abortion, Adultery, and Rape Legislation in Comparative Perspective*. Ashgate, Aldershot and Burlington VT.
- Modell, Arnold H.
1975 'A Narcissistic Defence Against Affect and the Illusion of Self-Sufficiency'. *International Journal of Psychoanalysis* 56:275-282.
- Montrose, Louis
1986 'The Elizabethan Subject and the Spenserian Text'. In *Literary Theory/Renaissance Texts*, edited by P. Parker and D. Quint, pp. 303-340. John Hopkins University Press, Baltimore.
- Muehlenhard, C. L. and M. A. Linton
1987 'Date Rape and Sexual Aggression in Dating Situations: Incidence and Risk Factors'. *Journal of Counseling Psychology* 34(2):186-196.
- Mueller, Janel
1999 'Virtue and Virtuality: Gender in the Self-Representations of Queen Elizabeth I'. Paper presented at the University of Chicago Alumni Club, Washington D.C.
- Naas, Michael
2006 "One Nation...Indivisible!': Jacques Derrida on the Autoimmunity of Democracy and the Sovereignty of God'. *Research in Phenomenology* 36:15-44.
- Naffine, Ngaire
1994 'Possession: Erotic Love in the Law of Rape'. *The Modern Law Review* 57(1):10-37.

1998 'The Legal Structure of Self-Ownership: Or the Self-Possessed Man and the Woman Possessed'. *Journal of Law and Society* 25(2):193-212.

2002 'Can Women be Legal Persons?'. In *Visible Women: Essays on Feminist Legal Theory and Political Philosophy*, edited by S. James and S. Palmer, pp. 69-90. Hart Publishing, Oxford and Portland, OR.
- Nancy, Jean-Luc
1991/1986 *The Inoperative Community*. Translated by P. Connor, L. Garbus, M. Holland and S. Sawhney. University of Minnesota Press, Minneapolis, MN.

2000/1996 *Being Singular Plural*. Translated by R. D. Richardson and A. E. O'Byrne. Stanford University Press, Stanford, CA.
- Nedelsky, Jennifer
2003 'Review: Are Persons Property?'. *Adelaide Law Review* 24:123-131.

2011 *Law's Relations: A Relational Theory of Self, Autonomy and Law*. Oxford University Press, Oxford and New York.

NPR

2000 'Theories of Rape'. In *Talk of the Nation*, Available at <http://www.npr.org/templates/story/story.php?storyId=1069570>. Accessed on 10/09/15.

Nussbaum, Martha C

1995 'Objectification'. *Philosophy and Public Affairs* 24(4):249-291.

2000 *Woman and Human Development: The Capabilities Approach*. Cambridge University Press, Cambridge.

Ochert, Ayala

2000 'Why Men Want to Rape'. In *Times Higher Education*. Available at <http://www.timeshighereducation.co.uk/features/why-men-want-to-rape/150003.article>. Accessed on 09/11/15.

Oliver, Kelly

2004 *The Colonization of Psychic Space: A Psychoanalytic Social Theory of Oppression*. University of Minnesota Press, Minneapolis, MN.

Otto, Diana

2010 'Power and Danger: Feminist Engagement with International Law through the UN Security Council'. *Australian Feminist Law Journal* 32.

Papadaki, Evangelia

2007 'Sexual Objectification: From Kant to Contemporary Feminism'. *Contemporary Political Theory* 2007(6):330-348.

Park, Haeyoun, Vu Nguyen and Shan Carter

2013 'Prison Population Around the Globe'. In *New York Times*, Available at http://www.nytimes.com/interactive/2008/04/22/us/20080423_PRISON_GRAPHIC.html?r=0. Accessed on 1/2/2016.

Pateman, Carole

1980 'Women and Consent'. *Political Theory* 8(2):149-168.

1988 *The Sexual Contract*. Stanford University Press, Stanford, CA.

Payne, Diana L., Kimberly A. Lonsway and Louise F. Fitzgerald

1999 'Rape Myth Acceptance: Exploration of Its Structure and Its Measurement Using the Illinois Rape Myth Acceptance Scale'. *Journal of Research in Personality* 33(27-68).

Penny, Laurie

2014 'Misogynist Extremism: Let's Call the Isla Vista Killings What They Were'. In *The New Statesman*. Available at <http://www.newstatesman.com/lifestyle/2014/05/lets-call-isa-vista-killings-what-they-were-misogynist-extremism>. Accessed on 10/27/2015.

Phillips, Melanie

2009 'The Outrageous Truth Slips Out: Labour Cynically Plotted to Transform the Entire Make-up of Britain Without Telling Us'. In *The Daily Mail*. Available at <http://www.dailymail.co.uk/debate/article-1222977/MELANIE-PHILLIPS-The-outrageous-truth-slips-Labour-cynically-plotted-transform-entire-make-Britain-telling-us.html>. Accessed on 11/08/2015.

Philpott, Daniel

2001 *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations*. Princeton University Press, Princeton, NJ.

Pineau, Lois

1989 'Date Rape: A Feminist Analysis'. *Law and Philosophy* 8(2):217-243.

Pinker, Steven

2002 *The Blank Slate: The Modern Denial of Human Nature*. Penguin, New York and London.

Plato

1925a *Phaedrus*. Translated by H. N. Fowler. Plato in Twelve Volumes Vol. 9, Cambridge, MA, Harvard University Press; London, William Heinemann Ltd.

1925b *Symposium*. Translated by W. R. M. Lamb. Loeb Classical Library III. Harvard University Press, Cambridge, MA.

1925c *Symposium*. Translated by H. N. Fowler. Plato in Twelve Volumes Vol. 9, Cambridge, MA, Harvard University Press; London, William Heinemann Ltd.

1929 *Timaeus*. Translated by R. G. Bury. Loeb Classical Library IX. Harvard University Press, Cambridge, MA and London.

1954 *Phaedo*. Translated by H. Tredennick and H. Tarrant. The Last Days of Socrates. Penguin Classics, London and New York.

1955 *Republic*. Translated by H. D. P. Lee. Penguin, Harmondsworth.

1965 *Timaeus*. Translated by D. Lee. Timaeus and Critias. Penguin Classics, London and New York.

1966 *Phaedo*. Translated by H. N. Fowler. Plato in Twelve Volumes Vol. 1, Cambridge, MA, Harvard University Press; London, William Heinemann Ltd.

1968 *Republic*. Translated by A. Bloom. Basic Books.

1969 *Republic*. Translated by P. Shorey. Plato in Twelve Volumes Vol. 5 & 6. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd.

1973 *Phaedrus*. Translated by W. Hamilton. Penguin Classics, London and New York.

Plaza, Monique

1981 'Our Damages and their Compensations, Rape: The Will Not to Know of Michel Foucault'. *Feminist Issues* 1(3):25-36.

Popper, Karl

1998 *The World of Parmenides: Essays on the Presocratic Enlightenment* Routledge, London and New York.

Quackenbush, R.L.

1989 'A Comparison of Androgynous, Masculine Sex-typed, and Undifferentiated Males on Dimensions and Attitudes Towards Rape'. *Journal of Research in Personality* 23(318-342).

Radin, Margaret Jane

1982 'Property and Personhood'. *Stanford Law Review* 34(5):957-1015.

Reich, Charles A

1964 'The New Property'. *The Yale Law Journal* 73(5):733-787.

Rodger, Elliot

2014a *My Twisted World: The Story of Elliot Rodger*, Available throughout the internet.

2014b 'Retribution'. Transcript of Elliot Rodger's Final Video. Available at <http://www.news.com.au/world/full-transcript-of-elliott-rodgers-pre-shooting-video/story-fndir2ev-1226930802481>. Accessed on 10/27/2015.

Rousseau, Jean-Jacques

1997/1762 Of the Social Contract. In *The Social Contract and Other Later Political Writings*, edited by V. Gourevitch. Cambridge Texts in the History of Political Thought. Cambridge University Press, Cambridge.

Ryan, Katherine M.

2011 'The Relationship between Rape Myths and Sexual Scripts: The Social Construction of Rape'. *Sex Roles* 65(774-782).

- Sanday, Peggy Reeves
2003 'Rape-Free versus Rape-Prone: How Culture Makes a Difference'. In *Evolution, Gender and Rape*, edited by C. B. Travis, pp. 337-361. The MIT Press, Cambridge, MA.
- Sandbeck, Sune
2012 'Towards an Understanding of Carceral Feminism as Neoliberal Biopower'. Paper presented at the Annual Conference of the Canadian Political Science Association, University of Alberta.
- Sartre, Jean-Paul
1992/1943 *Being and Nothingness*. Washington Square Press, New York.
- Schmitt, Carl
1985/1922 *Political Theology: Four Chapters on the Concept of Sovereignty*. University of Chicago Press, Chicago.

2006/1974 *The Nomos of the Earth (in the International Law of the Jus Publicum Europaeum)*. Translated by G. L. Ulman. Telos Press Publishing, New York.
- Seifert, Ruth
1996 'The Second Front: The Logic of Sexual Violence in Wars'. *Womens' Studies International Forum* 19(1/2):35-43.
- Shaw, Daniel
2014 *Traumatic Narcissism: Relational Systems of Subjugation*. Routledge, New York.
- Shershow, Scott Cutler
2011 'The Time of Sacrifice: Derrida Contra Agamben'. *Reconstruction* 11(2): Available at http://reconstruction.eserver.org/Issues/112/Shershow_Scott.shtml .
- Sirridge, Mary
2003 'Philosophy in Beauvoir's Fiction'. In *The Cambridge Companion to Simone de Beauvoir*, edited by C. Card, pp. 129-148. Cambridge University Press, Cambridge.
- Smith, O and T Skinner
2012 'Observing Court Responses To Victims of Rape and Sexual Assault'. *Feminist Criminology* 7(4):298-326.
- Somainsi, Francesco
2012 'Territory, Territorialisation, Territoriality: Problems of Definition and Historical Interpretation'. *Plurimondi* V(10):19-47.

Songe-Møller, Vigdis

2002 *Philosophy without Women: The Birth of Sexism in Western Thought*. Continuum, London and New York.

SPLC

2012a 'Leader's Suicide Brings Attention to Men's Rights Movement'. Southern Poverty Law Center, Available at <https://www.splcenter.org/fighting-hate/intelligence-report/2012/leader%E2%80%99s-suicide-brings-attention-men%E2%80%99s-rights-movement>. Accessed on 12/30/15.

2012b 'Men's Rights Movement Spreads False Claims About Women'. Southern Poverty Law Center, Available at <https://www.splcenter.org/fighting-hate/intelligence-report/2012/men%E2%80%99s-rights-movement-spreads-false-claims-about-women>. Accessed on 12/30/15

Stannard, David E.

1992 *American Holocaust: The Conquest of the New World*. Oxford University Press, Oxford and New York.

Stern, Daniel N

1985 *The Interpersonal World of the Infant: A View from Psychoanalysis and Developmental Psychology*. Basic Books, New York.

Stigmayer, Alexandra

1994 'The Rapes in Bosnia-Herzegovina'. In *Mass Rape: The War Against Women in Bosnia-Herzegovina*, edited by A. Stigmayer, pp. 82-169. University of Nebraska Press, Lincoln and London.

Stringer, Rebecca

2001 'Blaming Me Blaming You: Victim Identity in Recent Feminism'. In *Outskirts Online Journal*, Available at <http://www.outskirts.arts.uwa.edu.au/volumes/volume-8/stringer>. Accessed on 11/18/15.

2013 'Vulnerability after Wounding: Feminism, Rape Law, and the Differend'. *SubStance* 42(3):148-168.

Sussman, Les and Sally Bordwell

2000 *The Rapist File*. toExcel, San Jose and New York.

Taylor, Chloe

2009 'Foucault, Feminism and Sex Crimes'. *Hypatia* 24(4):1-25.

Thornhill, Randy and Craig T. Palmer

- 2000a *A Natural History of Rape: Biological Bases of Sexual Coercion*. The MIT Press, Cambridge, MA and London, England.
- 2000b 'The Evolutionary Basis of Rape'. In *Times Higher Education*. Available at <http://www.timeshighereducation.co.uk/features/why-men-want-to-rape/150003.article>. Accessed on 09/11/15.
- 2000c 'Why Men Rape'. *The Sciences* Jan/Feb:30-36.
- Tieger, T.
1981 'Self-Rated Likelihood of Raping and the Social Perception of Rape'. *Journal of Research in Personality* 15(147-158).
- Tolstoy, Leo
1993/1889 'The Kreutzer Sonata'. In *The Kreutzer Sonata and Other Short Stories*. Dover Publications, Mineola, New York.
- Travis, Cheryl Brown
2003a 'Talking Evolution and Selling Difference'. In *Evolution, Gender and Rape*, edited by C. B. Travis, pp. 3-27. The MIT Press, Cambridge, MA.
2003b 'Theory and Data on Rape and Evolution'. In *Evolution, Gender and Rape*, edited by C. B. Travis, pp. 207-220. The MIT Press, Cambridge, MA.
- Tremain, Shelley
2013 'Educating Jouy'. *Hypatia* 28(4):801-817.
- Truman, Dana M., David M. Tokar and Ann R. Fischer
1996 'Dimensions of Masculinity: Relations to Date Rape Supportive Attitudes and Sexual Aggression in Dating Situations'. *Journal of Counseling and Development* 74(July/August):555-562.
- Valenti, Jessica
2014 'Elliot Rodger's California Shooting Spree: Further Proof that Misogyny Kills'. In *The Guardian*. Available at <http://www.theguardian.com/commentisfree/2014/may/24/elliott-rodgers-california-shooting-mental-health-misogyny>. Accessed on 10/27/2015.
- Vine, Sarah
2015 'A Politically Correct DPP, Rape and the Worrying Question: How DO Men Prove Consent'. In *The Daily Mail*, Available at <http://www.dailymail.co.uk/news/article-2932382/A-politically-correct-DPP-rape-worrying-question-men-prove-consent-asks-SARAH-VINE.html>. Accessed on 08/08/16.
- West, Robin

1988 'Jurisprudence and Gender'. *The University of Chicago Law Review* 55(1):1-72.

Whisnant, Rebecca

2008 'A Woman's Body Is Like a Foreign Country': Thinking About National and Bodily Sovereignty'. In *Global Feminist Ethics*, edited by R. Whisnant and P. DesAutels, pp. 155-176. Rowman and Littlefield, Lanham, MD.

Whitford, Margaret

1991 *Luce Irigaray: Philosophy in the Feminine*. Routledge, London and New York.

2003 'Irigaray and the Culture of Narcissism'. *Theory, Culture and Society* 20(3):27-41.

Winnicott, Donald W.

1999/1971 'Transitional Objects and Transitional Phenomena'. In *Playing and Reality*, pp. 1-25. Routledge, London.

Yiannopoulos, Milo

2015 'Sexbots: Why Women Should Panic'. In *Breitbart*. Available at <http://www.breitbart.com/big-government/2015/09/16/sexbots-why-women-should-panic/>. Accessed on 10/26/2015.

Young, R. V.

1987 'O My America, My New-Found-Land': Pornography and Imperial Politics in Donne's 'Elegies'. *South Central Review* 4(2):35-48.

Žarkov, Dubravka

2007 *The Body of War: Media, Ethnicity and Gender in the Break-up of Yugoslavia*. Duke University Press, Durham and London.