

## SAA Comments On Ted Everett's Against "Sexual" "Assault" "Awareness" -- Heidi Savage

ABSTRACT: "No" means "no": feminist and victim understandings of sexual assault awareness

While there are many different motivations for raising questions about the Sexual Assault Awareness Movement, at least one motivation comes from feminist controversies about what counts as consensual sex. Historically, this controversy arose between those known as "anti-pornography feminists", and "sex positive feminists" whose proponents had very different understandings of what counts as sexual autonomy for women. It is important to understand that questioning the current definitions of what counts as an instance of sexual assault does not entail an anti-feminist agenda. There is not a unified feminist front on this topic. To assume otherwise is to risk silencing victims of sexual assault even further by imposing a particular conception of sexual assault upon them that they might themselves reject. If we are to properly address sexual assault as feminists we must listen to victims of sexual assault and develop a theory of consent in tandem with victims' own understanding of that concept.

My aim here today is simply to highlight the complexities of the issues raised by Ted's comments, and by the study being critiqued, from within a feminist perspective and from a rape victim's perspective.

### As a philosopher:

As a philosopher, I am deeply troubled by the reaction to my friend and colleague's talk. Given that, from this perspective, one of the hallmarks of intellectual inquiry and freedom from dogmatic thought is the freedom to question.

According to one famous philosopher and activist, Bertrand Russell, people "fear thought as they fear nothing else on earth -- more than ruin -- more even than death.... Thought is subversive and revolutionary, destructive and terrible, thought is merciless to privilege, established institutions, and comfortable habit. Thought looks into the pit of hell and is not afraid."

So I am here representing this conception of intellectual inquiry and its importance in a free and democratic society.

I am deeply depressed and quite frankly terrified for the future of intellectual progress by the divisive reaction to Dr. Everett's talk. As if questioning a particular scientific study on sexual assault is necessarily an anti-feminist response, and necessarily entails a lack of interest in or respect for victims of rape, sexual assault, sexual harassment, or sexual exploitation.

### As a feminist:

As a feminist, I am quite frankly embarrassed that the issue has been cast as one between the feminist view and the anti-feminist view.

While I certainly agree that sexual assault can occur in all kinds of contexts and does not always involve violence -- that the old definition of "rape" has got to go -- nevertheless, the definition of sexual assault, and its accompanying attitudes towards sexuality, we are examining today is not

uncontroversial, even within feminist circles.

As an instructor of the course “feminism, character, and identity,” and being versed in some of the positions on the topic of female sexuality, I know that to simply characterize the issue as one between the correct feminist view and the incorrect anti-feminist view is not only misleading, it's just plain false. In fact, it's an outright lie.

There is no one feminist view on the topic, and to deny this or even suggest it, is an affront to feminist scholarship and feminist scholars in general.

In fact, anyone who knows any history of the feminist movement in general, knows that there was a complete breakdown of the second wave movement itself based on controversies about how to understand the nature of women's sexual autonomy, better known as “The Feminist Sex Wars,” the aftermath of which continues into present day feminist scholarship.

The "sex wars" resulted in the feminist movement being split into two opposing camps over questions about pornography, consent, sexual freedom, and the relationship of free speech to equality.

There are at least two feminist positions that grew out of this war.

One side was known as anti-porn feminism or sex negative feminism, the other as sex-positive feminism.

The anti-porn feminist movement is expressed in MacKinnon and Dworkin's work, and sex-positive feminism in Rubin's work.

Roughly, the two positions coming out of second wave feminism are characterized in the following ways:

(1) Sex negative feminism

For MacKinnon, one of the original sex-negative feminists, no heterosexual relationship is truly a free one given that they almost always reflect the dominant and subordinate positions of the masculine and the feminine in society even when women themselves might say they consent to such relations, such consent is not true consent given it is given by women from a relatively powerless position. There is no real consent possible for MacKinnon in the current context.

By MacKinnon's lights, all heterosexual relations in the current culture are oppressive, and could all be construed as various forms of sexual assault.

(2) Sex positive feminism

In contrast, the sex-positive feminists reacted to the sex-negative feminism as an instance of the repression of sexuality and a move towards censorship.

One of the points of contention of sex-negative feminists is the worry that anti-pornography feminists

will be seen as speaking collectively for all of feminism.

An essential component of women's freedom for sex-positive feminists is sexual freedom.

And therefore, many sex-positive feminists oppose legal or social efforts to control sexual activities between consenting adults, whether these efforts are come from the government, other feminists, or opponents of feminism.

Another characteristic of some sex-positive feminists is the rejection of the vilification of male sexuality encouraged by the sex-negative movement.

This kind of feminism can be linked with the idea that a woman should be able to define for herself when and what kind of activity is and is not permitted, and that she is herself completely capable of giving consent or not.

#### Application to sexual assault and notions of consent:

The definition of consent being questioned today is not nearly so controversial as Mackinnon's ideas suggest, but it can be seen as influenced Mackinnon's thought, and therefore as being guided by certain feminist theoretical commitments that are not uncontroversial.

In my opinion, the notion of consent being questioned today does not allow for a woman to even be able to say yes and decide for herself whether that was an act of autonomy, which can be seen as a rejection of the ideals of sex-positive feminism.

For instance, we can see echoes of MacKinnon in the idea that if a subject of unwanted sexual attention or contact is overwhelmed by verbal pressure into sexual relations that this itself does not count as consensual sex and is therefore sexual assault. (we see it too in the suggestion that all of these negative forms of interaction should be seen on a continuum, as various degrees of sexual assault).

The reasoning behind this approach is that because women are in a position of relative powerlessness in such contexts and because they are socialized to consent and to understand themselves as being obligated to be sexually available to men, that in such a context, even if a woman says "yes" or gives in, or allows the sexual act to occur, she has not really given true consent to the act.

On this view, women have to actively consent to the sex act that occurs, and it is the responsibility of both parties to ensure that there is mutual active consent on the part of both parties.

But if we deny that even instances in which a woman says 'yes' or gives in are instances of consensual sex, how is a woman to indicate that she either wants or doesn't want a sex act to occur?

Since we can't mind-read, how are we supposed to ensure that both participants are mutually consenting? If a woman is incapable of consent under pressure, when is she capable of consent?

When does yes REALLY mean yes?

Until a positive theory of consent is actually developed, one that doesn't require mind reading and one that does in fact empower women, I am not sure how women or anyone else for that matter are to proceed vis-a-vis sexual assault.

Neither the sex-negative feminists, nor even the sex-positive feminists have a robust theory of consent.

As a victim:

First I want to recount my various negative sexual encounters. Then, I want to speak to whether I feel heard and whether my experience is accurately reflected or accounted for by the definitions of consent and sexual assault that are being addressed here today.

Case #1:

First, at 12, I was a victim of rape (regular old-fashioned, physically forced, rape). I have seen my assailant twice since that. The first time, either a month or a year later, I can't tell, my sense of time was all screwed up then, I got kicked out of a party for screaming that I knew where he lived and that he shouldn't go to bed that night. The last time, only a few months ago, he was parked in my in-laws driveway for reasons I won't go into. At the time, I wasn't sure if it was him, but I suspected it. All of sudden I felt like a little kid again, I started to feel nauseous and dizzy and like I couldn't breathe. Had I known for sure if it was him, I probably would have attacked him. I was told later that it was him. I spent the next day, all day, just sitting on the porch waiting for him to return, a two by four, and knife beside me.

Case #2:

Second, almost all of my life I have been subjected to verbal pressuring for sex. And I truly HATE this behavior, and I believe it needs to stop. And there were many times that I was "overwhelmed with verbal pressure" into performing sex acts that *secretly* I did not want to perform.

Now, SAA lumps together all of these acts under the name of "sexual assault." In keeping with this, the study in question counts all of these examples of negative sexual interactions on a par, all as forms of sexual assault. While it recognizes differences of degree, it does not recognize these different forms of negative sexual interactions as perhaps different in kind.

But based on my own experiences, I do not see all of these experiences as differences in matters of degree. This is not only because of the nature of these cases, but also because I think the way to deal with such cases should be different, given their different natures. There isn't a one size fits all way to deal with all of these different experiences. And SAA should recognize these differences.

First, the nature of the cases:

- (1) They do not do the same kind of damage psychologically, and my attitudes towards the people involved are different.
- (2) Second, the men in these cases are not all the same psychologically or morally.

In case (1), it is clear that I have some symptoms of PTSD based on my latest experience after having seen my assailant -- that I was traumatized by the experience. Luckily for me, unlike other victims, I am almost murderously outraged at my assailant. I think of this man as a pathological rapist. Nothing would have deterred him from doing what he did. He is not a moral or rational agent. He's a moral monster. For me, almost no punishment is strong enough for this guy, nor would any form of repentance be sufficient to quell my rage.

In cases like (2), however, I have not been traumatized, though these interactions, at least some of them anyhow, did damage to my self-esteem, furthered my distrust of men, fueled my feelings of dislike for male sexuality, and cetera.

And my attitude toward people who did this varies: Some I really dislike, others I am neutral about, and yet others are still even my friends. The contexts varied. Some of them I believe owe me an apology and some of them I feel just need to realize and learn that their sexual approach is morally problematic and harmful to women.

Now in the first case, no amount of sensitivity training, or SAA could make a difference to this person. The only thing SAA can do is to make a difference to victims, and public perceptions thereof.

The second case, I think is an issue that needn't be and probably shouldn't be dealt with by SAA.

First, I don't believe these were instances of sexual assault, but rather perhaps sexual harassment or exploitation.

Second, I don't believe women will be inclined to view this as sexual assault and so unlikely to report it as such. Indeed, this is what many of the comments coming from the study say.

Third, the men involved in such incidents are equally socialized to be the way they are as much as women are socialized to acquiesce. So they would likely resent being put under the same category as rapists and other sexual assailants, as they probably should.

That is, the aims of SAA in case type 2 might best be served in other ways other than by lumping together all of these ideas under one umbrella or by dealing with them through official authorities and channels.

In my opinion, we all share responsibility in eliminating the second kind of negative sexual experience, including individual women as well as men, and I doubt that having a zero tolerance policy or by calling such incidents sexual assault, a criminal activity that is to be dealt with through authorities, will do much to help make these sexual relations untwisted. (and let's not forget that many women, for instance, women in certain minority groups, and those that are poor are often taught not to trust the authorities at all and rightly so!)

For cases like (2) I think a quote from Frank Costello from the *Departed* sums up my feelings quite well: I don't want to be a product of my environment, I want my environment to be a product of me. Trite, perhaps, but nevertheless a quote I myself find rather empowering.

In other words, I think that many of the negative sexual experiences of women are subjected to is a socialization issue -- not just for women but for men too. It's a social issue, not a criminal one, if we can make such distinctions.

Now I read the study. Speaking as a victim, I had hoped to find victim viewpoints represented. But I was sorely disappointed.

Indeed the preamble actually dismisses many victims views of some of the incidents counted in the report as no big deal as instances of women simply failing to understand their own victimization. This made me feel not only disappointed but completely betrayed.

In the same breath, the study purports to have one of its goals as that of understanding victims' conceptions of sexual assault, but nowhere in the questionnaire are such conceptions truly expressible, save for an open-ended comment section, much less used to define the notions of consent and sexual assault from a victim's perspective. Those notions are defined already by the surveyors themselves.

That is, the survey itself incorporates a particular feminist understanding of consent and assault that is itself theoretically controversial without any acknowledgment of this whatsoever, namely one that, in my opinion, is an application of ideas from the sex negative feminist camp.

At any rate, given the climate of the controversy that has occurred, to be honest, all of it has made me feel like a pawn in a game of political chess (though not in any way that has anything to do with my dept's treatment!). But I am not a pawn to be used in furthering the goals of any political agenda! I don't need to be used or exploited any more than I have been already nor do any other victims of rape, sexual assault, harassment or exploitation.

Furthermore, I don't need to be told how to understand my own various negative sexual experiences. Anyone who does tell me this is guilty of victimizing me further with their own political agenda. (Indeed, many of the excuses used to justify re-interpreting a victim's understanding of their own experiences certainly do not apply in my case -- I am educated in feminist theory and more generally, I am assertive, and cetera).

I really don't need anymore people telling me how to act or feel or think about myself.

I don't need any one else to make me doubt my own understanding and judgments about my own experiences of negative sexual encounters.

There's a word for that, and it's a form of psychological abuse, it's called "gaslighting."

I don't need the shards of autonomy that I have left taken away from me, and further diminished.

So, I am saying no to a definition of consent that makes women conceive of themselves as victims any more than they already do.

As a victim of all of these kinds of negative sexual experiences, I am saying no to putting all of

them all under one umbrella. I am saying no to being told how to understand my own sexual autonomy and sexual experiences. I am saying no to being a political pawn. And, I am saying no to being characterized, and understanding myself, as a helpless victim of my circumstances.

And, well, “no” means “no,” after all...doesn't it?