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**Abstract**

In 2009 a US based television programme, *The View*, discussed the arrest of film director Roman Polanski. Polanski was wanted for six outstanding charges related to the rape of Samantha Gailey in 1977. During this episode of the *The View*, Whoopi Goldberg made a controversial statement that Polanski was not guilty of ‘rape-rape’. This statement along with the long history of Polanski’s avoidance of incarceration, illustrates the ongoing challenges for feminists to confront the trivialization of sexual coercion and violence. Goldberg’s comments initiated an enthusiastic response on online forums and reinvigorated debates around definitions of rape. In this paper, I analyse online discussions on a feminist blog using discourse analysis (Parker, 2014) and the importance of considering the interrelated concepts of consent/non-consent, pleasure/distress and power in understanding the complexity and diversity of experiences of sexual violence.

**Keywords:** rape, Roman Polanski, feminist, discourse analysis, blog

In this paper I analyse online discussions that occur on a feminist blog regarding the ‘telling case’ (Parker, 2008) of a rape of thirteen-year-old Samantha Gailey (now Samantha Geimer) by Roman Polanski in 1977, and its coverage on *The View* television programme. I use this example to critically re-evaluate feminist discourses and conceptual boundaries around sexual violence in relation to the intersections of consent, pleasure and power. This focus on feminist discussion and debate regarding sensationalized media accounts of celebrity rapists, allows for reflection on the complex intersecting aspects of sex and violence. The aim of this paper is to analyse the construction of the concept of rape within a context where disagreement and argumentation are frequent (i.e. online discussions and discussions of rape), with a particular focus on the contradictions within and between multiple perspectives/discourses. As a result of this disagreement and debate, I argue that a multifaceted definition is needed to understand and represent the diversity of experiences of sexual violence. This is in

addition to providing a counter discourse to the ongoing media saturation of victim blaming and rape apologizing in relation to celebrity (and non-celebrity, Tosh & Phillips, 2009) rapists (Zimmerman, 2015; Yeung, 2015). Therefore, rather than replicating the trend in popular culture of interrogating victims, idealizing and apologizing the actions of celebrity perpetrators, this paper uses the telling case as an opportunity to reflect on and examine feminist discourse.

### **Definitions of rape**

The word 'rape' has a highly changeable and contested meaning (Tosh, 2013). From (a) ancient Roman Law<sup>1</sup> to refer to the marriage of women without prior consent of the parents, (b) its use in online gaming communities to refer to murder and destruction, as (c) a term to describe any experience of violation and non-consent such as non-consensual medical treatment, (d) to the punchline in numerous rape 'jokes', the meaning of the word is context specific in intimate, social, and disciplinary discussions (Tosh, 2015, in press; Tosh & Carson, in press). The concept and experience of rape has been an important feminist issue for decades, having been addressed from many different philosophical and political positions within feminism (e.g. Brownmiller, 1971; Connell & Wilson, 1974; Crenshaw, 1991; Dubois, 2006). Even though the methods and underlying politics may have differed, the significance of rape for the women's movement brought many conflicting feminist groups and communities together (Bevacqua, 2008). While they may have disagreed over a range of issues, particularly related to sex and sexuality, rape appeared to be an area of mutual concern (e.g. Dworkin, 1987; Vance, 1984).

Feminism challenged the psychiatric construction of rape as being committed by a minority of 'sick' men (Tosh, 2015). Through research, theory, and consciousness-raising, the emphasis that any man could rape (Brownmiller, 1971), including 'best friends', 'lovers', 'fathers', and 'husbands' (Russell, 1975, pp. 82, 87, 117), inverted the popular stranger rape narrative. Rather than rape being an act by a 'sick' minority, feminists highlighted that it was normative and committed by 'ordinary' men. The second wave of feminism intervened in the definition of rape and rapists by providing

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<sup>1</sup> Which referred to *rapere*, the Latin term that 'rape' later derived from.

alternative narratives of patriarchy, masculinity and violence (Brownmiller, 1971; Russell, 1975). This rhetorical intervention produced new ways of talking about rape and extended the narrow criminal and psychiatric definitions that had historically dominated, to include a greater range of sexually coercive experiences.

### **Telling case: Roman Polanski**

Polanski approached Gailey's mother in 1977 regarding a modeling opportunity for her 13-year-old daughter. He stated that he was taking pictures of adolescent girls for the French edition of *Vogue* ('Polanski Pleads Innocent', 1977; Britt, 2003), although, *Vogue Hommes* later denied any assignment (Mozingo, 2009). Polanski stated that he wanted to photograph them as "sexy, pert, and thoroughly human" (Romney, 2008, para. 3). Polanski's rape of Gailey occurred during a one-to-one photo session. During the ordeal Gailey stated that Polanski had given her champagne, a sedative drug Quaalude and ignored her repeated pleas for him to stop (Harding, 2009; Grand Jury Testimony, 2009). Gailey stated that Polanski performed oral sex, sexual intercourse and sodomy on her, against her will (Klapper et. al., 2009). Polanski argued that the acts were consensual, despite Gailey being a minor and legally unable to consent to sex with an adult as well as being intoxicated (Romney, 2008). Gailey described her intoxication as "...just kind of dizzy, you know, like things were kind of blurry sometimes. I was having trouble with my coordination, like walking and stuff" (Grand Jury Testimony, 2009, p.93).

Within the US legal system a grand jury of at least 12 local citizens convenes to examine the evidence before deciding if the case warrants a full trial, and reviews what charges would be appropriate based on the evidence presented (Kuckes, 2006). A grand jury found Polanski guilty of furnishing a controlled substance to a minor, lewd and lascivious acts upon child under 14, perversion, sodomy, unlawful sexual intercourse and rape by use of drugs (Lichtenstein, 1977; Mozingo, 2009). However, five of the six charges were dismissed when Gailey's attorney offered Polanski a plea bargain (Lichtenstein, 1977; Romney, 2008).

Polanski's attorney indicated that he would explore Gailey's previous sexual behaviours (Fetherling, 1977). He stated,

The facts indicate that before the alleged act in this case, this girl had engaged in sexual activity... We want to know about it, we want to know who was involved, when. We want to know why these other people were not prosecuted. And this is a thing we want to fully develop.

(Mozingo, 2009, para. 94)

The European media went to Gailey's house and school to find out more about the girl who had made these allegations (Mozingo, 2009). Gailey stated that she had concerns regarding the high profile nature of the case and her wish to remain anonymous. Gailey's attorney argued this was the reason for the plea bargain,

Whatever harm has come to her as a victim would be exacerbated in the extreme if this case went to trial... A member of the media last Friday in anticipation said this case "promised to be one of the most sensational 'Hollywood' trials. . ." This is not the place for a recovering young girl.

(Mozingo, 2009, para. 101)

Subsequently, Gailey has stated that she found the legal system to be more traumatizing than the rape (Singh, 2011), and that she has recovered from the events of that night (Pulver, 2015).

### **Polanski flees**

Polanski pleaded guilty to unlawful sexual intercourse with a minor and agreed to see a prison psychiatrist to avoid a trial. He spent 42 (of 90) days in prison under psychiatric evaluation ('Polanski Facing Court Sentence', 1978; Cieply, 2009). He fled the US after becoming aware that it was likely that he would receive jail time and possible deportation (Allen, 2009). Also, as Polanski fled prior to sentencing, all six original charges remain outstanding (Cieply, 2009; Leonard, 2009). Polanski was arrested on the 26<sup>th</sup> September 2009 while attempting to attend the Zurich Film Festival to receive a lifetime achievement award. Swiss authorities arrested him at the airport (Verschuur & Pettersson, 2009; Agence France-Presse, 2009). The Société des Auteurs et Compositeurs Dramatiques (SACD) started a petition in support of Polanski, with many supporters backing the petition from Hollywood. Swiss authorities have since

refused to extradite Polanski to the US and stated that this was because the US "...had not made a convincing case for extradition" (BBC News, 2010, para. 15). Polanski was subsequently released from house arrest in Switzerland; and new allegations of rape surfaced (e.g. Pilkington, 2010; Dillon & Breen, 2010). Later attempts by Poland to have Polanski extradited on behalf of the US were also unsuccessful ('Roman Polanski will not be extradited from Poland', 2015).

### *The View*

*The View* is a US talk show hosted by women. Initially the programme was considered original by reviewers because the women were deemed "smart and accomplished" discussing current and political issues (James, 1997, p.11). One reviewer of the show stated, "I'm not saying they're representative of the death of feminism, or the rebirth of feminism, or anything like that. I just like the way they don't give a damn" illustrating their known outspoken form of discussion (Millman 1998, para. 15). On September 28<sup>th</sup> 2009 the hosts discussed the controversial topic regarding the rape of Samantha Gailey in 1977 by film director Roman Polanski, due to his arrest in Switzerland days before.

The discussion on *The View* caused controversy as Whoopi Goldberg attempted to clarify what Polanski pled guilty to. She stated that he had not pleaded guilty to rape but to unlawful sexual intercourse with a minor. However, this clarification and misunderstanding was not what sparked debate. Goldberg's comment, "I know it wasn't rape-rape... It was something else but it wasn't rape-rape" caused the most controversy with its implication of a hierarchy of rape. She also stated that, "He did not rape her because she was aware, and apparently the family was aware" but that she didn't know "if it was consensual". However, Joy Behar stated, "When an adult has sex with a child it is called statutory rape" (*The View*, 2009a). After the show, Goldberg responded to some of the criticism that the show received, by clarifying that her aim was to ensure the hosts had all the facts. She did not comment on the controversial 'rape-rape' statement (*The View*, 2009b) and has continued to controversially

support celebrities accused of rape, such as charges against Bill Cosby<sup>2</sup> (Zimmerman, 2015).

### **Methodology**

Online spaces are an increasingly useful resource for feminist research (e.g. Hughes, 2000; Gossett & Byrne, 2002; Stein, 2008). As Tobias (2005) states, 'feminist rhetoric thrives in the blogosphere' (p. 12). Despite this accumulation of feminist interest, blogs have been described as a relatively untapped resource for qualitative methodologies (Hookway, 2008). I completed an online search and identified a 'collaborative' (Tobias, 2005) feminist blog that followed the events of Polanski's arrest closely, having produced 31 blogs regarding this rape from June 2008 until December 2009. The website was frequently described as feminist by those who commented on the site. Anyone was able to post a comment on the website, although there were comment moderators. The comments that were selected for analysis were posted between the 28<sup>th</sup> and 29<sup>th</sup> of September 2009 as they specifically related to *The View* television programme discussion and the term 'rape-rape', which is the focus of this paper. These comments were not originally intended for research purposes, however they can also be considered an online version of naturally occurring data (Hookway, 2008). I adopted a 'lurking' perspective to data collection, with individuals unaware of their participation (Sharf 1999). The comments, rather than the content of the initial blog post, were the focus of analysis due to the aim of examining *multiple* perspectives as well as the focus on naturally occurring online discussions. The initial blog post had one author, whereas the comments had numerous contributors resulting in over 60 posts for analysis. Therefore, the comments provided qualitatively rich texts that were broader than the original post, represented an ongoing conversation between a group of individuals, and included a greater range of disparate perspectives.

### *Discourse analysis*

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<sup>2</sup> However it has been reported that she retracted her support following complaints from viewers and pressure from the show's producers (e.g. Spargo, 2015).

There is not one singular form of 'discourse analysis'. Burman and Parker (1993) state that, "...it is very difficult to speak of 'discourse' or even 'discourse analysis' as a single unitary entity, since this would blur together approaches subscribing to specific and different philosophical frameworks" (p. 3). While some theorists put forward '...what a sound discursive analytic methodology *should* entail' (Hook, 2001, p. 522, my emphasis), this has the potential to convey discourse analysis as congruent and definite similar to other forms of psychological data collection and analysis (Burman & Parker, 1993), and risks '...making an analytic sensitivity to discourse become just another thoughtless empirical technique' (Parker, 1992, p. 123). Moreover, Potter (2003) asserts that discourse analysis does not fit the definition of a 'method' as 'It is not a free-standing set of data-generating and data-analytic procedures. It is an approach embedded in a web of theoretical and metatheoretical assumptions' (p. 785). There is more emphasis on the theoretical position taken than the explicit 'method' or stages of analysis. In point of fact, Potter and Wetherell (1987) assert that 'there is no analytic method' (p. 169) and Parker (1992) asserts that his suggested criteria are not to be considered a stringent 'method' either. Subsequently, references indicating the influences or position of the researcher can be more revealing of their 'method' than a methodological description (Burman & Parker, 1993).

The definition of 'text' (from Parker's perspective) goes beyond the written or spoken word, which is relevant to the current project's use of computer-mediated discourse that has been described as a hybrid of the two (Herring, 2004). Parker (1992) includes 'Speech, writing, non-verbal behaviour, Braille, Morse code, semaphore, runes, advertisements, fashion systems, stained glass, architecture, tarot cards and bus tickets' as texts that can be used in a discourse analysis. While 'discourse' can refer to a collection of verbal or written statements, I utilize Parker's (2008) perspective that discourse '...operates through certain potent signs, words, images which crystallise and speak of what is not spoken everywhere else' (p. 44). Therefore, Parker's method enables a more comprehensive/inclusive analysis by enabling researchers to explore beyond what is immediately present in texts. It assists analyses of innovative concepts that may lack already existing forms of description, in addition to novel texts or new applications of discursive analyses.

The comments posted on the feminist blog were analysed using discourse analysis (Parker, 2014) from a feminist poststructuralist perspective (Weedon, 1996). Poststructuralism deconstructs 'truths' due to a skeptical take on the reification of discursive objects and an appreciation of the multiple meanings available to describe (or construct) reality. As Parker (1992) states, 'In place of truth, we have perpetual reflection on the impossibility of truth' (p. 69). It is influenced by postmodernism and the abandonment of 'metanarratives' (overarching theories) that have been replaced by a 'little narratives'. From this perspective, texts construct multiple versions of the same concept, reality, or experience, each with different underlying assumptions about the objects and categories featured within them. These varied constructions promote different social and political implications (Parker, 2014). The comments posted on this feminist blog illustrate conflicting discourses competing in their construction of a coherent narrative regarding whether or not this event was classed as rape. Individuals had different versions of the incident, each emphasizing and omitting certain details in each case. My aim was not to identify these perspectives, or to analyse this individual case, but to interrogate the broader discourses being drawn on, the constructed boundaries between the concepts of consensual sex and rape, as well as examining the contradictions within them.

Accordingly, the objects of 'rape' and 'sex' were the predominant (although not exclusive) focus of my analysis. The subjects of 'rapists' and 'rape victims' were also included. These may be constructed in ways that reify them and make them appear distinct, but the boundaries between these objects/subjects are not fixed or stable. For this reason, I also interrogate discursive boundaries, as Parker (2008) describes boundaries divide concepts and separate the 'accepted' from the 'excluded' or the 'normal' from the 'abnormal' (p. 43). Therefore, part of my analysis examines the conceptual boundaries between 'sex' and 'rape' within feminist discourse.

In relation to changing boundaries, Parker (2008) states that the analysis of specific 'telling cases' can '...illustrate how some important changes might be operating so we can think about what the consequences might be' (p. 45). Roman Polanski's rape of Samantha Gailey in 1977, which continues to attract an immense amount of



media and feminist attention, is a 'telling case' about adolescent sexuality and child/statutory rape and the boundaries between these two concepts.

### *Ethics*

Jones (1995) argues that offline methodologies are not necessarily directly applicable to online data. This is particularly relevant to discourse analysis, where quotations from texts are traditionally considered an imperative aspect of demonstrating/validating the discourses identified (e.g. Potter & Wetherell, 1987). However, this produces an ethical dilemma in relation to the analysis of blog comments regarding emotive topics. Firstly, by reporting direct quotes from blogs it becomes possible for those who posted on the website to be located by the use of online search engines. Such was the case for research completed by Finn and Lavitt (1994) who altered the names of participants from a sexual abuse support forum but reported the name of the website as well as the times that posts were made. Consequently, the participants could be identified despite the researchers ensuring anonymity (King, 1996; Sixsmith & Murray, 2001). The discursive analysis of online texts is therefore very different to those who quote from interview transcripts, as online data leaves participants exposed. This is why Internet research guidelines state that direct quotes and website names should not be reported in these situations (e.g. British Psychological Society, 2007, 2013).

However, there are alternative means to 'validate' (Potter & Wetherell, 1987) identified discourses, for example King (1996) recommends a reporting 'vagueness' as well as making the original data available to other researchers upon request. Furthermore, Parker (1992) encourages collaboration with other researchers when analysing texts. Therefore, in response to the ethical issues outlined above, the particular website analysed is not identified and direct quotes from participants are not reported in the analysis. Instead, the analysis has been shared with a group of researchers at the Discourse Unit: Centre for Qualitative and Theoretical Research on the Reproduction and Transformation of Language, Subjectivity and Practice (Manchester, UK) with the full blog transcript for corroboration. The ethical issues were discussed prior to sharing the online texts, which were collected and destroyed afterwards.

*Reflexivity and situated knowledges*

In this paper I utilize newspaper articles to construct a narrative about the events of 1977 onwards that involve Samantha Gailey and Roman Polanski. However, as with any archival research, there is always a process of selection and exclusion involved (Carter, 2006). While this paper explores versions of constructed realities by posters to this feminist blog, there is a reflexive appreciation that I too have constructed a version of events based on Samantha's described subjective experience and the difference in power between a relatively sexually inexperienced young woman and an older man in a position of authority and influence. As Willig (2006) states, "Reflexivity requires an awareness of the researcher's contribution to the construction of meanings throughout the research process, and an acknowledgement of the impossibility of remaining 'outside of' one's subject matter while conducting research" (p. 10). However, rather than consider this my personal perspective, which would individualise the work of the author (Foucault, 1970), I appreciate that I am drawing on wider (feminist and critical) discourses to produce a coherent narrative.

While it would be possible to construct another narrative, selecting to emphasize Polanski's subjective experience and arrive at very different conclusions, I would not argue that both versions would be equally valid as some social constructionist researcher's might (Gergen, 2003). Similarly, I would not privilege the position of the author (Foucault, 1970) over the reported discourses. However, as a feminist it is important to counter the popular discourses of victim-blaming (e.g. Meroney, 2009) and rape myths, as well as bringing Gailey's subjective experience to the forefront of this story rather than emphasizing the controversy, Polanski's success in Hollywood or his historical connections to Auschwitz and the Manson Murders (e.g. Morrison, 2007). This feminist narrative is a discursive intervention into a rape apologetic culture (e.g. Kennedy, 2009; Public, 2010; York, 2009). Furthermore, this reflexivity does not invalidate my conclusions in terms of bias (e.g. Onwuegbuzie & Leech, 2007) but emphasizes transparency of my process rather than attempt the impossible task of objectivity (Westmarland, 2001) due to my being entrenched in a particular culture, gender, generation, ethnicity, class and so on. As Haraway (1988) argues, objectivity is an

'illusion' of 'infinite vision' and "Feminist objectivity is about limited location and situated knowledge, not about transcendence and splitting of subject and object. It allows us to become answerable for what we learn how to see" (p. 583).

### **Analysis**

The analysis identified three discourses regarding the construction of rape. These were named (a) rape hierarchy, (b) rape heterarchy, and (c) rape homoarchy. These discourses are described below, without the inclusion of direct quotes due to the issues discussed in the ethics section of this paper<sup>3</sup>, and unlike most discourse analyses, is reported with descriptive 'vagueness' as recommended by those who have considered the ethics of analysing material of this kind (King, 1996).

#### *Rape hierarchy*

Within this discourse some forms of rape were positioned as worse, more traumatic or more serious than others. This was either as a result of layering the different aspects of the rape, including both his actions and her perceived vulnerability, to create a particularly horrific narrative, or from prioritizing one particular feature of the rape and dismissing other details as irrelevant. Each hierarchical description constructed the event as so terrible, that to query it as potentially acceptable sexual behaviour became almost unthinkable. The use of crude, almost pornographic language (such as slang terms for genitalia) in conjunction with an emphasis of Gailey's young age produced an emotive and powerful account of child rape. This was often responded to with a request to turn to the 'facts' that usually involved discussion of legal terms and attempts at objective enquiry for the 'truth'. Conversely, 'unlawful sexual intercourse with a minor' was often positioned as less serious than 'nonconsensual rape', which was placed high on the rape hierarchy along with child rape (depending on the construction of Gailey as a child, girl or young woman). However, Kelly (1987) argues that to organize forms of sexual violence according to seriousness underestimates the diversity of experiences as well as minimizing the consequences of more common

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<sup>3</sup> Original material for analysis available on request, on the condition that it be kept confidential to protect the anonymity of the individuals who posted on the website.

forms of coercion. It categorises 'traumatic' and 'less/non traumatic' experiences with an assumed universality of sexually coercive experiences. To organize rape in this way focuses attention on those cases defined (by others) as the most serious, much like the over representation of violent stranger rape in the media (Brownmiller, 1971; Ardovini-Brooker & Caringella-MacDonald, 2002).

Within this discourse there were two separate classifications of incidents defined as rape; 'rape' and 'real/pure rape'. 'Pure rape' was applied to incidents when a victim resisted the perpetrator, particularly with a verbal 'no' or 'stop' or physical resistance. Individuals stated that the victim's age was irrelevant, because as soon as she said 'no' the event was rape. Those events that were not deemed 'real rape' fall into the discursive grey area of 'just sex' (Gavey, 2005) or 'grey rape' (Stepp n.d. cited in Valenti, 2010). This discourse assumed that rape is part of a continuum from consensual sexual behaviour to 'pure rape' with a 'grey area' in the middle. This is similar to a feminist perspective argued by Kelly (1987). However, feminists emphasize the normalized coercion of 'consensual sex' (Gavey, 2005; Hollway, 1995). If 'real/pure rape' represents the top of the hierarchy of rape, it ensures that the concept of 'rape' does not closely resemble constructions of experiences of heterosexual sex. Within this framework, then, potentially coercive sexual experiences not classed as 'real/pure rape' remain unchallenged and trivialized.

### *Rape heterarchy*

The hierarchy discourse was responded to with calls to resist sensationalizing the event. Within these responses all forms of rape were considered equally severe, regardless of individual circumstances, which could be conceptualised as a heterarchical understanding of rape. The term 'heterarchy' (Warren & McCulloch, 1945) denotes a lack of hierarchy. In other words, "the relation of elements to one another when they are unranked or when they possess the potential for being ranked in a number of different ways" (Crumley, 1995, p. 3); a concept that has been used in many disciplines including the anthropological study of societies, education, and gender (Crumley, 1995; Grimaldi, 2011; Levy, 2007). It is the lack of a dominant or superior position. However, despite claims that there should be no hierarchy of rape, these responses

emphasized either the age of the victim or the lack of consent, at the expense of omitting the rape by use of drugs. For example, many individuals stated that as the child was underage other details were irrelevant. In attempting to reduce hierarchical perceptions of rape, responses actually inverted the dominant hierarchy involved in discussions.

Rape within this discourse was rigidly defined, with clear boundaries. All sexual behaviour with individuals under the legal age were deemed child rape, and child rape was portrayed as an abuse of power and authority by an adult. This rigid definition of rape removed autonomy from the individual and silenced their own experience. It neglected to consider the 'grey area' within sexual experiences, as well as overriding the variety of disparate definitions of rape (Muehlenhard & Peterson, 2005). This removal of sex from the concept of rape replicated previous feminist conceptualizations, which attempted to differentiate between coercive and non coercive sex, but risked neglecting to challenge normative heterosex (Valverde, 1985).

### *Rape homoarchy*

This discourse prioritized only consent as defining an act as rape or sex, and thus could be considered a homoarchival definition. Homoarchy is defined as, "the relation of elements to one another when they are rigidly ranked only in a single way" with no or very limited options for being unranked or ranked differently (Bondarenko, 2007, p. 187). Sex became rape at the utterance of 'no' or 'stop' within this discourse. Therefore rape was defined by the actions of the victim, not the actions of the rapist (such as their continuation of intercourse). This discourse emphasized the lack of consent involved in rape, rather than consent to sex. However, there is increasing feminist focus on being able to say 'yes' as well as 'no' to sex (e.g. Redfern & Aune, 2010). An overemphasis on non-consent assumes that women are always sexually available unless they refuse, rather than women are not interested unless they communicate overt desire. The emphasis is on women's sexual availability rather than sexual desire.

Within this discourse the difference between sex and rape depended on enjoyment and pleasure, the personal internal experience of the woman. However, Kelly (1987) argued that, "...pleasure and danger are not mutually exclusive opposites but

the desirable and undesirable ends, respectively, of a continuum of experience” (p. 55). This discourse neglected aspects of coercion that occur prior to verbal non-consent, as well as the diverse presentations that coercion can take, such as blackmail or threats of violence that are used to force 'consent' (or compliance). Also, pleasure as a key aspect in defining rape is problematic when considering vulnerable populations who are not necessarily able to consent, such as in child rape, and where biological responses to rape (e.g. orgasm) can occur (Jones, 2014; Levin & van Berlo, 2004). It assumes a false differentiation between consensual and non-consensual sex, as well as neglecting the ambivalence of individuals' sexual experiences. For example, during 'compliant sexual behaviour' (Kelly, 1987) or consensual 'unwanted' sex, where women 'consent' to sexual activity they do not want for reasons such as pressure to please another (e.g. Tosh & Carson, in press), assuming men's sex drive is 'unstoppable', and to avoid arguments (Walker, 1997).

### **Feminist definitions of rape**

The definitions of rape described in the blog posts indicated that any evidence of resistance or non-consent denoted a coercive sexual experience, regardless of signs of consent prior to its retraction or a lack of resistance at other times. However, a lack of observable non-consent or resistance did not automatically reframe the event as consensual. If the perpetrator had more power than the victim, or the victim did not subjectively enjoy the experience but was traumatised by it, the event still fit some definitions of 'rape'. The adoption of different definitions applied to the same situation produced a debate about whether or not Polanski's actions were rape or not, without consideration of the diverse meanings of the word 'rape' itself. Subsequently, each definition produced a different answer. Within this debate about Roman Polanski and Samantha Gailey, the self identified feminists used definitions of rape based on one or more of the following aspects; (a) pleasure/trauma, (b) consent/non-consent and (c) power.

#### *(a) Pleasure*

In relation to sexual violence pleasure is most often positioned as antithetical to rape, but this very much depends on the definition of 'pleasure' and the context of the abuse. For instance, orgasm, ejaculation and erection (or 'biological responses') are all possible during sexual violence. During childhood sexual abuse it is possible for children to experience physical reactions during their abuse, without fully understanding the context. Framing orgasm or subjective pleasure as inconsistent with rape may exclude instances such as this, which may result in some victims either not labelling their experience as abusive or feeling shame, guilt and self-blame. Ejaculation and erections for victims during rape are also possible, as arousal is not the only situation to bring about these physical reactions: fear is also a possible factor (Lew, 2011). Therefore, while it is important to debunk the myths that 'all women enjoy rape', 'all women want to be raped' or that rape is a form of 'seduction', to completely remove the concept of 'pleasure' from a definition of rape is also problematic. Pleasure on its own is not sufficient evidence to denote an experience as either consensual or coercive.

*(b) Consent*

Consent is considered fundamental in distinguishing between 'sex' and 'rape' (Deckha, 2007) from both feminist and legal perspectives (Tosh, 2013); although, there is considerable disagreement over its definition (Beres, 2007). For example, MacKinnon's (1997) definition of 'force' is contingent on the definition of 'consent' in her statement, 'Force is present because consent is absent' (p. 43). Whereas others have argued that due to the consensual activities of S&M subcultures, violence/aggression should be considered a separate phenomenon to consent altogether (Deckha, 2007). Some describe coercion as separate from consent, such as Beres' (2007) description of, 'a version of consent that is an agreement to have sex regardless of the presence of direct or indirect coercive tactics' (p. 96) within Walker's (1997) study on 'unwanted sex'. Therefore, like the concept of pleasure, consent on its own is not sufficient to determine whether or not an event is defined as 'rape'.

Feminists have also challenged the assertion that women can freely 'give' consent. 'Consent' in the liberal tradition takes an individualistic view which assumes

that, '...its essence lies in both its voluntarily nature and inner rationality, it being the outcome of individual judgment stemming from the subject's freedom of will and independent choice' (Drakopoulou, 2007, p.10). It assumes that subjects have 'freedom of will' and 'independent choice' in sexual matters. While some feminists have advocated similar conceptualisations, others have queried whether women can exercise 'free choice' under patriarchy (Deckha, 2007). Subsequently, some feminists have extrapolated the concept of 'consent' from a liberal and individualised perspective and placed it in its social context (Beres, 2007). For example, Gavey (1993) differentiates between 'interpersonal coercion' and 'social coercion' and asserts that either can influence a women's decision to 'consent'. Social coercion is in the form of hegemonic discourses, such as the coital imperative (Potts, 2002). Therefore, the concept of 'consent' is fundamentally connected to the concept of power (Drakopoulou, 2007; Beres, 2007).

*(c) Power*

Gavey's (1993) assertion that social coercion can impact on women's sexual consent derives from Foucault's (1990) concept of disciplinary power. Rather than power being an external entity that works from above, it is argued that disciplinary power regulates human behaviour through its production of meaning and practices that are disseminated throughout the social body in an undetected way. Applied specifically to gender and sexual violence, this concept elucidates how power can work within interpersonal and social coercion without overt or physical violence, as a result of what Gavey (1992) terms 'technologies of heterosexual coercion' (p. 329). This is an expansion of Foucault's (1990) 'technologies of power' metaphor which portrays the construction of discursive objects through 'technologies of power' in a similar way that technology structures the material and physical world and our relationship to it (Gavey, 1992). Foucault (1990) also utilised the image of the Panopticon<sup>4</sup> to demonstrate how individuals become self-policing without the presence of an authoritative

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<sup>4</sup> The Panopticon was a prison structure that enabled guards to observe the cells of all prisoners, but prisoners were unable to see the guards and subsequently were unable to verify if they were being observed (Foucault, 1990).



figure or threat of violence or force. Gavey (1992) concludes that 'women involved in heterosexual encounters are also engaged in self-surveillance, and are encouraged to become self-policing subjects who comply with the normative heterosexual narrative scripts which demand our consent and participation irrespective of our sexual desire' (p. 328). One such 'normative heterosexual narrative script' is the male sex drive discourse, described by Hollway (1984) as follows:

First the sexual drive is a natural propensity that men have. Second, it makes them want to have sex with women (note the heterosexist assumptions). Third, it is normal and healthy not just because it is natural but because it is the product of a biological necessity – an evolutionary imperative – which ensures the survival of the human species. (p. 63).

Subsequently, this discourse provides specific subject positions for women (as object) and men (as subject) and operates as a 'technology of heterosexual coercion' through its reaffirmation of the active/male passive/female dichotomy, which encourages male pursuit of, and 'seduction' of a submissive female (Gavey, 1992). However, these 'sexist discourses' that 'confer power on men and project weakness, need and vulnerability into women' are contradictory and can be challenged/resisted (Hollway, 1984, p. 68). Indeed, resistance is central to Foucault's concept of power; 'power is resisted and is itself resistance' (Hollway, 1984, p. 64).

### **A multifaceted definition of rape**

The competing definitions of rape that have been identified throughout this paper have highlighted how rape can be viewed from a variety of perspectives simultaneously. The assumption that 'rape' has a clear and universal meaning results in argument and confusion (Tosh, 2013). Therefore, rather than debate within varieties of feminism about what should be important in defining rape, we could engage with this complexity and use a multifaceted definition. For example, based on the areas highlighted in this paper, a model can be produced that incorporates a definition of rape and its relationship to sex, as well as the complexity that can be associated with both. Three intersecting and interrelated concepts (or continuums, e.g. Kelly's 1987) to define rape could include consent/non-consent, pleasure/distress and power.

Within this intersecting conceptualization a vast range of consensual and coercive sexual experiences can be placed. For example, a woman within a domestic abuse situation may show few signs of resistance due to complex and ambiguous feelings of fear and love for a partner. They may also experience physical or subjective pleasure during some sexual relations with their partner but not others. Nevertheless, they may find the overall experience distressing and be in a position of relative powerlessness due to a fear or threat of retaliation. Where an individual is positioned as relatively equal with their sexual partner, experienced pleasure during the activity, but did not consent to one aspect of it that took place (e.g. consent to a role-play but not including all variations that role-play could take), this would also fit within a definition of coercion. Where an individual has experienced physical or subjective pleasure and conveyed signs of consent, but they were in a position of relative powerlessness (such as in some childhood sexual abuse cases), this would mean that experiences of pleasure or biological responses (i.e. orgasm) and/or verbal 'consent' would not disqualify the experience as rape due to the inequality in relation to power between abuser and victim/survivor.

These multiple areas are important considerations in feminist discussions where a women's voice is given priority, as is her right to self-define her experience. However, most women do not define their experience as rape (Hamby & Koss, 2003), and adolescents may struggle to differentiate choice and coercion, or view coercion as 'normal' (Thompson, 1990). Therefore, considering only a child or young women's<sup>5</sup> definition of an encounter as consensual and/or enjoyable is problematic<sup>6</sup>. While feminism has given much consideration to the concept of 'consent', less has been discussed in relation to consent and adult-child relations. For instance,

...in terms of the social, economic and cultural positions occupied the child is going to begin from an unequal position. The 'choice' of whether to consent or not is going to be taken within a qualitatively different context, not because of some natural dividing line

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<sup>5</sup> Such as those under the legal age of consent.

<sup>6</sup> For example, Lori Mattix's description of her relationship with David Bowie and Jimmy Page when she was a teenager (Kaplan, 2015).

between the adult and the child, but because of the positions the two inhabit in the contemporary world. (Bell, 1993, p. 156)

Therefore, 'consent' within adult-child relations is positioned as 'meaningless' with such intrinsic power inequalities (Bell, 1993). However, some still view only those instances where overt physical violence is apparent as 'rape'. This simplistic understanding of 'violence' fails to consider issues of power, as Bell (1993) argues,

Abusers of children 'rarely used' violence due to other forms of gaining compliance – threats of violence, which are about 'command and authority', and telling her that it is an education for later life, that it is normal, that he loves her, she is special, promising and giving gifts, using her confusion to make her feel like the one at fault... *Powerful groups or individuals do not need to resort to violence.* (p. 59, my emphasis)

## Conclusions

The feminist disagreements regarding celebrity rapists, child victims, and young women expressing their sexuality described in this paper, often resulted in conflict when competing definitions of rape were used. This conflict was based on whether they emphasized pleasure and consent, or power, as well as if they considered only one of these aspects (homoarchy), viewed some as more important (hierarchy), or all as equally important (heterarchy). With regards to rape more generally (i.e. including non-celebrity rapists), drawing on pleasure and consent alone without considering issues related to interpersonal and social coercion and power, risks failing to interrogate the different forms coercion can take within normative hetero/sexuality. In colluding with discourses that exclude power inequality and oppression, or view only one aspect as a defining feature, feminism risks promoting rape apologism and contributing to a context where influential perpetrators groom victims with promises of love, pleasure, and success. This is in addition to the public outcry over black celebrity rapists (e.g. Bill Cosby), and the relative forgiveness or explaining away of similar actions by famous white rapists (e.g. Polanski, Bowie etc.) (Urena-Ravelo, 2015).

The interrelated concepts presented in this paper define rape from a feminist perspective that emphasizes the interconnectedness of consent, pleasure/distress, and power. This does not replace or override a women's own definition or perspective, but

adds to it. Rather than an individualised and hierarchical discourse where only pleasure or consent is considered, it includes the issue of power, social context, and a complex and nuanced understanding of coercion.

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