MALE AS THE VICTIM OF RAPE: AN ONTOLOGY OF RAPE OUT OF THE ETHICAL CRITIQUE OF POWER

İlkay ÖZKÜRALPLİ
110679010

ISTANBUL BILGI UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
PHILOSOPHY AND SOCIAL THOUGHT

Advisor: Assistant Professor Selen ANSEN

2012

TECAVÜZ KURBANI OLARAK ERKEK: İKTİDARIN ETİK ELEŞTİRİSİ ÜZERİNDEN BİR TECAVÜZ ONTOLOJİSİ

İlkay ÖZKÜRALPLİ
110679010

İSTANBUL BİLGİ ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
FELSEFE VE TOPLUMSAL DÜŞÜNCE YÜKSEK LİSANS PROGRAMI

TEZ DANIŞMANI: Yr. Doç. Selen ANSEN

2012

Başlık (orijinali)

Başlık (Türkçesi/İngilizcesi)

MALE AS THE VICTIM OF RAPE: AN ONTOLOGY OF RAPE OUT OF THE ETHICAL CRITIQUE OF POWER

TECAVÜZ KURBANI OLARAK ERKEK: İKTİDARIN ETİK ELEŞTİRİSİ ÜZERİNDEN BİR TECAVÜZ ONTOLOJİSİ

Öğrenci Adı Soyadı

Öğrenci Numarası

İlkay ÖZKÜRKÇÜ

01106079010

Tez Danışmanı: ...Adı Soyadı.... (İMZASI) SELEN AYSEN .....

Jüri Üyesi: ...Adı Soyadı.... (İMZASI) FERDA ICESIN .....

Jüri Üyesi: ... Adı Soyadı.... (İMZASI) REYDA ERGÜN .....

Varsa İkinci Tez Danışmanı: ... Adı Soyadı.... (İMZASI) .....

Tezin Onaylandığı Tarih : 11 temmuz 2012.

Toplam Sayfa Sayısı: 98

Anahtar Kelimeler (Türkçe)

1) Tecavüz
2) Tecavüzcü
3) Erkeklik
4) Erkek Kurban
5) Erkek Tecavüzü

Anahtar Kelimeler (İngilizce)

1) Rape
2) Rapist
3) Masculinity
4) Male Victim
5) Male Rape

ÖZET

Bu çalışma feminist kuramın tecavüz söyleminde erkeğin sadece bir "tecavüzcü" olarak oldukça kısıtlı bir şekilde yer bulabilmesi üzerine düşünmeyi hedef almıştır. Bu yüzden, detaylı ve tamamlanmış bir tecavüz kavramı elde etmek için, tecavüz eyleminin her yönden incelenmesinin ve bir toplumsal cinsiyet olarak erkeğin de, en az kadın kadar, bu incelemenin bir parçası olması gerekliliğinin altı çizilmeye çalışılmış ve aksi bir durumun önemli bir eksiklik olacağına dikkat çekilmiştir. Bu amaçlar doğrultusunda, öncelikle feminizmin tecavüz gündemi ve bu gündemin mevcut tecavüz yasalarının en temel kriterleri ile ilgili süregelen tartışmalara bakılmıştır. Buradan yola çıkılarak, feminist söylemin tecavüz söylemine tecavüzcü olarak yerleştirdiği "erkek olma" kavramına daha yakından bakılıp, bir toplumsal cinsiyet olarak erkeğin nasıl inşa edildiği "hegemonik erkeklik" kavramı izlenerek incelenmiştir. Son bölümde ise, feminist tecavüz söyleminin ilk bölümde belirlenen temel noktalarına sadık kalınarak, erkek tecavüzü mercek altına alınmıştır ve diğerlerinin yanı sıra o "hegemonik erkeğin" de bir kurban olabileceği gösterilmiştir. Bu sürecin sonucunda, yapılan incelemeler erkeğin kurban olmasına izin vermeyen erkeklik söyleminin onu bir kez daha kurban kıldığı ve mevcut iktidar ilişkileri içinde egemen olduğu yanılgısına kapılıp, iktidar için sadece bir araç olduğu gerçeğini görecek bir bilinçliliğe sahip olmadığı ortaya çıkmıştır. Erkek de kadın gibi, aynı şekilde olmasa da, iktidar ilişkilerinin bir kurbanıdır. Ve feminist söylemin erkekliği dışlayan tavrı onun kurbanlığını görünür kılmaya ve bu konuda bilinçlenmesine yardımcı olmamaktadır. Son olarak, feminist söylemde yer alan "tecavüzcü" söylemi dışında bir eksiklik olarak tespit edilen erkeklik söyleminin, tecavüz sorununa getirilmek istenen etkili bir çözüm açısından büyük bir eksiklik olduğu varılan sonuçlardan biridir. Çalışma sonunda, tecavüz sorununa, yasalarda yapılacak düzenlemelerden ziyade, erkeklerin iktidar ilişkileri içindeki mevcut konumlarının açık edilmesi yoluyla kendileriyle ilgili kazanacakları bilinç doğrultusunda, kendi kurban konumlarını açığa çıkaran bir yaklaşımın feminist söylem açısından daha doyurucu bir girişim olacağı iddia edilmiştir.

ABSTRACT

This study intends to examine the very limited space given to man as a rapist in feminist rape analysis. Therefore, in order to have an elaborate and complete concept of rape, I endeavor to underline the necessity of an examination of the rape act in all its aspects and also the necessity of man, as a gender, to be part of this examination as well as a woman. I also point out that the contrary case would be a lack for the intended rape concept. In accordance with this purpose, first of all, I studied the feminist rape agenda and the ongoing debates related to the essential criterions of rape law of this agenda. From this point of view, I elaborate the concept of "being a man" that feminist discourse establishes in rape analysis as a "rapist", and I examine, following the concept of "hegemonic masculinity", how "being a man" as a gender is constructed. In the last part, in relation with the essential points of feminist rape analysis which have been determined in first part, I examine male rape and aim at showing that, among others, "the hegemonic masculinity" itself can also be a victim. As a result of this process, the examinations show us that the masculinity discourse doubles the victimization of man by not allowing him to be a victim, and that man does not have the consciousness to realize that he is, indeed, just an another instrument of power relations because of men's illusion of being hegemonic within the discourse of power. Man, like woman but not in the same way, is also a victim of power relations. At this point, the exclusive perspective of feminist discourse about masculinity does not help to make visible the man's victimization and to get him consciousness about this victimization. In conclusion, I designate that the gap of masculinity in feminist theory, beside the "rapist", is a considerable lack in terms of an effective solution for the rape issue. At the end of this study, I assert that an approach to the rape issue exposing man's victim status would be a more satisfactory intervention for feminist discourse. This approach can be achieved, in a more successful way, by making man becoming self-aware about himself regarding the exposure of their actual status in power relations rather than amending the laws.

ACKNOWLEDGMENTS

The one who never give up on their little daughter... Cemal & Aydan OZKURALPLI
The one who always cover up for me… my big sister, Ilknur SEN
The one who becomes the breath of my life…my little nephew, Omer Harun SEN
The one who honors me by being in the same family… my cousin, Murat KEZER
The one who is always there for me with her endless patience… my pal, Asli CAKIR
The one who is my overseas safe place…my "kank", Ilker HEPKANER
The one who lights the fire…my professor, Reyda ERGUN
The one who shares my enthusiasm at that very moment…my mentor, Selen ANSEN
The one who lifts me up every time I fall… my dissertation sister, Aysegul SAH
The one who enlightens me with his wisdom… my cat-son, Mikri The Sunshine
The one... honey, Remzi Orkun GUNER

This dissertation would not have been possible without the guidance and the help of all those who in one way or another contributed and extended their valuable assistance in the preparation and completion of this study. Thank you so much…

TABLE OF CONTENTS

INTRODUCTION

"… I continue to be concerned that feminist scholars are neglecting another, also important, area of critical work on men's world. There are important reasons for concern. If, as evidence suggests, men dominate through an ideology that erases or ignores the significance of women and allows men to take for granted that their social constructions are reality, then transforming knowledge, and ultimately patriarchy, requires a challenge of that reality – even though it requires intruding where women are not always welcome. Indeed, the idea of a ruling ideology suggests that men's privilege status distorts their perceptions and understanding of the world. While not diminishing the continuing responsibility to illuminate women's subordinate condition, the debunking of patriarchy is not accomplished by focusing exclusively on the lives and experiences of women."[1]

As Scully emphasizes, the negligence of feminist scholars regarding men's world is a considerably intriguing subject in terms of gender studies. While the fundamental argument of feminist struggle is male domination, the scarcity of critical works on men's world points out a gap that must be filled. This gap also projects itself onto feminist rape analyses. This means that the issue of rape is a one-sided story. The fact that rape victims are mostly women does not exclude the fact that there is always a perpetrator, who is most of the time a man. Therefore, the attempt to understand rape without including the rapist's perspective will always be doomed to be an unaccomplished understanding. Scully endeavors to fill this gap in her study by conducting it with convicted rapists. However, her effort to provide a more complete viewpoint and analysis still seems not satisfying. For men can also be raped. This is the reason why I wished to study male rape, in order to remind and emphasize the fact that everyone can be a victim of rape.

For a complete analysis on rape, both the perpetrator and the victim should be included in this analysis in terms of men as well as women. Therefore my focus in

[1] Diana Scully, *Understanding Sexual Violence: A Study of Convicted Rapists* (Boston: Unwin Hyman, 1990), p. 3.

this study will be one of the missing parts of the feminist rape analysis. By doing so, I aim at providing a voice to the silence that conceals the "victimization" of man in a so-called men's world.

Since the Code of Hammurabi, rape has been considered a crime. The context of this crime in law was transformed throughout history. This transformation became a problem within the 1970s consciousness raising movement and engendered an anti-rape ideology on a feminist basis. Furthermore, this ideology built a feminist agenda, which opposes to the public agenda of rape and challenged the commonly shared rape myths. However, in this feminist agenda male rape never finds the attention that it deserves. This negligence, which is supported by the statistics for the issue of male rape, is the same than the one that takes place in the public agenda.

At this point, I would like to mention two major changes to the rape law, with respect to this study's focus. The first one is the expansion of the FBI definition of rape - after more than 80 years. The definition was expanded in 2012 from "carnal knowledge of a female forcibly and against her will" to "the penetration, no matter how slight, of the vagina or anus with any body part or object," without the consent of the victim. Also constituting rape under the new definition is "oral penetration by a sex organ of another person" without consent.[2] In this way, male victims of rape are included in definition. The second, and more personal for me, is Turkish Penal Code No. 5237, in which sexual abuse crimes are detailed in Article 102, amended on June 2005. According to this article's second subsection, "any person who attempts to violate sexual immunity of a person, by inserting an organ or instrument into a body" is sentenced to imprisonment. Previously rape crime was legally considered under the crimes committed against general moral and family order. With this regulation, rape crime is now amended as the crimes against sexual immunity under the title of crimes against individuals. The regulation also includes the element of another factor affecting the will.[3] This amendment, besides excluding the concept of "honor,"

[2] Jerry Markon, "Rape redefined for FBI to include male victims," *The Washington Post*, January 6, 2012, accessed July 4, 2012, http://seattletimes.nwsource.com/html/nationworld/2017180020_rape07.html.
[3] Reyda Ergün, "Eril Devlet ve Tecavüz," in *Uğur Alacakaptan'a Armağan*, Vol. 1, ed. Mehmet Murat İnceoğlu (Istanbul: Istanbul Bilgi University Press, 2008), pp. 264-90, p. 263-265.

enables the charges in the case of male rape. However, this relatively good news are focusing on the understanding of rape as an act of forced penetration, and will therefore eventually assume that "to be raped" is a feminine act, on the basis of Butler's "penetrable/impenetrable body" analysis.[4] Therefore, society's assumption that male rape refers to a homosexual relation does not seem to have changed.

At this point, it would be meaningful to indicate why my approach includes and is based on law's perspective within the frame of this study. The importance of the juridical discourse and standpoint regarding the rape issue in my own observation is not only due to the fact that "rape" is a crime; it is linked to the fact that I aimed at emphasizing the relation between society, law and its practice. Akal argues that, because pre-modern societies were inevitably regulated according to a particular law, because societies establish a strong link between law and practice beyond the social order, and because they turn into a coercive force in order to practice the law, even pre-modern societies are political and juridical. For these societies the social, the political and the juridical merge with each other. In fact, the difference between social, political and juridical will step in discourse with modernity. However, sociability in pre-modern societies means regulation with rules, which itself means the building of a political power relation between law and practice, and thus in the meantime the building of a juridical order. With modernity, all these concepts are brought together within an earthly level where law and practice are distinguished from each other; the relation between law that legitimates practice and practice becomes more complicated. With the doctrine of sovereignty, nation is considered as a lawmaker, and power takes its legitimacy from this nation. This means "sovereignty is vested fully and unconditionally in the nation." Sovereignty designates the modern political power relationship between law and practice. This is why during modernity society is itself assumed to be a lawmaker.[5] That is also the reason I conduct my study by focusing on "rape law"; indeed, this law reflects society's perspective. Each law reflects its own society. At this point, the reason why this study is not focusing on Turkey would be meaningful. The most powerful reason of this choice is the highly

[4] Judith Butler, *Bodies That Matter: On the Discursive Limits of "Sex"* (New York, London: Routledge, 1993), p. 50-51.
[5] Cemal Bâli Akal, *İktidarın Üç Yüzü* (Ankara: Dost, 2005), p. 70-72, 325-327.

limited numbers of the academic studies concerning rape and the critics of law from a feminist perspective in Turkey. Therefore, I conduct a study following the prominent feminist rape analyses, which are mostly American. However, I endeavor to focus for a general understanding by excluding the hallmarks of the societies, except for concrete examples.

Throughout this study, along with the debates regarding the criteria of rape law, neither male-to-female rape nor male rape (male-to-male or female-to-male) will provide the conditions for a fair trial for the rape victim. In this respect, focusing on the legal side of rape will provide feminism with only a little comfort. I definitely support this idea, but would like to argue that the struggle, which aims at "ending rape" is more crucial than the one that aims at "punishing rape." For this purpose, to my view, feminism should seek to understand masculinity and should acknowledge male rape in order to understand that man too can be a victim – and is. For an effective intervention, feminism should struggle for the understanding of hegemonic masculinity by showing men that they are also victims of society, rather than pointing fingers and telling them that they are guilty. At that point, the example of male rape could be a critical example by actualizing the threat of men's loss of masculinity which itself may enlighten his potential victimhood. However, male rape has to be visible for this achievement.

Within this context, in Chapter 1 I will endeavor to outline the feminist rape agenda and its challenged public rape myths through rape's entrance into law and anti-rape movement. Then I will examine the problematic criteria of rape in three steps. These criteria will be consent, *mens rea,* and force. In this way I intend to question and examine whether rape law works in the feminist context. In chapter 2, masculinity will be my focus, in order to understand and have a view on the feminist rape analysis of the rapist. Within this framework, I will first of all examine the concept of gender and its context. Then I will follow the traces of masculinity throughout its history in order to gain an idea of the concept of "hegemonic masculinity" and its essential features. After having taken into account "man" as being mostly considered as a "rapist," in Chapter 3, I will endeavor to reverse this perspective so that he can be visible as a victim in terms of male rape. In this

perspective, I will examine male rape under the same titles as Chapter 1 in order to make clear the differences and similarities between male rape and male to female rape. After all these examinations, I intend to be able to show that man can indeed be the victim of rape and in which terms. In fact, being a victim of rape should not be considered as a woman's "privilege." But can man actually be a victim?

CHAPTER 1
RAPE ON THE FEMINIST AGENDA

This general evil they maintain:
All men are bad, and in their badness reign.
W. Shakespeare, Sonnet 121

1.1. Breaking the Silence

1.1.1. The Entrance of Rape into Law

Generally speaking, to indicate the major elements, rape can be defined as a crime involving the sexual penetration of a person by force and/or without that person's consent. There are different theories, mostly produced by feminists regarding the understanding of this crime and the struggle that should take place both in legal and social theory. Before analyzing these theories that constitute the standpoint of feminism, in order to break the silence around rape, it will be a convenient step to begin with the way rape enters the feminist agenda. This history will tell us more about the most challenged rape myths and allow us to see changes in this issue over legal history.

The first regulation on rape appeared in Babylon, 1900 B.C., in the Code of Hammurabi.[6] Rape was also considered a criminal offence in Ancient Greece. But a remarkable point that should be emphasized is that the Greeks treated seduction as a more serious offense than rape.[7] The common point of Babylonian and Greek law is that both rape and seduction were considered a threat not for women but rather for men, who were considered the "owners" of women. An analysis of the etymology of the word "rape" itself will help to have a better understanding of this approach. The

[6] Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon and Schuester, 1975), p. 18-19.
[7] The remains of this understanding can be observed throughout the history of rape law (Keith Burgess-Jackson, "A History of Rape Law," in *A Most Detestable Crime: New Philosophical Essays on Rape*, ed. Keith Burgess-Jackson [New York, Oxford: Oxford University Press, 1999], pp. 15-31, p. 16).

Greek and Latin roots of the modern English word for "rape" are metaphorically linked to the actions of a bird of prey that swoops down to catch and carry off its prey with the intention to devour or consume it. The major elements of this image are associated with the Latin word *rapio*, which means: "to snatch to oneself, to seize hastily, to drag or tear away, to overpower suddenly, to snatch, to rob, and to enjoy or use, to consume in haste; to drag away by force, to carry off as prey or plunder, to transport or carry off, to drag away violently and suddenly appropriate, snatch or steal a 'live prey,' such as women, children, slaves or livestock" according to Cassell's Latin Dictionary, Chambers's Etymological Dictionary and the Shorter Oxford English Dictionary.[8] In these definitions, the common emphasis on force and appropriation structures the context and the understanding of rape. Yet, before designating a sexual violation, this etymological history of the rape concept leads us first of all to the notion of theft. Thus, the term having appeared in the context of stealing, we can clearly see that there is in fact nothing sexual in this definition. The crime is defined as a property crime, not as a moral fault.[9] As Brownmiller puts it: "rape entered the law through the back door as a property crime of man against man… woman, of course was viewed as the property."[10] In that perspective, the "raptor" ("rapist") designates the person who removes, "steals," the woman from "the person under whose authority she lived." According to the historian James Brundage, "the emphasis in the law relating to *raptus* is generally centered on the damage that household suffered, rather than on the personal hurt and injury done to the victim."[11] Thus, instead of being the person who is raped or kidnapped, the victim is considered as being the householder. In that perspective, we can easily argue that at the beginning "man" was the "victim" of rape. How then did the approach to rape and to the victim of rape differ within time? Can the woman really become the victim of rape? These are the questions we aim to focus on and at examine in the first step of this study.

---

[8] Louise du Toit, *A Philosophical Investigation of Rape: The Making and Unmaking of the Feminine Self* (New York: Routledge, 2009), p. 35.
[9] Ibid., p. 35.
[10] Brownmiller, p. 18.
[11] James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), p. 14, quoted in Burgess-Jackson, "A History of Rape Law," p. 16.

During the eleventh and twelfth centuries, rape seemed to lose its property features in Medieval cannon law. Hence it began to be understood as a crime of violence and as a sexual offense committed against an individual. In this way, the definition of rape started to carry today's most critical features: the use of violence, abduction, coitus, and lack of consent.[12] After all, Burgess-Jackson argues that the development of rape law appears to have increasingly emphasized the individual rather than collective nature of the harm of rape. In her analysis, she underlines the point that rape became an offense against an individual rather than being considered an offense against family, community or society in general. We can interpret this change as a gradual shift from a conservative to a liberal standpoint. But radicals like Brownmiller endeavor to change this tendency. For them, the harm caused by the act of rape should be evaluated not on the basis of a woman as an individual but rather from the perspective of women in general. When tracing a history of rape in her essay *Against Our Will* Brownmiller also makes it possible to see rape other than a crime committed by one individual against another and to consider it instead as an institution.[13] Rape was no longer the privilege of a community and its values; however, radical feminists attempt to give it back to "the" community or so to say to "a gendered community" constituted only by women. Throughout the history of rape law rape has been "built" for women and only for women. But before it becomes "only for women" the silence of rape has to be broken.

1.1.2. The Anti-Rape Movement

Even the '60s demand for sexual freedom could not problematize rape. Since the "second-wave feminism", of the 1970s, based on the idea of difference and focused on the situation of "being a woman," unlike the first wave[14], it has been possible to enable public awareness of sexual assault as a woman's issue, and the anti-rape movement finally emerged. Thus, rape appeared in the feminist agenda in

[12] Ibid., p. 17.
[13] Ibid., p. 15-20; Brownmiller, p. 404.
[14] Hülya Durudoğan, "İkinci Dalga Fransız Feminizmine Kısa Bir Bakış," in *Türkiye'de Toplumsal Cinsiyet Çalışmaları: Eşitsizlikler, Mücadeleler, Kazanımlar*, ed. Hülya Durudoğan et al. (Istanbul: Koç University Press, 2010), pp. 67-97, p. 68.

the 1970s.[15] Bevacqua underlines that two articles were influential on the matter in 1971: "Rape: An Act of Terror" (Barbara Mehrhof and Paamela Kearen) and the oft-quoted "Rape: The All American Crime" (Susan Griffin). These were the first steps toward the feminist theorization of rape, and these articles had a crucial effect through the reconceptualization of rape within the feminist movement.[16] Hence, in 1975, those reflections and views resound in Susan Brownmiller's work *Against Our Will* in which she asserts, "rape is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear."[17]

1.1.2.1. The Challenged Myths

1970s Anti-Rape ideology challenges popular rape myths. These myths basically started with the belief that "Rape is a crime of sex," and then go on with the denial or assertion that most rapes are related to socio-economic issues such as race and poverty. According to those misbeliefs, most rapes are interracial and are only perpetrated in ghettos, suggesting wrongs seemingly have to belong only to the "wrong" habitats. This perverse allegation also applies to the rape victims. It is strongly believed that raping a woman is difficult. Which implies that if a woman does not want something she can resist it. It also implies the belief that a woman who is a victim of rape has provoked it by desiring it or arousing it, particularly with her provocative appearance and clothing. According to the same belief, women have such a "twisted mind" that they could in fact desire rape and mean "yes" when their mouth says "no." The myth also tells us that only a chaste woman can be "truly" raped. Following that view, women of color or sex employees are not included in this category because they are believed to be more sexually promiscuous than other women. Not to mention the fact that, because all women are supposed to be children of Pandora, they can only make false allegations of rape out of revenge or spite. When it comes to the rapists, the honor is taken back and humiliation starts. Rapists

[15] Maria Bevacqua, *Rape on The Public Agenda: feminism and the politics of sexual assault* (Boston: Northeastern University Press, 2000), p. 28-29.
[16] Ibid., p. 58.
[17] Brownmiller, p. 15. The equation of rape with violence instead of sex is commonly attributed to Brownmiller's work but it has been actually first used as early as 1948. Indeed, Ruth Herschberger, in her book *Adam's Rib* (1948) states that rape is a form of violence that involves the personal humiliation of the victim (see Ruth Herschberger, *Adam's Rib* [New York: Pellegrini and Cudahy, 1948], p. 19, quoted in Bevacqua, p. 26).

are mostly believed to be black and poor. And this "dishonored" black man is already predisposed to be a rapist. Another common misbelief is that all rapists are strangers to their victims. Also, that they are generally sadistic or sex-starved psychopaths. According to this reasoning "regular men" do not rape or do not need to rape.[18] But the one thing that has never changed in those assertions is that the rapist can only be a man.

These were the definitions regarding rape on the public agenda. If we briefly put them in order, we can say that according to the public agenda, rape is "a heinous and infrequent crime that is committed only by strangers and these strangers are a few criminally minded individuals who mostly belong to low socio-economic profiles, and also that this growing problem is a big threat to 'our' women."[19] Feminists fought back, and are still fighting back against these myths. From the feminist side of the agenda, things are indeed totally different. According to most feminists, such as Brownmiller or MacKinnon, rape "is an expression of patriarchy, is a problem of gender hierarchy, is pervasive in women's lives, is a metaphor for the oppression of all women, is men's tool for the control of women's bodies, is grounded in women's socialized passivity and men's socialized aggression, will cease to exist with the demise of patriarchy, can be committed by any man, curbs women's freedom, and is a growing problem."[20]

As feminists were building their agenda, a social revolution was meanwhile taking place. The public opinion on women started to change and they were emancipated from their established "destiny" in recent decades. By the end of the 1970s, women had started to be considered as free individuals. These cultural changes also reflect the reforms that occurred in rape law. The marital exposition has been largely repealed, the "utmost resistance" test has been reduced and the requirement of corroborative testimony has been eliminated (in USA). "Rape shield laws" have been enacted in order to protect the victim, to some extent, from examination of their past history – or at least of their sexual history. This law also endeavors to encourage the

[18] Bevacqua, p. 59.
[19] Ibid., p. 134.
[20] Ibid.

reporting of rape by excluding from consideration the victim's sexual conduct. However, Snow does not participate the idea that the rape shield laws have been achieved.[21] Since then, it is acknowledged that anyone can be raped, even a prostitute, even a black prostitute. Although these important changes have occurred, the basic definition of rape has remained the same: Both force and non-consent must be proven as separate elements of the crime.[22] Moreover, none of these changes included the case of men.

By the end of the 1970s, the most important myth that was about to collapse and to be dismissed by rape activism was that "Rapists are stranger, and the rape incident happens at night with a weapon." Studies began to reveal that a majority of rapes are committed by men who are familiar to their victims (such as lovers, husbands, friends, and other acquaintances) and who do not use weapons or extrinsic violence.[23] In that sense, the enemy was closer than we thought. Words do not only name and express a reality, they also shape it; thus, new categories of rape such as "acquaintance rape" and "date rape" emerged.[24] Such classifications have certainly had an effect on the movement, insofar as they shape reality itself. Women interviewed in a study explained that without the existence of categories such as "acquaintance rape" they were less likely to view an incident as rape, even though they felt violated; as one of them explained, "I felt raped, but I did not realize I had been raped."[25]

In this way, we have seen that at the very beginning of the anti-rape movement two essential myths were challenged by the feminists. The first one is that rape is rare and exceptional because it is committed by strangers. This estimation

---

[21] Nancy E. Snow, "Evaluating Rape Shield Laws: Why the Law Continues to Fail Rape Victims," in *A Most Detestable Crime: New Philosophical Essays on Rape*, ed. Keith Burgess-Jackson (New York, Oxford: Oxford University Press, 1999), pp. 245-66, p. 245.
[22] Patricia Smith, "Social Revolution and the Persistence of Rape," in *A Most Detestable Crime: New Philosophical Essays on Rape*, ed. Keith Burgess-Jackson (New York, Oxford: Oxford University Press, 1999), pp. 32-45.
[23] Bevacqua, p. 153.
[24] The term "date rape," had actually been used as early as 1974 in a flyer on speaking out on rape and sexual abuse prepared by the New York Radical Feminists and the National Black Feminist Organization. But this concept actually entered the public agenda in the 1980s and still remains controversial even today (Ibid., p. 154).
[25] Robin Warshaw, *I Never Called It Rape: the Ms. Report on recognizing, fighting, and surviving date and acquaintance rape* (New York: Harper Perennial, 1994), p. 48.

indeed comes from a commonly shared hope. It echoes the most popular fairytale of the world, according to which bad things always happen to other people, and not to us. Rape is far from us as it is infrequent, and it is far from us as it is committed by strangers. The reason being that our beloved ones, as the name implies, cannot possibly harm us. Waking up from this dream, this lie, is traumatic but not as traumatic as waking up from it when it happens to oneself. Like Bevacqua, Scully also emphasizes that rape is a common experience and that the majority of them belongs to "acquaintance rape." On the other hand, saying that "the majority of the rape experiences belongs to acquaintance rape" is not to say simultaneously that the acquaintance rape is the most reported rape kind. This is because the analysis revealed that women were more likely to report it if the characteristics of their attack resembled a "classic" rape. "Classic" rape implies a sudden, violent attack committed by a stranger in a public place or by breaking into a house, involves the use of a weapon and results in injuries in addition to rape itself. Acquaintance rape is rarely reported for a combination of reasons; fear of retaliation from the rapist, fear of not being believed or the stigma of a trial, self-blame, or a wish to protect friends and families.[26]

In her exact words, Susan Estrich says "I am lucky because everyone agrees that I was really raped. When I tell my story, no one doubts my status as a victim."[27] Estrich was raped by a stranger with a weapon; that is why her rape is categorized as real rape, and people approve her victim status. Unfortunately, the "real rape" category remains the case since 1974. The system does not want to recognize acquaintance rapes or date rapes as real rapes. The existence of a prior relationship engenders the fact that the rape is viewed as being less serious and as deserving less attention from the system - and consequently as less punishable. Estrich points out four generally given reasons to support this systematic bias. First of all, these cases are described as "private" relationships and are therefore not viewed as being the concern of public prosecution. To consider this relationship as private is to preserve the privilege of the more powerful (man) to commit rape or to batter the less powerful

[26] Scully, p. 6.
[27] Susan Estrich, *Real Rape: How The Legal System Victimizes Women Who Say No* (Cambridge, Massachusetts and London: Harvard University Press, 1987), p. 3.

(woman). Secondly, the case of a prior relationship also involves a claim of right, which means, in this context, that if a woman has consented to sex in the past then the man has a continuing right to sexual satisfaction. And the third reason regards the fact that this prior "consent" often involves the case of the complainant's contributory fault. Finally, "it is said that" an attack by a non-stranger is less terrifying and that it therefore deserves a reduced punishment.[28] Although there is an insistence on considering these relationships as being "private," paradoxically the woman who is destined to be the victim of rape is always considered as being "public" herself. In other terms, she is "our" woman. This leads us to the second challenged rape myth.

1.1.2.2. Rape as a Property Crime

From the very beginning of rape law, rape has been regarded as a property crime committed against a woman's husband or father or against the person to whom she belongs. Throughout history, even when women seem to have won their fight to become independent individuals, this understanding has proved to be strongly anchored in the subconscious of society. As MacKinnon points out, women's sexuality is socially understood as something to be stolen, sold, bought, bartered, or exchanged by others. Hence, the sexuality that women never own or possess never gets the same attention as the property of men. Men never treat women in law or life, with the same solicitude with which they treat their property. MacKinnon argues that in this case, to be property, or to be treated as such would be an improvement for women.[29] Dripps observes the same misunderstanding and also suggests dealing with rape cases as being part of property crimes. He argues that, while all views about sex are likely wrong in the context of a patriarchal tradition the basic understanding of rape is unlikely to become "right." Therefore he recommends reconsidering rape as a violation of the property rights of an individual, meaning one's own body, instead of regarding rape as the violation of man's property. According to him, the law will be more efficient if rape is handled simply as the expropriation of a sexual commodity in order to understand its own nature. If the situation is "no matter how much force is

[28] Ibid., p. 23.
[29] Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press, 1991), p. 172.

used to obtain it, consent can still occur"[30] and "no matter how non-consensual the sex may be, there is no crime without force,"[31] so the commodity theory could predicate the crime of rape on the violation of a basic property. According to the Lockean premise, all individuals have a property right over use of their own bodies,[32] and consequently, they have a right to refuse others' use of it. Dripps argues that when another individual takes this property either by force or without the owner's consent, this constitutes a violation of sexual autonomy. And by focusing on the unjust "taking" of sex as a commodity, the theory explains why we think sexual acts performed on unconscious victims (intoxicated at the time of the incident) are wrong. Because the taking from an unconscious victim requires no force, force and consent don't gather.[33] The criticism against Dripps's "unromantic" theory could be that the very political nature of crime is ignored by it. As Langton argues, it is such a crime that the social classes to which the perpetrators and victims respectively belong never change; the perpetrators are nearly always members of a specific social class, and the victims of another.[34] If as MacKinnon has argued, the condition of women victims of sexism can, in some ways, be compared to that of workers under capitalism, then such bargaining as Dripps assumes under conditions of inequality would be typical.[35]

In the 1970s, the consciousness raising movement revealed the reality of male power. Beside the myths concerning rape, this movement gave accounts of the myth of male power. And the lie that the sexes are equal could no longer be sustained. Womanhood can no longer be defined in relation to maleness, as its negative. Women seek their real world and its image in the "shadowed world" they are now living in. Along with the consciousness raising movement, women start to search for a sex "for

[30] Donald A. Dripps, "Beyond Rape: An Essay on the Difference between the Presence of Force and the Absence of Consent," *Columbia Law Review*, Vol. 92, No. 7 (November, 1992): pp. 1780-1809, p. 1792.
[31] Ibid., p. 1793.
[32] "Thought 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 rights to but himself" (John Locke, *Two Treatises of Government,* ed. Peter Laslett [Cambridge: Cambridge University Press, 1967], p. 305).
[33] Dripps, p. 1792.
[34] Rae Langton, "Whose Right? Ronald Dworkin, Women, and Pornographers," *Philosophy and Public Affairs*, Vol. 19, No. 4 (Autumn, 1990): pp. 311-59, p. 334-335.
[35] Catharine A. MacKinnon, "Feminism, Marxism, Method, and the State: An Agenda for Theory," *Signs*, Vol. 7, No. 3, Feminist Theory (Spring, 1982): pp. 515-44.

itself".[36]

Throughout this study, we have observed two different feminist approaches: liberal and radical. Whereas the liberal view goes out from a singularity to an entirety, the radical view sees an entirety in each singular. Unlike liberalism, the radical approach of feminism takes women as a collective entirety. MacKinnon points out that both of them acknowledge the social construction of the individual, but in different ways. The difference is the content of this social construction. To put it another way, radical theory criticizes what the person is made into or who she is allowed to be or prevented from being. Which means radical feminism does not distinguish the personal from the collective as the liberals do, but that it comprises it.[37] In sum, the liberal feminists defend the concept of a gender-neutral assault committed against the autonomous individual. They focus primarily on the harm that rape does to individual victims. This understanding presumes that woman becomes an independent individual and that she therefore has to be considered as one. Property crime is committed against a person who is actually owned as a property: a woman as an individual. But on the other hand, radical feminists emphasize the harm that rape does to women taken as a group. Hence, rape as an institution belongs to patriarchal constructions of gender and sexuality. According to this very understanding, the bodily integrity of a woman is more valuable than an individual's own. For a more detailed analysis of rape, we will put aside the different positions of the radical and liberal feminists on this issue and continue our study with the three major so-called criteria of rape, being respectively consent, *mens rea* (guilty mind) and force.

[36] MacKinnon, *Toward a Feminist Theory of the State*, p. 104-105.
[37] Ibid., p. 40-41.

1.2. The Criteria of Rape

1.2.1. Consent

Basically in its dictionary meaning, consent designates the agreement to something or the permission given for something.[38] In the case of a rape incident this permission or agreement that is implied by consent concerns the sexual activity that is involved or attempted. One does not have access to and may not make use of another's body as his/her personal domain. Hence, consent is supposed to be a determinant criterion during trials. Yet, the crucial debate related to the question of whether consent is a truthful criterion or not is still going on.

1.2.1.1. The Problematic of Consent as a Criterion

Since sexual activity may contain or imply violence, even if force and violence are clearly involved in the act, the use of consent as a criterion becomes problematic. To become a criterion, consent has to be meaningful and reflect a person's interest and desires. Thus consent must be granted under the condition that the individual was not under coercion. He/she has to give or withhold his/her consent without being affected by any pressure. But since sexual violation against woman is so frequent, it is always difficult to understand whether her consent is free or not. This is the reason the dropping of the consent requirement is debated.

Consent theory assumes that each party possesses its necessary autonomy in deciding the terms of contracts that are not in a woman's best interest. The concrete capacity to act responsibly and in one's self-interest depends critically on the fact that this same capacity is respected by social institutions and practices. Although law assumes the opposite, the institutional respect for the autonomy of a particular class is not fully ensured. This situation of non-respect is underlined in MacKinnon's understanding of consent. According to MacKinnon, the idea that man proposes whereas a woman disposes is commonly established. In this case, even the ideal

[38] *Oxford Dictionaries Online*, s.v. "Consent," accessed July 4, 2012, http://oxforddictionaries.com/definition/consent?region=us&q=consent.

version is not mutual. Besides the disparate consequences of refusal, this model does not envision a situation in which the woman is in control or frames her own choice. Yet the consequences of the rape incident are attributed to her. The law of rape presents consent as a free exercise of sexual choice under conditions of equality of power without exposing the underlying structure of constraint and disparity.[39] However, when the law is based on the concept of consent in order to separate sexual relationship and rape from each other, the problem still remains unsolved in terms of who defines the woman's consent. Ergun asserts that the present consent theory cannot solve this problem and it also seems accepting that the sexual relationship includes coercion on a particular extent. This is because consent can only correspond to coercion. Thus, on the contrary of the law's equality assumption, the rape definition based on victim's non-consent defines the sexual relationship, which is not rape, as a power (coercion corresponding to consent) relationship. It means that even the normal sexual relationship is not based on a mutual desire, but it is based on coercion and the consent, which corresponds to that coercion.[40]

In this case, whereas law simply expects individuals to act as if they were autonomous, they find themselves in a double bind. Defined as acting on the basis of one's own sexual desires and interests, sexual autonomy can't be fulfilled under the conditions of coercion.[41] The presence of fear will eventually affect the situation. Following the analysis that emphasizes rape not as an "isolated occurrence" but as part of an oppressive system, the fear planted by the system would have been already there, before the act of rape, during and after the rape. As Susan Griffin expresses in the opening words of her famous essay, "Rape: The All-American Crime": "I have never been free of the fear of rape. From a very early age I, like most women, have thought of rape as a part of my natural environment… I never asked why men raped; I simply thought it was one of the many mysteries of human nature."[42] This ever-present fear allows us to consider rape as a political practice of terrorism, as Card has

[39] MacKinnon, *Toward a Feminist Theory of the State*, p. 174.
[40] Ergün, p. 275; also see Catharine A. MacKinnon, *Women's Lives Men's Laws* (Cambridge MA: Harvard University Press, 2005), p. 245.
[41] Jeffrey A. Gauthier, "Consent, Coercion and Sexual Autonomy," in *A Most Detestable Crime: New Philosophical Essays on Rape*, ed. Keith Burgess-Jackson (New York, Oxford: Oxford University Press, 1999), pp. 71-91, p. 71-72.
[42] Susan Griffin, "Rape: The All American Crime," *Ramparts Magazine* (September, 1971): pp. 26-35, p. 26.

also argued. According to her, this fear disempowers its actual and potential future victim. In this way, any action against this fear appears useless.[43] These conditions of fear and subordination that disrupt the condition of autonomy also have importance in our understanding of so-called heterosexual relationships. The roles are well defined: the man is the sexual initiator, whereas the woman is the reluctant respondent. We could interpret that "ordinary" sex is grounded in the insignificance of women's desire. Yet, I will argue that rather than insignificance what should be emphasized here is the fact that woman's expression becomes a kind of non-expression. Women's silence or refusal is paradoxically interpreted in a positive way. Otherwise, a woman who expresses herself openly will harm her chastity. "The sexual autonomy" of women presents itself as a non-presence. On that account, it turns out that the discussion regarding the sexual autonomy of a woman is a major and difficult revolution and that the law of rape, at this point, has not eased this fear; rather, it has gradually further institutionalized it. This institutionalized structure has again endangered women's sexual autonomy; a double bind or vicious circle, you name it.

As a radical feminist MacKinnon assumes that the criterion of consent becomes meaningless under the conditions of this institutionalized fear. According to the consent criterion, which supposedly enables a distinction between rape and intercourse, there is no difference between the physical acts or amount of force involved. In legal forms, it merely represents a standard that focuses on man's interpretation. This legal standard seems so passive and so acquiescent to MacKinnon that she asserts: "a woman can be dead and have consented under it."[44] In this case, somehow legitimated coercion becomes consent. In fact, only the existence of consent makes necessary the presence of coercion. Hence, talking about consent necessarily requires a coerced situation. In the supposedly normal sexual relationship case, according to MacKinnon, we do not talk about mutual consent, we are not even close to mutual desire; instead, we talk about coercion and consent. However, "(to) give consent to a sexual relation is not the same thing by wanting it."[45] Following her view, the law of rape divides women into spheres of consent according to indices of

[43] Claudia Card, "Rape as a Weapon of War," *Hypatia*, Vol. 11, No. 4, Women and Violence (Autumn, 1996): pp. 5-18.
[44] MacKinnon, *Toward a Feminist Theory of the State*, p. 150.
[45] MacKinnon, *Women's Lives, Men's Laws*, p. 244.

relationship to men. And these categories tell the men with whom they legally have intercourse, who is open season and who is off limits, and certainly not how to listen to women. Virtuous women, like young girls, are un-consenting, virginal, rapable. Unvirtuous women, like wives and prostitutes, are consenting whores, un-rapable.[46]

"Rape is a man's act, whether it is a male or a female man and whether it is a man relatively permanently or relatively temporarily; and being raped is a woman's experience, whether it is a female or a male woman and whether it is a woman relatively permanently or relatively temporarily."[47] In these lines, Shafer and Frye, designate rape not as a biological but a social phenomenon. And so MacKinnon states that "to be rapable, a position that is social not biological, defines what a woman is."[48] This definition is deprived of the recognition that a person must have in order to be a legitimate agent of sexual consent. Also, considering the consequences of oppression, fear, domination and inequality, no one can expect free and equal behavior. On the other hand, these terms in fact establish a victim's vocabulary. If a world is built on a victim's vocabulary, all that can be expected of is survival rather than a life. Thus, the autonomy expected from such a world will always be doomed to remain unachieved. In that case, we can observe that a woman's consent is not sufficient to constitute a criterion for the distinction of rape. That is the reason some theorists, like MacKinnon or Pineau, suggest removing the criterion of consent from the definition of rape; we will now see the alternatives suggested to consent.

1.2.1.2. Instead of Consent

While some theorists try to remove the standard of non-coercive sex from consent, they suggest something approximating "mutuality" between the two parties. MacKinnon and Lois Pineau stand up for the redefinition of the meaning and the place given to consent in rape law. Yet, at the same time, objections to such a redefinition have been made in the popular press and legal literature, arguing that

[46] MacKinnon, *Toward a Feminist Theory of the State*, p. 175.
[47] Carolyn M. Shafer and Marilyn Frye, "Rape and Respect," in *Feminism and Philosophy*, ed. Mary Vetterling-Braggin, Frederick A. Ellison, and Jane English (Totova, NJ.: Littlefield, Adams, 1977), p. 334.
[48] MacKinnon, *Toward a Feminist Theory of the State*, p. 178.

while it may move too far on behalf of the victim's sake and also does not acknowledge sexual autonomy.[49] MacKinnon, in order to support the non-consent requirement, recommends a standard of "welcomeness." She observes that the present consent standard assumes that men initiate sexual contact, whereas women accept it or refuse it. Instead, the standard of "welcomeness" that she proposes concentrates on "choice, mutuality and desire."[50] On the other hand, Pineau does not eliminate the concept of consent but proposes a communicative model as a criterion. She argues that either the absence or the presence of consent should be estimated according to the lack or existence of an ongoing communication between the sexual partners. In this case, if a man wants to be sure that he is not forcing a woman, he has an obligation either to ensure that the encounter is really mutually enjoyable or to know the reasons why his partner would continue the encounter despite her lack of enjoyment. This information requires a kind of "communicative sexuality" in which the mutuality of the encounter is made clear.[51] Obviously, if we were able to build a healthy communication between sexual partners the world will be a better place to live in; yet this point of view seems rather utopian. After all, Kleinig articulates that only if consent takes the form of a communicative act can the moral relations between A and B be transformed.[52] Therefore, the transformation we need is to built the basis that enables a healthy communication between women and men.

1.2.2. *Mens Rea*

1.2.2.1. The Rapist Side of the Consent Criterion

The term *mens rea* ("guilty mind") in Anglo-American law means a criminal intent or an evil mind.[53] Basically, we could define it as the rapist side of the consent criterion. Especially in the case of date and acquaintance rape, the man has an

[49] Gauthier, p. 71-72.
[50] MacKinnon, *Women's Lives, Men's Laws*, p. 243.
[51] Lois Pineau, "Date Rape: A Feminist Analysis," *Law and Philosophy*, Vol. 8, No. 2 (1989): pp. 217-43, p. 235.
[52] John Kleinig, "Nature of Consent," in *The Ethics of Consent: Theory and Practice*, ed. Franklin G. Miller and Alan Wertheimer (Oxford: Oxford University Press, 2010), pp. 3-25, p. 10.
[53] All criminal systems require an element of criminal intent for most crimes. However, only Anglo-American systems employ the term *mens rea* (*Britannica Academic Edition*, s.v. "Mens Rea," accessed July 4, 2012, http://www.britannica.com/EBchecked/topic/375243/mens-rea).

intention to think that the woman gives her consent for the sexual intercourse that is at stake. Another scenario is that he thinks that she gives her consent; in that case he cannot be found guilty. In the case that he knows or believes that she is not consenting or believes unreasonably that she is consenting, he can possibly be found guilty.

As we saw just above, Pineau suggests that judgments of reasonableness in this area must be based on a certain normative conception of a healthy, normal sexual interaction, which is called a "communicative sexuality model." For a reasonable belief, man has to engage in a communication that would enable him to understand that his partner is consenting.[54] Yet, considering that the whole problem is engendered by a lack of communication between sexes, Pineau's argument and suggestion seem again rather naïve.

The man's mental state refers to what he actually understood at the time of the encounter or to what a reasonable man should have understood under the circumstances. According to MacKinnon, although the real injury caused by rape should actually refer to the meaning of the act committed against the victim, the standards that are taken into account to estimate the criminality of the act always lie in the meaning that the act carries for the assailant. Rape is, as she states, merely an injury from women's point of view and merely a crime from men's point of view.[55] She basically points out that the evaluation of rape as a crime meets with men's vocabulary. Men's words express women's wounds and those words are thus, constructed by power, and by a society that establishes those men as the powerful ones. In this case we will further analyze men's alienation from their own wounds, focusing precisely on male rape.

In a context where the committed crime is defined from the male's point of view, MacKinnon assumes that the consent issue will be the core of the problem. The consent that man thinks is given and the consent he thinks is not given will not be questioned from an objective point of view. Hence, this "objectivity" is constructed as

[54] Pineau, p. 217-243.
[55] MacKinnon, *Toward a Feminist Theory of the State*, p. 180.

the man's objective point, meaning a highly subjective one. MacKinnon continues the scenario under these circumstances. From the socially reasonable measure, the crime that the assailant is accused of will define sex for him and the accusations will seem totally false to him. From this point of view, rape law affirmatively rewards men's unconsciousness, their own understanding of sexual intercourse, which is far from reality and far from comprehending women's point of view. The crime does not belong to their reality; thus, their only option is to interpret the event as a malicious intention.[56] This point will be further discussed in Chapter 3.

1.2.2.2. What is Rape for a Rapist?

In order to emphasize MacKinnon's view about men's unconsciousness, their point of view that is far from the reality and from women's point of view, Diana Scully's interview with 114 convicted rapists is a good point with which to continue our study. In Scully's interview, based on the versions of their crimes and the information contained in their records, three distinct types of rapists emerged. The admitters number 47 and are the largest group. A second group of 33 rapists are labeled deniers. These men actually acknowledged having had sexual contact with their victims, but according to them this sexual contact is not rape. The third group of 34 men denied outright any sexual contact with their victims, because they are just the victims of mistaken identity.[57] From the views of deniers, Scully draw a picture to understand how men justify and excuse their violence. According to Scully's investigation, deniers present their victims as precipitating. They try to discredit their victims. On the other hand, a few admitters likewise attempted to demonstrate that their victims were "legitimate" ones. Scully categorize these attempts of justification under six titles: women as seductresses, women mean yes when they say no, women eventually "relax and enjoy it," nice girls don't get raped, guilty of a minor wrongdoing, and macho man.[58] The first five reason of justification are, I believe, clear and familiar enough. The last one is the most interesting as the concerned men argue that they have no need to rape, for they have wives or girlfriends. Scully says:

---

[56] Ibid., p. 181.
[57] Scully, p. 27-28.
[58] Ibid., p. 101-102.

"…Like others in society, these men set very narrow limits for the behavior they would consider rape. Denying the existence of a victim, someone harmed by their behavior, they trivialized the seriousness of their offenses by pleading guilty to some minor wrongdoing. Additionally, they attempted to discredit and blame their victims, portraying them either as willing and eager or as deserving what they got, while presenting their own actions as situationally justify and themselves as lacking the need to rape. They are men who are deficient in role-taking, who lack self-awareness, and who can justify their actions because their constructions of reality excludes women's perspectives. Thus, they are incapable of understanding the meaning of sexual violence to women."[59]

In fact the self-awareness is surprisingly overrated and some men expressed how their victims would describe them as "good," "desirable," "gentle," and "friendly," But at one extreme, several admitters expressed that rape was worse than murder. Scully quotes one of them in the following terms: "I equate rape with someone throwing you up against a wall and tearing your liver and guts out of you… rape is worse than murder… and I'm disgusting."[60] Besides this example, most of the admitters used excuses to explain their behavior in a socially acceptable way that would cause the least amount of damage to their self-image. These excuses are usually based on outside forces that imply the situation was outside of their control. Scully points out by arguing those excuses these men attempted to demonstrate either that there was no intent or that their responsibility was diminished. Hence, they were using alcohol or drugs, they had emotional problems, or they were sick, or they were indeed really nice guys so that their behavior is not typical but idiosyncratic.[61] However, when it comes to their wives or their girlfriends, their reaction is an expression of anger or violence.[62] No doubt this reaction does not mean they really had an idea about women's view on rape. The reason for their furiousness probably relates to the fact that something belonging to them is damaged.

[59] Ibid., p. 111-115.
[60] Ibid., p. 112- 119.
[61] Ibid., p. 120.
[62] Ibid., p. 168.

Instead of the seemingly false standpoint of the law, as MacKinnon and Scully point out, for a reasonable person's standard, Hubin and Haely suggest the "reasonable woman standard." They underline the importance of a reasonable person's behaviors. What a person (male or female) does depends partially on that person's strength, experience, social conditioning, and much more. Thus, the standard will change relatively, according to the features of the actual agent. The authors claim that physical strength; experience and social conditioning are correlated with gender. Therefore, following this claim, the reasonable person standard may lead to different conclusions in the case of a "typical men" or that of a "typical women." In that sense, Hubin and Haely emphasize two important points. The first concerns the fact that the standard used is sensitive to the features of the agent and therefore correlated with gender. As a natural consequent of the first the second point is that a reasonable person standard fails to present a single (gender neutral) standard.[63]

1.2.3. Force

1.2.3.1. The Problematic Scenario of Force as a Rape Criterion

Following the lack of consent, the last criterion is the one of force, which usually defines the parameters of law in the case of rape crime. The use of force and consent together can be observed in two problematic and prominent scenarios. In the case of the first, where there is undeniably a force that is used, if the victim is consenting, the sexual intercourse will not be considered rape. The second case presents the opposite situation, when the intercourse is undeniably non-consensual (where there is absolutely no consent), and if no force has been used to obtain it, here again the act will not be considered rape. As it is the case in the presence of consent, feminists have different views on the way the law of rape should take into consideration the use of force. They suggest two alternatives that are parallel to the two scenarios mentioned above. In the first, rape is only considered as non-consensual sex, which eliminates the force requirement. The second advocates

[63] Donald C. Hubin and Karen Haely, "Rape and the Reasonable Man," *Law and Philosophy*, Vol. 18 (1999): pp. 113–39, p .133.

eliminating the consent requirement and restricts the definition of rape to a forced sex encounter.

MacKinnon's analysis is close to the second view: "Rape should be defined as sex by compulsion, of which physical force is one form. Lack of consent is redundant and should not be a separate element of the crime."[64] Her approach refers to the general idea that the estimation of rape must focus on the victim's side instead of the perpetrator's side, as it used to. Hence the standard of acceptable force starts before the level set by what is considered normal male sexual behavior. This means that the force level is defined from the perpetrator's side, and not from the one against whom it is used, the victim's/woman's side. In this context, the definition of rape as a violent non-sexual act is understandable but futile, according to her. Thus, the social sphere of male power in which women are constantly raped by weapons, age, white supremacy, state, and derivatively with a penis construes sexuality according to the victim's direct experience. MacKinnon observes that coercion becomes a component of male sexuality and that rape is as sexual as it is violent. She even states intrepidly, "sexuality is violent, so perhaps violence is sexual."[65] The definition she gives to force is "simply sex," not just sexualized; because, she explains, force is not a response to the desired object when desire's expression is frustrated, it is rather desire's dynamic itself. That is why there is no genuine difference between sex and violence for her. The designation of rape as "violence not sex" may reject violence and affirm sex on a nongendered ground, but MacKinnon insists that even in this case the problem remains the same: it does not tell the difference. The author claims that to know what is wrong with rape is to know what is right about sex: "To say rape is violence not sex preserves the 'sex is good' norm by simply distinguishing forced sex as 'not sex,' whether it means sex to the perpetrator or even, later, to the victim, who has difficulty experiencing sex without re-experiencing the rape. Whatever is sex cannot be violent; whatever is violent cannot be sex."[66] As soon as the substantive reference point in existing legal standards continues to be the sexually normative

[64] MacKinnon, *Toward a Feminist Theory of the State*, p. 245.
[65] Ibid., p. 173-179.
[66] Ibid., p. 135-136.

level of force, any distinction between violence and sexuality will not improve women's experience of rape.[67]

1.2.3.2. Coercion Instead of Force

On this very angle, Burgess-Jackson's approach also offers a change regarding the force requirement, without eliminating it. Burgess-Jackson suggests a change of concept in order to avoid misuse of the force criterion. Her theory is based on the fact that rape is a form of coercion. The conception of rape as violence is generally built in order to change the understanding of rape as sex. No doubt, rape is an act of violence: It is about force, compulsion and domination, and not desire. But Burgess-Jackson claims that the theory of rape as violence and not sex has had an unfortunate effect. According to her, it has glossed over the distinction between force and coercion, both merging in the term "violence." With this understanding, although it is not always physical, force is usually interpreted as a physical force. As we know, all rapes are not forcible in the sense that the victim has no choice. In fact, in many cases of rape, the rapist gives the victim a choice. She is presented with two or more choices, one of them being submission to sexual intercourse. Because the alternative to submission - death or physical injury - is less desirable from her point of view at the time, she does what the rapist wants her to do. According to Burgess-Jackson, coercion is the phenomenon that lies at the core of rape. She claims that the understanding of rape as a form of coercion has certain theoretical and practical advantages on the account that it emphasizes consent and also removes the focus from the victim of rape. This means that the argument of a rapist who says he believed that the woman was consenting will no longer be a means of defense in a rape charge. Burgess-Jackson defines coerce as to compel by threats and force. One can compel a person by physically moving his/her body or by making it in his/her interest to move his/her body. At that point, Burgess-Jackson defines coercion as a compulsion and distinguishes it into two categories: physical and psychological coercion. In order to avoid any misunderstandings, she basically names the physical compulsion as force and the psychological one as coercion; to coerce is to compel by

[67] Ibid., p. 173-174.

threat.[68]

According to her coercion analysis, in such situation, the victim's options are rearranged in the victim's interest. The victim has first to find the threat credible and then do what is wanted from her. This type of coercion is psychological for it is achieved through the victim's cognitive and conative faculties. By definition, one cannot coerce someone who either has no interests or is incapable of engaging in practical reasoning regarding those interests. In other words, coercion requires a witting, rational, self-interested victim. Hence, the coercer wants the victim to choose, in the sense that he wants the victim to make a rational choice. It is the only way for his coercion to work accurately and be efficient. [69]

In the feminist discussion on "rape as violence," the emphasis is put on force as a physical coercion. But since acquaintance rapes form the majority of rape cases, most rapes are therefore likely coercive in the psychological sense and involve an imposed (forced) choice. Conceiving rape, as coercion does not only intensify physical coercion but also brings two types of rape into focus. As Burgess-Jackson observes it, a problem emerges at that point. Indeed, the use of physical force is not the only way to get consent. One could give consent under the conditions of fear engendered by the imposed choice. Then, it turns out there is no rape in that case. Burgess-Jackson also separates coercion into two versions: offers and threats. As she asserts: "In the case of an offer, the victim prefers the post-proposal situation to the pre-proposal situation. In the case of a threat, the victim prefers the pre-proposal situation to the post-proposal situation." [70] Between "pre" and "post" proposal situation, the imposed choice is formed and also the proposal itself emerges as force, coercion, also exploitation and mutual exchange which are all the manifestations of power. And the theory of Burgess-Jackson can provide an attention to these types of manifestations beside force. On the other hand, this coercion theory has also an

[68] Keith Burgess-Jackson, "A Theory of Rape," in *A Most Detestable Crime: New Philosophical Essays on Rape*, ed. Keith Burgess-Jackson (New York, Oxford: Oxford University Press, 1999), pp. 92-117, p. 92-94.
[69] Burgess-Jackson, "A Theory of Rape," p. 94.
[70] Ibid., p. 98-99.

important point for our subject. Indeed, it does not limit the perpetrator as being a man. This specific point will be further analyzed in Chapter 3.

Rape is no doubt considered as a crime by all of us, whether it is defined as a crime of violence or sexual violence, or as MacKinnon argues, as "a crime of sexualized dominance on the basis of sex."[71] The debate on this definition is still going on. But one thing that is never argued, the ultimate common point of all these understandings, is that the rapist is always assumed to be a man. However this does not mean that this understanding defends the idea that "all men are rapists."[72] It rather reflects the struggle to emphasize the domination over women. In this respect, both liberal feminists and radical feminists see this as the constant feminization of the victim. When the rapist is shaped as a man, the one who is raped becomes almost necessarily feminine. Yet, man can be a victim of rape too. Throughout my study in this chapter, the only moment when the mentioned feminist theorists seem to consider man as a victim corresponds to when they silence him by the means of statistics. Even if we consider that what statistics are silencing is as important as what they express, I would like to underline the fact that "one" is important enough, and already too many when rape is at stake. Considering the victim's experience always as a woman's experience may not be definitely wrong if we accept the fact that rape is a not a biological but social phenomenon. However, this approach will have serious ignored consequences, which will be one of our points in Chapter 3. But before focusing on the question of man as a victim of rape, I will examine and take into account the case of man as a "rapist."

[71] MacKinnon, *Women's Lives, Men's Laws*, p. 246.
[72] Andrea Dworkin might not have actually said, "all men are rapists," but she did have the slogan "Dead Men Don't Rape" above her desk. For further reading see, Havana Marking, "The Real Legacy of Andrea Dworkin," *The Guardian*, April 15, 2005, accessed July 4, 2012, http://www.guardian.co.uk/world/2005/apr/15/gender.politicsphilosophyandsociety.

CHAPTER 2
ONTOLOGY OF MASCULINITY IN TERMS OF BEING THE 'RAPIST'

Nature has given us these weak individuals to be our slaves: they are
her gift to us, a sacrifice: their condition is proof there of;
the strong man may hence use the weak as he sees fit.
Marquis de Sade

In this chapter, I am going to follow the historical ontology of masculinity in Foucauldien terms. Foucault designates the questions that "the historical ontology of ourselves has to answer: How are we constituted as subjects of our own knowledge? How are we constituted as subjects who exercise or submit to power relations? How are we constituted as moral subjects of our own actions?"[73] For this study I seek to answer these questions in terms of masculinity. Since masculinity is a gender, the basis of this inquiry, the historical ontology of masculinity, will be constructed on power relations for the reasons that I am going to explain right now.

2.1. Being a Man as a Gender

2.1.1. Sex or Gender?

In chapter 1, we observed that the ultimate common point of the feminist agenda is that the perpetrator of rape is designated as a man. However, this man appears to have no specific characteristics, which means that he is not designated specifically white or black, rich or poor; rather he is defined as "man" in general. In fact, he does not have any specific features other than "being a man." Yet who is this man? What are his essential characteristics - or does he even have any? Does the state of "being a man" imply a sex or a gender?

---

[73] Michel Foucault, "What is Enlightenment?" in *The Foucault Reader,* ed. Rabinow (P.), (New York, Pantheon Books, 1984), pp. 32-50, p. 48

Basically, whereas "sex" is defined upon biological grounds, "gender" is constructed upon social ones. In this direction, Kimmel explains that "sex" is male and female; "gender" refers to cultural definitions of masculinity and femininity – the meanings of maleness or femaleness.[74] Thus, one of the foci of feminist analysis is the question of whether gender differences are the cultural reflections of alleged biological facts. The definition of sex in biological terms is insufficient for feminist theory; hence, feminist theorists, such as Gayle Rubin, began to use "gender" for an appropriate explanation of the inequalities between the two sexes.[75] At that point, anatomy is no longer conceived as destiny, and what matters is the social significance of gender. Following that perspective, instead of being defined in terms of "sex," the "man," the "rapist" who is at stake in our study and for whom we are looking for should rather be defined in terms of "gender." Therefore, the first question that has to be answered will be that of what gender is.

2.1.2. What is Gender?

2.1.2.1. Foucault's Concept of Sex/uality

One of the turning points of the gender debate is actualized by Foucault's reflection in *The History of Sexuality*[76]. However, Foucault explains that his aim in focusing his investigation upon sexuality is a matter of writing "the political history of the production of 'truth'."[77] At the beginning of the first volume of his essay, Foucault asserts: "sex was not something one simply judged; it was a thing one administered. It was in the nature of a public potential; it called for management procedures; it had to be taken charge of by analytical discourses."[78] This is the reason

[74] Michael S. Kimmel, introduction to *The Gendered Society Reader*, ed. Michael S. Kimmel and Amy Aronson (New York, Oxford: Oxford University Press, 2004), pp. 1-6, p. 2.
[75] Gayle Rubin uses the phrase "sex/gender system" in order to describe "a set of arrangements by which the biological raw material of human sex and procreation is shaped by human, social intervention" (Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex," in *The Second Wave: A Reader in Feminist Theory*, ed. Linda Nicholson [New York, London: Routledge, 1977], pp. 27-63, p. 28).
[76] Michel Foucault, *The History of Sexuality. Volume 1: An Introduction*, trans. Robert Hurley (New York: Pantheon Books, 1978).
[77] Michel Foucault, "The End of the Monarchy of Sex," trans. Dudley M. Marchi, in *Foucault Live: Interviews*, *1966-84*, ed. Sylvère Lotringer (New York: Semiotext(e), 1989), pp. 214-25, p. 139.
[78] Foucault, *The History of Sexuality*, p. 24.

the inquiry for a Foucauldian gender understanding cooperates with Foucault's "power" analysis. Foucault argues that, during the eighteenth century, power, which previously held the right of death upon individuals, becomes concerned with the production and the regulation of life. A society's wealth, power and future are strongly dependent on the way each individual makes a use of his/her sex, and ensured by the increase of its population and the uprightness of its citizens, marriage rules and family organization.[79] It is in the course of this regulatory cultivation of life that the category of sex is established.[80] Sex is shaped in order to regulate and preserve the reproduction of life. For the sake of power, heterosexuality and having a sex with concern to a biological destiny becomes important. Indeed, sex now belongs to a disciplinary form of power. This means that with the help of juridical laws/authority, limits, restrictions and prohibitions are established. With the means of these laws and scientific regimes, power starts to control all sorts of objects and identities.[81] Butler puts it clearly: "The category of sex is constructed as an object of study and control."[82] This is the reason why the inquiry for the expanding production of discourses on "sex" had to take place not in the field of power but rather in the one of multiple and mobile power relations. Thus, in the discourse of sex, power and knowledge are gathered.[83]

In the closing chapter of the first volume of *The History of Sexuality*, Foucault suggests that the category of sex is itself constructed through a historically specific mode of sexuality; he refutes the idea that sex is a substantial and necessary category, which is prior to any categorization of sexual difference.[84] Sex, is indeed coextensive with power relations. In this way, according to Foucault, sex is not a "cause" of sexual experience, behavior, and desire. As Butler indicates it also, Foucault exposes sex as "an effect"; it is the effect, the production of power's regime of sexuality that seeks to regulate sexual experience.[85] Foucault expresses these ideas also in his brief

[79] Ibid., p. 26.
[80] Judith Butler, "Sexual Inversions," in *Feminist Interpretations of Michel Foucault*, ed. Susan J. Hekman (University Park, PA: The Pennsylvania State University Press, 1996), pp. 59-75, p. 60.
[81] Foucault, *The History of Sexuality*, p. 139-145.
[82] Butler, "Sexual Inversions," p. 60.
[83] Foucault, *The History of Sexuality*, p. 139-145
[84] Ibid., p. 150-157; Judith Butler, *Gender Trouble* (New York: Routledge, 1990), p. 29.
[85] Ibid.

but significant introduction to the journals of *Herculine Barbin*[86], a nineteenth century French hermaphrodite. Herculine was assigned the sex of "female" at birth. In his/her early twenties, after a series of confessions to doctors and priests, s/he was legally compelled to change his/her sex to "male." In the journal, besides the medical and legal documents that discuss the basis on which the designation of his/her "true" sex was decided, there is also a satiric short story by the German writer, Oscar Panizza. In his introduction to the memoirs of *Herculine Barbin* and in the continuity of his critical genealogy of the category of "sex" in the first volume of *The History of Sexuality*, Foucault questions whether the notion of a true sex is necessary. Foucault writes: "Biological theories of sexuality, juridical conceptions of the individual, forms of administrative control in modern nations, led little by little to rejecting the idea of a mixture of the two sexes in a single body, and consequently to limiting the free choice of indeterminate individuals. Henceforth, everybody was to have one and only one sex. Everybody was to have his or her primary, profound, determined and determining sexual identity; as for the elements of the other sex that might appear, they could only be accidental, superficial, or even quite simply illusory."[87] Therefore, sex is not a biological or a natural substance; it is rather an artificial category at the intersection of anatomical elements, biological functions, behaviors, sensations, pleasures and power relations. However, Butler will soon argue that although Foucault claims in *The History of Sexuality* that sexuality is coextensive with power, he fails to recognize the concrete relations of power that both construct and condemn Herculine's sexuality.[88] This critique is however not part of our focus.

According to this analysis, sex appears as a historical construction, instead of being a biological substance.[89] Nevertheless, E. L. McCallum underscores an interesting move that Foucault makes at the end of the first volume of *The History of Sexuality*; he reverses the terms of the debate from "sex" as the real, foundational, or unconstructed category and "sexuality" as the constructed, dependent category

[86] Michel Foucault, introduction to *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth Century French Hermaphrodite*, trans. Richard McDougall (New York: Pantheon, 1980).
[87] Ibid., p. 8.
[88] Butler, *Gender Trouble*, p. 120; Zeynep Direk, "Judith Butler: Toplumsal Cinsiyet ve Bedenin Maddeleşmesi," in *Cinsiyetli Olmak: Sosyal Bilimlere Feminist Bakışlar*, comp. Zeynep Direk (Istanbul: Yapı Kredi, 2009), pp. 67-84, p. 71-72.
[89] Foucault, *The History of Sexuality*, p. 105.

produced by sex, "to posit 'sexuality' as the basic category, the 'real historical formation … (giving) rise to the notion of sex' and 'sex' as the imaginary ideal this effect seeks to evoke or express. … however, there is another important effect of Foucault's reversal: the separation of 'sex' and 'sexuality' from gender."[90] Since the focus at this point is to underline the consideration of sex as not being a biological entity, I will not enter into this discussion of Foucault's "gender" concept with regard to his conception of sex/uality.[91] Foucault's analysis, eventually, shows us to what extent sex is not a natural identity but rather a social production, which is constructed through regimes of knowledge and power.[92]

2.1.2.2. Gender: 'Doing' rather than 'Being'

Besides Foucault, the argument that sex is a historical production is also accepted and alleged by theorists such as Simone de Beauvoir[93], Monique Wittig[94], gay historians, and various cultural anthropologists and social psychologists. In her famous book *Second Sex*, Simone de Beauvoir asserts "one is not born, but rather *becomes*, a woman. No biological, psychological, or economic fate determines the figure that the human female presents in society; it is civilization as a whole that produces this creature, intermediate between male and eunuch, which is described as feminine."[95] Beauvoir clearly claims that "woman" is a historical idea and not a natural fact. This is indeed the moment when Beauvoir makes a distinction between sex, understood as a biological facticity, and gender, understood as the cultural interpretation or signification of that facticity. In this context, Butler suggests that the aim of Beauvoir's claim, "one is not born, but, rather, becomes a woman", is to reinterpret the doctrine of constituting acts from the perspective of the

[90] E. L. McCallum, "Technologies of Truth and the Function of Gender in Foucault," in *Feminist Interpretations of Michel Foucault*, ed. Susan J. Hekman (University Park, PA: The Pennsylvania State University Press, 1996), pp. 77-97, p. 79; Foucault, *The History of Sexuality*, p. 157.
[91] For further reading on the debate, see: McCallum, p. 79-97.
[92] Lois McNay, "Gender, *Habitus* and the Field: Pierre Bourdieu and the Limits of Reflexivity," *Theory Culture Society*, Vol.16, No.1 (1999): pp. 95-117, p. 96.
[93] Simone de Beauvoir, *The Second Sex*, trans. and ed. H. M. Parshley (New York: Vintage, 1999).
[94] Monique Wittig, "One is Not Born a Woman," in *The Second Wave: A Reader in Feminist Theory*, ed. Linda Nicholson (New York, London: Routledge, 1977), pp. 265-71.
[95] Beauvoir, p. 295.

phenomenological tradition.[96] "To be female is, according to that (Beauvoir's) distinction a facticity which has no meaning, but to be a woman is to have *become* a woman, to compel the body to conform to an historical idea of 'woman,' to induce the body to become a cultural sign, to materialize oneself in obedience to an historically delimited possibility, and to do this as a sustained and repeated corporeal project."[97]

Indeed, Butler points out the phenomenological theories of human embodiment, more precisely the one of Maurice Merleau-Ponty, who also aimed to distinguish the various physiological and biological causalities; this distinction structures bodily existence and the meanings of embodying existence in the context of lived experience.[98] Merleau-Ponty, in *The Phenomenology of Perception*, on the account of "the body in its sexual being," examines such issues of bodily experience and argues that the body is "a historical idea" rather than "a natural species."[99] It is the same claim, as quoted above from Beauvoir, that woman is a historical entity rather than a natural fact. However, in both contexts, considering the body as a historical situation equals a denial of its materiality. It means these contexts reconceive the body through the process during which the body comes to bear cultural meanings. For both Merleau-Ponty and Beauvoir, the body is an active process of embodying certain cultural and historical possibilities. These possibilities need an agency to render; fundamentally in a dramatic manner. By "dramatic," Butler means that the body is an ongoing and constant materialization of possibilities. "One is not simply a body, but in some very key sense, one does one's body and indeed, one does one's body differently from one's contemporaries and from one's embodied predecessors and

[96] "Finally, the phenomenological theory of 'acts,' espoused by Edmund Husserl, Maurice Merleau-Ponty and George Herbert Mead, among others, seeks to explain the mundane way in which social agents *constitute* social reality through language, gesture, and all manner of symbolic social sign. Though phenomenology sometimes appears to assume the existence of a choosing and constituting agent prior to language (who poses as the sole source of its constituting acts), there is also a more radical use of the doctrine of constitution that takes the social agent as an *object* rather than the subject of constitutive acts" (Judith Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal*, Vol. 40, No. 4 [December, 1988], pp. 519-531, p. 519).
[97] Ibid., p. 522.
[98] Ibid., p. 520.
[99] Maurice Merleau-Ponty, *The Phenomenology of Perception,* trans. Colin Smith (Boston: Routledge and Kegan Paul, 1962), p. 154-174.

successors as well."[100] Besides being a historical situation, according to these analysis the (gendered) body turns out to be also constituted of and ways of doing, dramatizing, and reproducing a historical situation. Therefore, the concept of gender is a verb rather than a noun, a "doing" rather than a "being."[101]

In this sense, Butler claims that gender is not a stable identity or locus of agency from which various acts are proceeded. Gender rather becomes an identity built within time, an identity instituted through a stylized repetition of acts. Hence, the body must be understood with its gestures, movements, and enactments of various kinds, which produce the illusion of a stable gendered self. The substantial model of identity is no longer at stake. With the argument of a gender instituted through discontinuous acts, the appearance of substance turns into a constructed identity, a performative accomplishment.[102]

Butler underscores gender reality as being performative, meaning that its reality occurs only if it is performed. The performativity that is at stake here, should not be merged with expressionism. Certain kinds of acts are usually interpreted as being expressive of a gender core or identity; but while these acts sometimes conform to an expected gender identity, they also sometimes contest the expectation in some way. Butler expresses this expectation from the perception of sex understood as a discrete and fictitious datum of primary sexual characteristics. Yet, this mostly popular theory of acts as being expressive of gender suggests, in opposition to Butler's performativity theory, that gender itself is something prior to these various acts. This is the reason, according to Butler; the distinction between expressionism and performativeness is crucial. Hence, claiming that gender attributes and acts are performative would mean that there is no preexisting identity by which an act or attribute might be measured. In this case, Butler says: "There would be no true or false, real or distorted acts of gender, and the postulation of a true gender identity would be revealed as a regulatory fiction. That gender reality is created through

[100] Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," p. 520-521.
[101] Butler, *Gender Trouble*, p. 33.
[102] Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," p. 519-520.

sustained social performances means that the very notions of an essential sex, a true or abiding masculinity or femininity, are also constituted as part of the strategy by which the performative aspect of gender is concealed."[103]

2.1.2.3. *Habitus*: The 'How' of Doing Gender

2.1.2.3.1. From *Hexis* to *Habitus*

Butler's formulation of the body as a mode of dramatizing or enacting possibilities offers a possibility to understand how a cultural convention is embodied and enacted.[104] In order to elaborate this "how" and "gender," Bourdieu's concept of *habitus* which is inspired by Aristotle's "hexis" and by Marcel Mauss' understanding of *habitus* will help us in our further analysis.

The Greek term *hexis* is originally derived from Aristotle, the context in which Aristotle makes use of and defines this term finds its meaning as a habit or a *habitus* in the relationship between technology and self. In that relation, *hexis* signifies the understanding of the self. According to Aristotle, the habitual dispositions are the basis of human activity and of the self and they are instilled in us from the earliest year of education.[105] This perspective according to which *habitus* is a central point that makes humans into selves, is the same as that we find out in Marcel Mauss' thinking.[106] However, at that point I would like to draw attention to the term "disposition," which will be further analyzed in a Foucauldian context.

Foucault began using the notion of "technologies of the self" in his later works to denote the specific techniques that human beings use to perform operations on themselves or on other things. He identified four major types of these technologies: these are, "(1) technologies of production, which permit us to produce, transform, or manipulate things; (2) technologies of sign systems, which permit us to use signs,

[103] Ibid., p. 527.
[104] Ibid., p. 525.
[105] Aristotle, *Ethica Nicomachea* (*Nicomachean Ethics*), in *The Basic Works of Aristotle*, ed. Richard McKeon (NewYork: Random House, 1941), pp. 935-1126, p. 952-964, 1103a15-1109b25.
[106] Ian Burkitt, "Technologies of the Self: *Habitus* and Capacities," *Journal for the Theory of Social Behaviour*, Vol.32, No.2 (2002): pp. 219-37, p. 219.

meanings, symbols, or signification; (3) technologies of power, which determine the conduct of individuals and submit them to certain ends or domination, an objectivizing of the subject; (4) technologies of the self, which permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality."[107]

According to these definitions, the technologies of power objectivize the subject and technologies of the self permit individuals to work on their own bodies, souls, thoughts, behavior, and ways of being. But then, what does this technology mean? To examine the concept of technology in itself, I will return to Aristotle again. As is also illustrated by Heidegger, the origin of the word technology has its roots in the Greek term *techne*, which indicates the knowledge of how to produce things. However, besides the narrower sense in which we use the term today to indicate mechanical production, the production of objects is not the only concern that is implied by the term *techne*. Indeed, in antiquity, *techne* also referred to the production of works of art, meaning to the production of artifacts. This implies that the term signifies all the knowledge and skills humanity employs in any production or creative activity.[108] At that point, Aristotle's term *praxis* is also important here, as this indicates the attitude that involves doing, transaction, and practical activity in general. The knowledge that accompanies *praxis* is called *phronesis*, which signifies practical rationality or practical wisdom in general.[109] In that sense, as Burkitt indicates, technology could be said to be the practical rationality that accompanies and guides productive activities, and, thus, is enmeshed in those social relations through which people are educated and trained. Moreover in this education process individuals are more than "taught bodies." Burkitt argues that a technical education involves the

[107] Michel Foucault, "Technologies of the Self," in *Technologies of the Self: A Seminar with Michel Foucault*, ed. Luther H. Martin, Huck Gutman, and Patrick H. Hutton (London: Tavistock, 1988), pp. 16-49, p. 17-18.
[108] Martin Heidegger, *The Question Concerning Technology, and Other Essays*, trans. William Lovitt (New York, London: Garland Publishing, 1977), p. 33-36.
[109] Gerald J. Hughes, *Routledge Philosophy GuideBook to Aristotle on Ethics* (London: Routledge, 2001), p. 83-112.

body in all its movements, gestures, positions and dispositions.[110] Mauss, too, noted this idea of body considered as an instrument, as being both biological and artifactual. In his definition of the "techniques of the body," Mauss writes: "The body is man's first and most natural instrument. Or more accurately, not to speak of instruments, man's first and most natural technical object, and at the same time technical means, is his body... Before instrumental techniques there is the ensemble of techniques of the body."[111] Then, it seems accurate to argue that, according to Mauss, the body is both the object and the means of humans' technical activities. In order to take on the instrumental attitudes for the process of production, the body must have the grounds upon which to re-form itself. These reforms, according to Mauss, are built through the cultural development of the techniques of the body. The body becomes the site and the means of transmission of these cultural practices in a human group. In this way, besides being effective and instrumental, technique is also a traditional action.[112] In this way, technique is also a means of preserving, transmitting, and improving cultural and practical practices, such as; swimming, walking, making love.[113]

In this context, what Aristotle and Mauss, and also Foucault, agree upon is that technology aims to shape and form the body of the individual, and through this process, at creating the fundamental aspects of the self. Thus, Burkitt defines technology as "a means through which humans produce not only products and works, but also themselves as human selves in both their reflexive and non-reflexive aspects. It is through various technologies that humans develop the habits, capacities, skills, identity, and knowledge that mark them out as individual members of a social and cultural group."[114] In this context, the common notion of habit seems to suggest a routine that will be practiced by the non-reflexive aspect of individuals. In this case, in order to change the position of the habit, which seems not to be flexible or changeable, or in other words, which does not allow including the rationality in the process of building these habits, Mauss, has suggested the use of the Latin word *habitus* instead of the word habit. Mauss indicates the reason for his preference as

[110] Burkitt, p. 223.
[111] Marcel Mauss, "Techniques of the Body," *Economy and Society*, Vol.2, No.1 (1973): pp. 70-88, p. 75.
[112] Ibid., p. 75.
[113] Mauss, p. 79-85.
[114] Burkitt, p. 224.

follows: "The word translates infinitely better than 'habitude' (habit or custom), the 'hexis', the 'acquired ability' and 'faculty' of Aristotle (who was a psychologist). (The *habitus* does) not just vary with individuals and their imitations; they vary especially between societies, educations, proprieties and fashions, prestiges. In these we should see the techniques and work of collective and individual practical reason rather than, in the ordinary way, merely the soul and its repetitive faculties."[115] *Habitus*, then, as Burkitt also underlines, denotes an acquired ability or faculty rather than an acquired habit to act in a routine way. Here, the term ability suggests the possibility of doing something, of acting in ways that are creative and not wholly predetermined.[116] Bourdieu has also used the term following the same context. He has studied the place of *habitus* in the social system and in its performative repetition, which tends to reproduce that system.

2.1.2.3.2. Bourdieu's Concept of *Habitus*

Bourdieu makes it clear in two footnotes that has borrowed the term "habitus" from Marcel Mauss's essay *Technics of the Body,*[117] where it is used to describe the way agents and groups incorporate social imperatives into their deportment and dispositions.[118] Bourdieu asserts that Mauss has rediscovered the corporal dimension of *hexis*. In this context, Bourdieu elaborates "habitus" as embodied ritual of everydayness by which a given culture produces and sustains belief in its own "obviousness." This sustaining belief means that which the body has for what it is playing at: "It (body) weeps if it mimes grief. It does not represent what it performs, it does not memorize the past, it enacts the past, bringing it back to life and ensures its perennity in the present and the future."[119] In this way, Bourdieu underscores the place of the body, its gestures, its stylistics, its unconsciousness "knowingness" as the site for the reconstitution of a "practical sense" which is a sense of the body, where

[115] Mauss, p. 73.
[116] Burkitt, p. 225.
[117] It does not designate those metaphysical habitudes, that mysterious "memory," the subjects of volumes or short and famous theses. These "habits" do not just vary with individuals and their imitations, they vary especially between societies, educations, proprieties and fashions, prestige (Mauss, p. 73).
[118] Jeremy F. Lane, *Pierre Bourdieu: A Critical Introduction* (London: Pluto Press, 2000), p. 41.
[119] Pierre Bourdieu, *The Logic of Practice*, trans. Richard Nice (Stanford: Stanford University Press, 1990), p. 73.

this body is the repository or the site of embodied history, without which social reality would not be constituted as such.[120] As a matter of fact, Bourdieu's reflection on "unconsciousness knowingness" seems to echoes Merleau-Ponty's thinking on habituated "knowingness": "thought and expression… are simultaneously constituted, when our cultural store is put at the service of this unknown law, as our body suddenly lends itself to some new gesture in the formation of habit."[121]

Bourdieu's claim is that "we have embodied the historical structures of the masculine order in the form of unconscious schemes of perception and appreciation."[122] According to Bourdieu, this masculine order is engendered by a gendered cosmology, which gains in meaning with the opposition of sexual difference. In the meantime, this also causes the establishment of our society upon gendered values, and bodies are embedded in these gendered relationships. By this means, the movements and displacements of the body are immediately charged with a social meaning (such as upward movement being associated with maleness through erection). The division of things is taken into account according to the male/female opposition. The features, supposedly arbitrary, are inserted into a system of homologous oppositions and become a matter of necessity.[123] In Bourdieu's own words:

"The social world constructs the body as a sexually defined reality and as the depository of sexually defining principles of vision and division…It is this program which constructs the difference between the biological sexes in conformity with the principles of a mythic vision of the world rooted in the arbitrary relationship of domination of men over women, itself inscribed, with the division of labor, in the reality of the social order. The biological difference between the sexes can thus appear as the natural justification of the socially constructed difference between genders, and in particular of the social division of labor. There is thus a relationship

[120] Judith Butler, "Performativity's Social Magic," in *Bourdieu: A Critical Reader*, ed. Richard Shusterman (Oxford: Blackwell Publishers, 1999), pp. 113-28, p. 113.
[121] Merleau-Ponty, p. 183.
[122] Pierre Bourdieu, *Masculine Domination,* trans. Richard Nice (Cambridge: Polity Press, 2001), p. 5.
[123] Ibid., p. 7.

of circular causality which confines thought within the self-evidence of relations of domination …"[124]

In sum, Bourdieu explains that the social position is an inscription that is in relation to the somatization of the relations within the bodies, of a sexualized system of opposition. With this somatization, hierarchical gender relations are embedded in bodily *hexis*. This means that the arbitrary power relations turn into a naturalized form of gender identity by inculcating them in the body. And this body's living through its *hexis* leads to *doxic* forms of perception that allow the "re-engenderization" of all perceived social differences. This system forms a circle in which the arbitrary becomes natural, and this seemingly natural, *doxa*, results in the further naturalization of arbitrary social differences.[125]

Bourdieu stresses that this acquisition of gender identity is not conscious; it is not memorized but enacted at a pre-reflexive level.[126] "Habitus" and "practical sense" are indeed essentially lived categories. They give to the practice, as a result of *habitus*, its temporality. Practice, therefore, generates time: "Time is engendered in the actualization of the act."[127] The temporal structure of *habitus* and practice open up a theoretical space that allows us to explain the reproduction of gender identity and the elements of variability and potential creativity that are immanent even to its most routine reproduction.[128] Despite its temporal dimension and its consequent variability, this seemingly most routine reproduction of gender, namely masculinity, is now our subject matter.

2.2. A Look at the History of Masculinities

2.2.1. Hegemonic Masculinity

[124] Ibid., p. 11.
[125] McNay, p. 100.
[126] Bourdieu, *The Logic of Practice*, p. 73.
[127] Pierre Bourdieu and Loic J. D. Wacquant, *An Invitation to Reflexive Sociology* (Chicago: University of Chicago Press, 1992), p. 138.
[128] McNay, p. 101.

The history of masculinities is, no doubt, too wide a subject to be analyzed briefly in the subtitle of a chapter. However, the subject of my research is not the differences that constitute masculinity as "masculinities," it is rather to find what has remained unchanged, what has persisted as a routine. Thus, an attempt at a "routine" production of masculinity in this part has to be pursued in a "routine" way. In order to do so, I will ground my reflection on the single structural fact that appeared to be unquestionable for the feminist theorists in the first chapter: men's relation with women is one relation of domination in terms of social, cultural, historical and economic conditions. Basically, this domination refers to oppressive power relations in every angle that defines the existence of an individual. In this account, R. W. Connell's concept of hegemonic masculinity can provide a guide. At this point, it is important to emphasize that masculinity is not the equivalent of maleness and that the two are, indeed, very different things. Connell explains this difference by asserting that masculinity is implanted into the male body, and that it does not grow out of it.[129] While Connell grounds his "social theory of gender" on his concept of hegemonic masculinity his first aim is to go beyond the theoretical problems raised by sex roles.[130] Thanks to this formulation, Connell grasps not only the complex nature of femininities and masculinities, and the power relationships between genders and within genders, but also the possibility of internally generated change.[131] In this case, it is not wrong to assert that according to him gender[132] exists in its plurality for him. Kimmel points out this plurality under four titles: First, the meanings of gender vary from one society to another. Second, the meanings of masculinity and femininity vary within each culture over time. Third, the meaning of masculinity and femininity changes as the individual person grows. And finally, the meanings of gender vary among different groups of women and men within any particular culture at any particular time.[133] Thus, Connell is not only concerned with masculinity/femininity,

[129] R. W. Connell, "Masculinity, Violence, and War," in *Men's Lives*, ed. Michael S. Kimmel and Michael A. Messner (New York: MacMillian Publishing, 1992), pp. 176-83, p. 178.
[130] For further discussion see: Demetrakis Z. Demetriou, "Connell's concept of hegemonic masculinity: A critique," *Theory and Society*, Vol. 30 (2001): pp: 337-61, p. 337-339.
[131] Ibid., p. 337-339.
[132] "Gender is a configuration of practice on what people actually do, not on what is expected or imagined" (Robert W. Connell, "Politics of Changing Men," *Arena*, Vol.6 [1996]: p. 56, quoted in Demetriou, p. 340, en. 19). Butler argues that "gender is not a noun" but it is "always a doing" (Butler, *Gender Trouble*, p. 24-25).
[133] Kimmel, "Introduction," p. 2-3.

but also with masculinities/femininities.[134] He also acknowledges the relations of domination in such theory and in order to grasp the relations involved, he introduces the concept of "hegemonic masculinity."

Power relationships between genders and within genders in the current Western gender order are centered, in Connell's view, on a single structural fact: the general dominance of men over women. However, this hegemonic masculinity generates dominance not only over women but also over subordinated masculinities and thus links the relations within genders and between genders together. In this context, Connell explores three different yet inseparable structures of gender relations: labor, power and *cathexis* (emotional attachment).[135] These three main institutions, which correspond to the structures of gender relations, namely the labor market, the state, and the family, are examples of what Connell calls "gender regimes." Besides the configuration of practice, this institutionalization is also a process that involves both social structure and personal life. At this point Connell points out two types of hegemony. The first concerns masculinities, which dominate women, and the second regards masculinities, which dominate, again, masculinities. Connell calls these subordinated masculinities "complicit masculinities." On the contrary of complicit masculinities, there are exemplary masculinities that correspond to a "cultural ideal" and which are consistent with the reproduction of patriarchy. Thus, hegemony over masculinities seems to be a means for the achievement of hegemony over femininities rather than an end in itself. Gay masculinities, for example, are subordinated to the hegemonic model because their object of sexual desire undermines the institution of heterosexuality, which is of primary importance for the reproduction of patriarchy.[136]

2.2.1.1. Between 1450 and 1650

[134] R. W. Connell, *Gender and Power: Society, the Person and Sexual Politics* (Cambridge, Oxford: Polity Press, 1987) p. 162-172.
[135] Ibid., p. 90-188; also see R. W. Connell, *Masculinities*: *Second Edition* (Berkeley, Los Angeles: University of California Press, 2005), p. 73-76.
[136] Ibid., p. 76-81.

In Connell's view, in the period 1450-1650 four developments appear to be particularly important for the construction of those configurations of social practice that we now call "masculinity." First comes the cultural change that produced new understandings of sexuality and personhood in metropolitan Europe. When the power of religion over the intellectual world and everyday life began to slow, from the perspective of sexuality, one of the results is the growing emphasis on the family as a husband and a father. The other result is the new "direct" relationship between God and men. This relationship that contributes to the construction of the individual itself puts a new emphasis on individuality that leads to the construction of an autonomous self. The character of this gendered self becomes the reason for his actions, following the classical philosophy that construes reason and science through oppositions between nature and emotions. Superior Reason, associated with males, has often been opposed to inferior Nature, associated with females. For example, Francis Bacon's idea of scientific knowledge involves an idea of respect for the Nature but also implies control over it. To express this double relation to Nature, Bacon uses sexual metaphors.[137] Lloyd, in her pioneer-work *The Man of Reason*, insists that these metaphors have to be taken into serious consideration, and that they certainly can't be interpreted in non-gendered terms. In that sense, Lloyd explains that "the intellectual virtues involved in being a good Baconian scientist are articulated in terms of the right male attitude to the feminine… The good scientist is a gallant suitor. …Nature is mysterious, aloof – but, for all that, eminently knowable and controllable. The metaphors do not merely express conceptual points about the relations between knowledge and its objects. They give a male content to what is to be a good knower."[138] Indeed, rationality is one of the major features of "our man."

The second development is due to the creation of overseas empires by the European Atlantic seaboard states (Portugal and Spain, then the Netherlands, France and England). Empire has been a gendered enterprise from the very beginning.[139] Its outcomes are the soldiers and the materialization of the conqueror men - both tightly

[137] Francis Bacon, "The Refutation of Philosophies," trans. Benjamin Farrington, in *The Philosophy of Francis Bacon: An essay on its development from 1603 to 1609 with new translations of fundamental texts* (Liverpool: Liverpool University Press, 1964), p. 13, quoted in Genevieve Lloyd, *The Man of Reason: "Male" and "Female" in Western Philosophy* (London: Routledge, 1984), p. 12.
[138] Ibid., 6-17.
[139] Connell, *Masculinities*, p. 186.

related to the use of violence. The third key development is the growth of cities that were the centers of commercial capitalism, notably Antwerp, London and Amsterdam. The emergence of cities consequently created a new setting for everyday life. The main gendered consequence of this change actually showed its effects during the seventeenth and eighteenth centuries. With the first industrial revolution and the accumulation of wealth from trade, slavery and colonies, a calculative rationality began to build and establish urban culture. This is the way to the business "man," the masculinity that generates itself from the workplace. The fourth development is the onset of large-scale European civil war. One of the most important outcomes of this war was the emergence of a strong centralized state, which strengthened patriarchal order. This means man's power, and especially his tendency to violence, were institutionalized. Thus, states have possessed their own professional armies.[140] Therefore, man becomes the "hero" through his military prowess. In his controversial book *The Myth of Male Power*, Warren Farrell states that: "the very word for 'hero' comes from the Greek *ser-ow*, from which comes English word 'servant,' as well as 'slave' and 'protector'."[141] Indeed, one of man's other essential features is that of being a protector: being a protector of his family, physically or economically, as a father provides man the "breadwinner" name and being a protector of his country makes him a soldier.

2.2.1.2. Between the 18th and the 20th Centuries

In Connell's view, masculinity in the modern sense, meaning the construction of a gendered individual character, defined in opposition to femininity and institutionalized by power relations in economy and state, was produced and stabilized during the eighteenth century. Connell determines the hegemonic type of masculinity as the hereditary class of landowners; as the gentry. The masculinity of the gentry was closely integrated with the state but not involved with merchants in capitalist economic relations. Not did it refer to an isolated individual, because land ownership was embedded in kinship. Without question that these landowners had an

[140] Ibid., p. 186-189.
[141] Warren Farrell, *The Myth of Male Power* (New York: Berkley Book, 1994), p. 67.

authority over women, though they have an important role for the organization of gentry. However masculinity had not yet reached its current status.[142]

Then, Connell defines the history of European/American masculinity over the last two centuries as the splitting process of gentry. The new hegemonic forms emerge in various ways. Connell points out three central points for the changes: the challenge of the established gender order by women, the logic of the gendered accumulation process in industrial capitalism, and the power relations of empire. From the perspective of gender politics, the nineteenth century features an historic change with the emergence of feminism, in parallel with the growth of a liberal state and its reliance on concepts of citizenship. Conditions for the preservation of patriarchy were transformed by both the working and middle classes. While the latter challenged men's prerogatives through the temperance movement of the late nineteenth century, women belonging to the working class contested their economic dependence on man with the progress of the factory system. As a consequence, the type of hegemonic masculinity has changed. Following the spread of industrial economies and the growth of bureaucratic states, while some of hegemonic masculinities passed into the bourgeoisie's hands, the violence of those states and the technology of those industries came together. Armed forces were reorganized to be brought under the control of a centralized technological knowledge.[143] Violence, indeed, has been gathered with rationality. Foucault described in the following terms the conception of the soldier during the seventeenth century: "the soldier was someone who could be recognized from afar; he bore certain signs: the natural signs of his strength and his courage, the marks, too, of his pride… and although it is true that he had to learn the profession of arms little by little – generally in actual fighting – movements like marching and attitudes."[144] Yet Foucault expresses that, by the late eighteenth century, "the soldier has become something that can be made; out of a formless clay, an inapt body, the machine required can be constructed; posture is gradually corrected; a calculated constraint runs slowly through each part of the body, mastering it, making it pliable, ready at all times, turning silently into the automatism

[142] Connell, *Masculinities*, p. 190-191.
[143] Ibid., 191-194.
[144] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Random House, 1995), p. 135.

of habit; in short, one has 'got rid of the peasant' and given him 'the air of a soldier'."[145] This manipulation of the body has also allowed and engendered the establishment and the conception of the body as an object and as a target of power. In this way, Foucault introduces here the concept of "docile bodies"[146]. In order to have a better understanding of how Foucault demonstrates the shaping of these docile bodies, we should first analyze his conception of the notion of "apparatus."

2.2.1.2.1. The Foucauldian Term *Apparatus*

In an interview from 1977, Foucault explains the term "apparatus" (dispositive) in these terms:

"What I'm trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions - in short, the said as much as the unsaid. Such are the elements of the *apparatus*. The *apparatus* itself is the system of relations that can be established between these elements. … By the term *apparatus* a sort of -shall we say- formation which has as its major function at a given historical moment that of responding to an *urgent need.* The *apparatus* thus has a dominant strategic function. …I said that the *apparatus* is essentially of a 'strategic' nature, which means assuming that it is a matter of a certain manipulation of relations of forces, either developing them in a particular direction, blocking them, stabilizing them, utilizing them, etc. The *apparatus* is thus always inscribed in a play of power, but it is also always linked to certain coordinates of knowledge, which issue from it but, to an equal degree, condition it. This is what the *apparatus* consists in: strategies of relations of forces supporting, and supported by, types of knowledge."[147]

Thus, *apparatus* appears as a heterogeneous network that is established

[145] Ibid., p. 135.
[146] Ibid., p. 135-138.
[147] Michel Foucault, "The Confession of the Flesh," trans. Colin Gordon, Leo Marshall, Joe Mepham, Kate Soper, in *Power/Knowledge, Selected Interviews and Other Writings 1972- 1977*, ed. Colin Gordon (NewYork: Pantheon Books, 1980), pp. 194-228, p. 194-196.

between discourses, institutions, buildings, laws, police measures, philosophical propositions, and so on, that includes almost anything. It is always located in a power relation with a concrete strategic function. The *apparatus* takes its own place at the intersection of power relations and relations of knowledge.[148]

In his essay *What is an Apparatus?*, Agamben indicates that Foucault borrows the term "positivity" that Hegel gives to the historical element from Hyppolite and that he uses it as *apparatus*. Agamben asserts that the term *apparatus* is being used by Foucault as a part of his problematic on the relation between individuals as living beings and the historical element. By "the historical element," Agamben says, that he means "the set of institutions, of processes of subjectification and of rules in which power relations become concrete."[149] The subjectification process is a necessary process for an *apparatus* to signify a *praxis* in opposition of an ontology. Agamben clarifies this process following the traces of modern term *apparatus* back to the Greek term *oikonomia,* which designates, during antiquity, the administration of the *oikos* (home) and, more generally management. According to Agamben, *oikonomia*, then was introduced to Church history, in order to face the concerns related to the Trinity (the Father, the Son, and the Holy Spirit). In Agamben's view, the Church fathers indicate that God's being and substance is certainly one, whereas his *oikonomia*, meaning the way he administers the world, is however triple. Therefore, this economy is used for the separation of God's being and his action, which has no foundation in being. At that point, Agamben argues that the Foucauldian term *apparatus* works also in this way; designating that in which and through which one realizes a pure activity of governance devoid of any foundation in being. Therefore, these *apparatuses* must produce their subject. In this context, as Agamben proposes, one can consider two large groups: on the one hand the living beings and on the other hand the *apparatuses*- literally anything that has in some way the capacity to capture, orient, determine, model, control or secure the gestures, behaviors, opinions or discourses of living beings. However, there is also a third group that exists between these two groups: subjects. According to Agamben's definition, this subject is an outcome of

[148] Giorgio Agamben, "What is an *Apparatus*?," in *"What is an Apparatus?" and Other Essays*, trans. David Kishik and Stefan Pedatella (Stanford, California: Stanford University Press, 2009), pp. 1-24, p. 2-3.
[149] Ibid., p. 5.

the relation between the first two groups: living beings and *apparatus*es. In that sense, the same individual can produce multiple subjects, or put in other words, it can be the site of multiple processes of subjectification.[150]

Indeed, each *apparatus* implies a process of subjectification. Without this process, an *apparatus* cannot function as an *apparatus* of governance. If it does, then it basically turns into an exercise of violence. On this basis, Foucault has demonstrated how, in a disciplinary society, *apparatuses* aim to create through a series of practices, discourses, and bodies of knowledge "docile bodies."[151]

In the continuity of this analysis, Foucault asserts that in the course of the seventeenth and eighteenth century, discipline has became a general formula for domination, different from slavery in terms of the relation based on appropriation.[152] On the other hand, the growing significance of technical expertise in the military field and developments in other parts of the economy, in particular in the education system goes together. As a result of the incompatibility between a practice organized around dominance and a practice organized around expertise or technical knowledge, a polarity between dominance and technical expertise has developed itself within hegemonic masculinity. The gradual displacement of gentry by businessmen and bureaucrats in metropolitan countries was in this way paralleled by the transformation of peasant populations into industrial and urban working classes. This change has resulted in a sharper separation between home and workplace. The nineteenth century was also the time when "homosexuality" as a social type became clearly defined. According to Connell, from the perspective of hegemonic masculinity, the potentiality of homoerotic pleasure has been dismissed from masculinity and has been ascribed to a deviant group, which is symbolically assimilated to women or beasts. From that moment on, heterosexuality became a required part of manliness.[153]

2.2.1.2.2. The Self-Made-Man

[150] Ibid., p. 8-14.
[151] Ibid., p. 19-20.
[152] Foucault, *Discipline and Punish: The Birth of the Prison*, p. 135-138.
[153] Connell, *Masculinities*, p. 191-198.

The displacement of gentry by businessmen and the transformation of peasant populations into industrial and working classes have engendered a major change in terms of the separation between the public and the private realm. Man has turned his face completely to the outside; this outside is usually the work place. In this context, Kimmel introduces the concept of the "Self-Made-Man," arguing that its emergence on the historical stage is parallel to the shift in the definitions of masculinity during the first half of the nineteenth century. According to Kimmel, the gentry's roots in the community's life gave way to a new standard based on individual achievement, a shift in emphasis "from service to community and cultivation of the spirit to improvement of the individual and concern with his body."[154] Although Kimmel's concept is built with regard to American manhood, it is largely lines are consistent with a general masculinity theory. His interpretation of the American Revolution as a revolt of the sons against the father – in this case, the sons of Liberty against Father England - is parallel to the end of the gentry's strict relations of kinship and to the emerging capitalist market in the early nineteenth century. Men are no longer bound to the land, meaning to their estate. Their manhood no longer rests on their craft traditions or guild memberships. Kimmel says: "Being a man meant being in charge of one's own life, liberty, and property. Being a man meant also not being a boy. A man was independent, self-controlled, and responsible; a boy was dependent irresponsible, and lacked control. And language reflected these ideas. The term manhood was synonymous with 'adulthood'."[155] This man is now free to create his own destiny. In Kimmel's view, manhood is no longer settled in land or small-scale property ownership or dutiful service. Success must be earned, manhood must be proved – and proved constantly. Therefore, the essential features of the Self-Made-Man are success in the market, individual achievement, mobility and wealth. In this way, the Self-Made-Man embodies an economic autonomy, which brings along anxiety, restlessness, and loneliness. This economic embodiment determines the ground where man must constantly prove his manliness as the public sphere: more specifically, the work place. Thus, the workplace becomes a man's world. Just as Kimmel argues: "If manhood could be proved, it had to be proved in the eyes of other

[154] Michael S. Kimmel, "The Birth of the Self-Made Man," in *The Masculinity Studies Reader*, ed. Rachel Adams and David Savran (Oxford: Blackwell Publishing, 2002), pp. 135-52, p. 138.
[155] Ibid., p. 138-139.

men… From fathers and boyhood friends to our teachers, co-workers, and bosses, it is the evaluative eyes of other men that are always upon us, watching, judging. It was in the regime of scrutiny that such men were tested."[156] From the nineteenth century until today, the Self-Made-Man appears to be the strongest candidate for the dominant character, which defines the state of "being a man." But, even if his world has been transformed into a workplace, man has not been emancipated from his "protective" role, and there is indeed no change in this perspective.

2.2.1.3. The 21st Century

When it comes to the twenty-first century, Connell uses a global scale for his analysis. On that scale, the most profound change is the export of the European/American gender order toward the colonized world. In other words, the local comes together with the global. These exported systems include labor, corporations, state bureaucracies, armies and mass education systems. This combination provides an institutional base for gender-related and ideological changes, which are mostly made visible by the mass media. On the other hand, the merging of the local and the global provides an outcome, just as all so-called oppositions have provided before; one of them will be hegemonic. Thus, the hegemony of this system is in the hands of European/American gender order. However it is not homogenous. We know that while globalization is assumed to be a homogenizing process across the world, it produces at the same time social and cultural division as much as it produces homogeneity. [157] Furthermore, in rich Western countries there is a widespread awareness of change in gender arrangements for men. These arrangements showed themselves as a major loss of legitimacy for patriarchy. Connell points out the clearest sign of this loss as the open challenge to men's privileges made by feminism and the challenge to hegemonic heterosexuality from lesbian and gay movements. Following Connell, I wish to stress the fact that most heterosexual men are able to

[156] Ibid., p. 140-141.
[157] George Ritzer, *Globalization: A Basic Text* (Malden, Oxford, and West Sussex: Wiley-Blackwell, 2010), p. 272.

marginalize these challenges, they usually regard it as an issue concerning a minority and not as one that affects them.[158]

2.2.2. Being a Man as a Protector

Considering all these social and economic changes, constructions, movements that on the one hand affect masculinity and on the other produce masculinities, what could be the essential features of our "routine" man? Throughout this definitely non-linear progress, the three main institutions that Connell underlines in the first place and which contribute to shape man's role in society, remain consistent. This means man is still the business "man" in the labor market; he is still the bureaucrat or the soldier of the state: and finally he is still a father - no matter if family culture has changed to a large extent. However, when we take a closer look at the figure of the father, we can claim that his despotic role model image has been replaced by a "changing diaper" one. Yet, no matter the transformation his role and image are experiencing, the father is still seen as the "protector" of his family. This protection occurs in two ways: physically and economically. Since, with the growth of feminist consciousness women have gained their economic independence, the economic power of men is consequently not as it once was. Yet physically, man has not lost his throne. On the other hand, being a businessman has lost its unique meaning in terms of being a breadwinner. Nowadays, the role of economic protector of one's own family is ensured by the two genders. However, when it comes to the "Self-Made-Man," he still has no chance to share his economic existence. An opposite situation would strongly damage man's manliness. As Bourdieu states "manliness must be validated by other men, it has to be certified by recognition of membership of the group of 'real men'."[159] Consequently, the common point of all these various roles is being a "protector."

Bourdieu argues "manliness, understood as sexual or social reproductive capacity, but also as the capacity to fight and to exercise violence, is first and

[158] Connell, *Masculinities*, p. 199-202.
[159] Bourdieu, *Masculine Domination*, p. 52.

foremost duty."[160] While I fully subscribe to this statement, I do not believe that these values can be the essential features of man. Reproduction and violence are means of protection; they are not ends in themselves. Men reproduce and use violence in order to "protect" – no matter what he protects, maybe his family, his country, or himself; the important thing is the verb itself. But what we do not know for sure is that man is in possession of virility, that he is physically stronger than women or that we assume this. I use the adverb "stronger" because, as Bourdieu also points it out, manliness, in other words, virility- as the essence of *vir* ("man" in Latin), *virtus* ("virtue" in Latin)- is a principle of conservation which remains indissociable from physical virility.[161] According to Bourdieu, being a man, in the sense of *vir,* implies an "ought-to-be," a *virtus*, that imposes itself in the mode of self-evidence, the taken-for-granted. This imposition on each man through the duty to assert his manliness in all circumstances can also be considered the trap of male privilege. As Bourdieu expresses in his own words "the dominant is dominated by his domination."[162] In brief, man as a protector has virility as an "ought-to-be" which embodies reproduction or violence. This is an "ought-to-be," because unless it is not constantly proved to the other "ought-to-bes" it has no meaning.

We will now pursue our analysis (of masculinity) by taking into consideration the case of "being a protector." In her article *The protected, The Protector, The Defender*[163], Stiehm outlines the nature of those three roles. Even though the context of protection she mentions focuses on security in terms of governments' military strategies, her analysis will help us to understand the essential features of the protector. The very existence of a protector requires a protected and a reason for protection; this reason can be considered the presence of threat. As Stiehm notes, in this case the protector and the protected are posited on the same side of the equation, and the threat is posited on the opposite site. What we do not consider here is the nature of this threat, which can actually make this relationship more complicated. At that point, Stiehm points out that "in the case of nations, the military protects the

[160] Ibid., p. 51.
[161] Ibid., p. 12.
[162] Ibid., p. 50; also see, Bourdieu, Wacquant, p. 173.
[163] Judith Hicks Stiehm, "The Protected, The Protector, The Defender," *Women's Studies International Forum*, Vol. 5, No. 3-4 (1982); pp. 367-76.

nation from another military."[164] It turns out that the threat is also an agent of protection at once. In that sense, one can assume that being a protector implies a double-sided situation, which combines protection and threat. Being someone's protector is also at the same time being a threat for someone else. In sum, protectors perform their task against another protector (as a threat). Therefore, in order to become a protector, the existence of a threat is as essential as that of a protected individual. In the case of a man who "ought-to-be" a protector, one of these essential features is more important than the other. If we remember Bourdieu's argument that "manliness is validated by other men," one can argue that the other protectors have a more vital role. The ones who are protected - in this case it may be women or subordinated masculinities - are simply the objects of their protectors. The duty of protection is not achieved thanks to a successful protection, but rather if the "other real men" prove, that it is ok. Moreover, the object of protection turns into a threat, not because of a lack of protection, but by the prevention of other men's approval. I would like to draw attention to this latter threat. It is a threat that comes from – supposedly - the one who needs him, who is weaker than him, who has been subordinated by him in every angle of the social world. This multi-sided threatening situation may be placed into the category of Bourdieu's "the dominant is dominant by his domination."

We have seen so far that the role of the protector is a crucial and essential point for the routine man's masculinity. In order to be a protector, virility – as an "ought-to-be" - appears to be an obligation. Whether the routine man has it or not, he definitely has to prove it permanently to the other "real men." At this point it is no longer important whether he can protect or cannot protect the ones who he should supposed to be protecting; the important thing is this ought-to-be, and this "ought-to-be" has always to reproduce itself; this process, this ever-lasting competitiveness, is never accomplished. This is what I called the curse of being general. Wittig says:

"Gender is the linguistic index of the political opposition between the sexes. Gender is used here in the singular because indeed there are not two genders. There is

[164] Ibid., p. 368.

only one: the feminine, the "masculine" not being a gender. For the masculine is not the masculine, but the general."[165]

As long as the feminist theory treats this masculine as "the general" but not a gender, despite the fact that he actually is, his particularities would not matter at all. This man will not be defined regarding his own particularities, but he will be defined according to other "general" men. At that point the very existence of "real man" has only one means to prove itself: the approval of others. This is why a man needs to prove himself permanently to others: Because he is "general." "Being general" means being consistent. And, in general, he is consistent being a "rapist"; he cannot be a victim of rape. However, I intend to show in my study that precisely that he can be one…

[165] Monique Wittig, "The Point of View: Universal or Particular?," *Feminist Issues*, Vol.3, No.2 (Autumn, 1983), p. 64, quoted in Butler, *Gender Trouble*, p. 27, fn. 28.

CHAPTER 3
MALE RAPE

All human beings are potential rape victims. Spouses are raped. Male and female children are raped. Babies are raped. Physically handicapped persons are raped. Anaesthetized patients are raped. Mothers, fathers, brothers and sisters are raped. Adolescents rape one another as well as older persons and children. Male and female prisoners rape each other. During wars, soldiers have been known to rape entire communities. Males rape females and males. Many rapists are gendered and age blind. Females rape other females and males. No person is immune from the human potential to rape or to be raped.

McMullen

3.1. Breaking the Silence: This Time for Men

In chapter 1, I examined the rape issue on the feminist agenda. However, this predominantly feminist perspective largely neglects male victims. Almost all studies concerning rape I encountered for this study did not even mention male rape or skipped over it with a few sentences, usually giving the message hypothetically speaking that, "yes male rape exists, I am aware of it, but this issue is not the subject matter of this study." This standpoint is understandable on the account of the feminist perspective that seeks to highlight the gendered nature of sexual assault as a social phenomenon; however, the fact of discarding male rape may not serve this purpose. As a result there is a lack of empirical information and theoretical study on male rape, relative to rape, which is defined mostly if not only as male to female rape. Thus the examination takes into account only one side of the rape equation: that will be the women side. Since "all human beings are potential rape victims," it is time to break the silence on the account of male victims, but not only for them. Indeed, this chapter primarily attempt is to show that considering rape on the account of male victims can also be a contribution to the ontology of rape in favor of feminism.

Estrich writes in her book; "*Although my focus is on the rape of women, I do not mean to suggest that men are not raped.* The general invisibility of the male rape issue, at least outside the prison context, may reflect the intensity of the stigma, which is attached to the crime and the homophobic reactions against gay victims. In some

respects, the situation that male rape victims are facing today is not so different from the one which female victims were facing about two centuries ago."[166] These words are quoted from a book written in 1987, but so far the gap between them has not gained on. On the other hand, Estrich summarizes in one sentence the most important issues, ones that I also seek to examine. These issues are the invisibility of male rape, its prison context, the stigma attached to the crime, and the question of homosexuality.

Within the social research literature, the topic of male rape began to emerge as a problem during the 1970s and it focused specifically on institutionalized rape.[167] Outside the prison environment, male rape was regarded as a violent outgrowth of homosexual subculture. As such, in both instances it was regarded as a problem restricted to a minority and that did not require public or research interest. It was commonly assumed that male rape victims were children or young adolescents.[168] Therefore, the number of studies on male rape is very scarce. Furthermore, most of them emanate from clinical disciplines such as medicine or psychology, rather than from social sciences. Thus, an important amount of the researches focus on quantitative representation. The authors of these studies and researchers describe and represent male rape as a valid social problem, highlighting the sexual assault of men as a serious significant phenomenon by demonstrating the incidence, prevalence and characteristics of the sexual assaults. Graham indicates three key points, which characterize the male construction of the male victim in the existing literature of male rape. The first is the "reality" of the male rape. Male victimization may not be a new phenomenon, but the concept of male rape is relatively recent. It has approximately a twenty-year history in social literature. This could be one of the reasons partly explaining the lack of theoretical engagement in feminist theory on sexual violence. On the other hand, one can assume that the reason why the concept of male rape is quite recent is due to the lack of this theoretical engagement in feminist theory. However this lack or this negligence of feminist theory is the subject of another study. The second is, as I have just mentioned above, the academic discourse that

[166] Estrich, p. 108 (the emphasis are mine).
[167] Brownmiller, p. 257-268.
[168] Noreen Abdullah-Khan, *Male Rape: The Emergence of a Social and Legal Issue* (New York: Palgrave, Macmillian, 2008), p. 16.

emanates from the clinical sphere. In these accounts, the emphasis is particularly made on the physicality of sexual attacks against men. Graham explains the last key point as the definition of male rape. This definition was linked inextricably with the discussion of homosexuality, and this understanding begins to change gradually. In this context, Graham also indicates the sexual assault of men by men as a debate topic for legal discourse. However, this debate begins with a conceptualization of the sexual assault of men as an issue of homosexuality rather than of male rape.[169] Indeed this year, 2012, the FBI finally abandoned a definition of rape limited only to female victims - after eighty years. The definition now includes anal and oral penetration.[170]

3.2. The Challenged Myths

3.2.1. The 'Reality' of Male Rape

As a result, in comparison to the vast litterature on women's rape, there is relatively little academic evidence on male rape. Yet, this does not mean that male rape does not exist. On the contrary, the lack of litterature is a sign of a social problem, which itself reflects the current social climate. Graham indicates that, from the limited evidence which is available, it seems reasonable to assume that a small but significant percentage of men will be sexually assaulted at some point in their adult lives (this study does not address the issue of the sexual assault of children).[171] Also, this limited evidence tells us that male rape is most likely to be an under-reported crime. Being a protector, as we cleared out in Chapter 2, requires an ability to protect, especially physically. Therefore, men have traditionally been expected to defend themselves the boundaries and the limits of their own bodies. When this does not occur, and when a man is raped, Scarce - also a rape victim himself - asserts that society tends to silence and erase male victims rather than acknowledge the vulnerability of masculinity and manhood. A vicious circle then ensues: Men who are

[169] Ruth Graham, "Male Rape and the Careful Construction of the Male Victim," *Social Legal Studies*, Vol. 15 (2006): pp. 187-208, p. 189-192; also see Michael Scarce, *Male on Male Rape: The Hidden Toll of Stigma and Shame* (Cambridge, Massachusetts: Perseus Publishing, 1997), p. 12-13.
[170] Jerry Markon, "Rape redefined for FBI to include male victims," *The Washington Post*, January 6, 2012, accessed July 4, 2012, http://seattletimes.nwsource.com/html/nationworld/2017180020_rape07.html.
[171] Graham, p. 188.

raped feel isolated and alone, as if they were the only ones to have ever suffered from this violence. Their failure to report the aggression that they are the victim of reflects their isolation and embarrassment. Police and other authorities receive very little reports of male rape, which makes them believe that this issue is not a problem in their community. The lack of visibility reinforces the male rape survivor's sense of isolation, and the cycle of silence is therefore perpetuated.[172]

3.2.1.1. Prison and Military as Homosocial Groups

The lack of visibility on the topic of male rape issue changes its destiny by emerging as a problem within the social research literature during the 1970s, with a focus on incarcerated populations.[173] These populations are also what we can call homosocial groups; such as prisons and the military. Kimmel and Aronson define "homosociality" as "the mutual orientation to members of the same sex…, which connects gender based ties and solidarity."[174] Thus, homosocial groups refer to the literal spatial separation of male spheres from female spheres. In this case, research on sexual assaults on adult males in these homosocial groups has focused on institutionalized rape. Therefore, the issue of male rape is recognized by society as being more rife within the prison system than anywhere else.[175] Abdullah-Khan points out that rape within male prisons (an ultramasculine environment) is an ultramasculine crime with little to do with any sexual orientation and almost always a matter of power, control, life or death. Male prisons belong to men's world and exclude women. In this world, an endless competition between men in order to prove each other that they are "real men" takes place intrinsicaally. Thus, there is an exaggerated emphasis on being a man and proving manhood.[176] Actually, this irrelevant relation between homosexuality and heterosexuality proves once again that rape is not a sexually motivated crime. Men do not rape each other in prison because there are no women around. They rape each other because they have a problem called

[172] Scarce, p. 9.
[173] Graham, p. 188.
[174] Michael Kimmel and Amy Aronson, *Men and Masculinities: A Social, Cultural, and Historical Encyclopedia* (California: ABC-CUO, 2004), p. 396.
[175] Abdullah-Khan, p. 17.
[176] Ibid., p. 77.

"being a man," and because as Kaufmann notes: "…masculinity needs constant nurturing and affirmation."[177]

Kaufmann identifies men's violence against women as one corner of a "triad" of violence, their violence against other men, and their violence against themselves, constitute the other two corners. Therefore the first corner, that is, violence against women, cannot be successfully challenged without having consideration to the other two corners of the triad as they feed on each other.[178] As I have already argued in Chapter 2, Kaufmann also argues that the construction of masculinities involves the realization that all men are potential humiliators, enemies or competitors for other men – a threat. Kaufmann notes:

"Masculinity is terrifyingly fragile, as well as it is power because it is not a biological reality. It exists as an ideology; it exists as a scripted behavior; it exists within gendered relationships. … and it is supposed to be synonymous: maleness."[179]

Masculinity, which implies as we have seen in the previous chapter the fact of "being a protector," is constructed as a reaction against passivity and powerlessness. Thus the achievement of what is considered a biologically normal male character (but which is in fact socially constructed masculinity) is an outcome of mutually exclusive spheres of activity and passivity. Therefore, Kaufmann designates violence as the one way to combat the doubts about the masculine credentials. And, it is because heterosexuality is a "must" for a man, that the expressed violence against a man constructs itself as the denial of homosexual attraction.[180] As a "homosocial enactment"[181] masculinity in prison shows itself, besides other violent attacks, in the form of rape. However, due to the common belief that "man" cannot be forced to engage in anything against his will, the rape of inmates is not regarded

[177] Michel Kaufman, "The Construction of Masculinity and the Triad of Men's Violence," in *Men's Lives*, ed. Michael S. Kimmel and Michael A. Messner (New York: Macmillian Publishing, 1992), pp. 28-50, p. 40.
[178] Ibid., p. 28-29.
[179] Ibid., p. 37-40.
[180] Ibid., p. 35-38, 43.
[181] Abdullah-Khan, p. 79.

sympathetically. That is why the very existence of rape in prison cannot be accepted, or if there is any it must be homosexual in nature.[182]

Military service is another experience in which masculinity has to be proved, defended, and exposed each and every day. In contrast to prison, this experience where one is also trained for killing is supposedly honorable. In Turkey, it is even "the" service that makes you a "man." Under the name of "service" the compulsory military service becomes some sort of a "proof of masculinity"; a test for "being a man". There is a "ritualistic agreement" concerning that those who passes this test entitle to join the society as "real man". During the service, hegemonic masculinity values are the ones that normalize "different experiences" in military. These experiences are accompanying with some "rituals of masculinity", as the "learning" practice of the modern state's and masculinity's "facts". In this way, militarism reveals a genderization strategy "which creates warrior robots from men, passive but loyal supporters from women." [183] This process, that men are experiencing as powerlessness because of the promise of power is defined by Selek as "becoming a man through creeping."[184] However, evidence also suggests that male rape occurs within military establishments.[185]

3.2.2. The Definition of Male Rape

3.2.2.1. An Issue of Homosexuality?

One of the other "must" challenged myths is the definition of male rape itself. All studies of male rape include anal penetration by a penis. That is why sexual assault of men has been understood as an issue of homosexuality rather than male

[182] Ibid., p. 17.
[183] Serpil Sancar, *Erkeklik: İmkânsız İktidar* (Istanbul: Metis, 2011), p. 154-7.
[184] Pınar Selek, *Sürüne Sürüne Erkek Olmak* (Istanbul: İletisim, 2010), p. 212 (the translation is made by me).
[185] Abdullah-Khan, p. 18; and also see "Ere Tecavüz İddiası," *Radikal*, March 27, 2011, accessed July 4, 2012, http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1044253.

rape.[186] Male rape does not necessarily mean that it is a homosexual relation. Neither the perpetrator nor the victim has to be homosexual.

3.2.2.1.1. The 'Impenetrable' Body

Butler argues that heterosexuality is defined with reference to sexual difference, and that heterosexual affiliations and gendered subjectivities are understood in terms of the act of penetration. Butler's inspiration for this argument can be found in her discussion concerning the "heterosexual matrix", and it also refers to her interpretation of Irigaray's reading of Plato's *Timaeus*. In her analysis Butler discusses the generation of representation and, in particular, the place of generation. Because the generation of form is commonly associated with the feminine, the masculine is seen as that which enters or penetrates that place and is reproduced. For Butler, Irigaray's interpretation of this process of assumption of form amounts to "prohibiting the feminine from contributing to the process of reproduction in order to credit the masculine with giving birth." However, Butler claims for an alternative understanding of the assumption of form, that of "taking a wife" and, with this interpretation, the passage can be read as meaning that the feminine will never enter into the formed materiality via the generative process; in that sense, the masculine remains the "impenetrable" and the feminine designates the "penetrated."[187]

Following Butler's interpretation of the assumption of form, we may assert that the male body is by definition the penetrator/not penetrated. On the other hand, the female body is the penetrated by the reception of penetration. This regard would show us, as Graham asserts it, that for a society where heterosexuality is dominant, the penetration of the male body would be more problematic to comprehend than the penetration of the anus itself, because the anus is an orifice common to men and women. On this account, penetration of the female body remains less "shocking" than that of the male body. It is because the boundaries of the penetrator/not penetrated male body are contradicted directly by such penetration; however, the boundaries of

[186] Graham, p. 191.
[187] Butler, *Bodies That Matter,* p. 50-51.

the female body are not. In this context, "the focus on the anal rape of men becomes more understandable, though not excusable."[188]

However, the feminist research on the matter demonstrates in so many words that rape is motivated by the perpetrator's need to exert power and control over his victim. To contend that "homosexuality" is a required element of male rape, especially for the perpetrator; it will tell us nothing except that rape is sexually motivated. Defining male-to-male rape on the basis of homosexual frame is to confuse people's gender with their sexual orientation. And this is also an obvious blessing for heteronormativity, and correspondingly for the heterosexual male. As we have analyzed it in Chapter 2, being a heterosexual is a "must" for being a man. The message in here is probably that a heinous crime such as rape could be an attempt against someone who had a bad reputation, and this perpetrator is obviously not our hero but the homosexual man. The attitude will only result in the strengthening of homophobia, and nothing else. However, male rape is also possible in homosexual relationships which are embodied two men; the probability of violence occurring in a gay couple is therefore mathematically twice more than the probability of the one in a heterosexual couple. However, male rape within homosexual relationships remains an under-explored area of research.[189] Abdullah-Khan indicates that research on the sexuality of perpetrators is limited, and that the inexistent data are consequently inconclusive. Therefore, the victim data indicates that in cases where the sexuality of the perpetrator is known, heterosexual males commit more male rape, followed by bisexual and finally by homosexuals. In fact, according to Abdullah-Khan's research, the two studies have used the same data source (the Survivors UK for counseling services) from the same agency, yet obtained different results. This is clearly an example of the data's inclusiveness which demonstrates the difficulty to generalize the sexuality of the survivors since data are very much depending on those men who actually come forward and report rape. Instead, it can be concluded that all men are potential rape victims, regardless of their sexuality.[190]

---

[188] Graham, p. 197.
[189] Abdullah-Khan, p. 19.
[190] Ibid., p. 20-22.

It appears that when "homosexuality" is argued to be indeed not a necessary element of male rape, male rape is conceptualized as a particularly abhorrent form of sexual assault. Referring to Butler's theory again, if heterosexual men are defined by their desire to penetrate "the other" (the woman/feminine) and also by their resistance to being penetrated by "the same" (the man/masculine), the conceptualization of male rape as particularly devastating and horrific makes sense. In this case, the issue of male rape represents a point of contradiction: that is in part reflected in a general shift from a position where the unwanted penetration of the male body was not considered as problematic as the unwanted penetration of the female body (for example, in pre-1994 sentencing policies) to a position where the unwanted penetration of the male body is equal to or even more abhorrent and shocking than the unwanted penetration of the female body (in the research discourse and cultural references).[191]

3.2.2.2. Female to Male Rape

While homosexuality is not a necessary element for the definition of male rape, it is also not necessary for it to happen between the same sexes. The term male rape cannot be limited by being defined as an incident in which both perpetrator and victim are male. However the results are, as Abdullah-Khan demonstrates in her study, usually the opposite of it; the majority of the individuals who answered the police questionnaire believed that only homosexual and bisexual men could be victims.[192] Male rape does not signify, and indeed should not signify, the same-sex rape that most authors uses it as[193]; because women, can, rape men. A woman can commit rape with the means of an object or a body part in an anal way or during a "normal" intercourse; there is evidence that high levels of physiological arousal (anger, fright, pain, etc.) can lead to involuntary erection and/or ejaculation on the part of survivors.[194] However, intercourse is not in contradiction with the male body's impenetrability. In this case, the rape committed by a woman to a man via a normal intercourse will never get the attention it should deserve and the police, as the

[191] Graham, p. 199-201.
[192] Abdullah-Khan, p. 223.
[193] Ibid., p. 1.
[194] Adrian W. Coxell and Michael B. King, "Male Victims of Rape and Sexual Abuse," *Sexual and Marital Therapy*, Vol. 11, No. 3 (1996), pp. 297-308, p. 298.

institution to whom an application for criminal charges is made, will not be usually aware of the delicacy of the situation or do not believe the survivor, or even laugh about it, as related in Tikkanen's book.[195]

A contemporary version of this story, in fact, took place for real in Zimbabwe. Police arrested three women for kidnapping and raping male hitchhikers. According to police reports, these women offered a lift to male hitchhikers, and then drugged and attacked them. Before the female rapists collected the semen of those men and dumped the victims by the roadside, they forced men into sex, sometimes unprotected and at gunpoint.[196] Besides the fact that it involves female rapists, the crucial point of this incident, is the motive and the method of these rapes. Unlike the "usual" case of male to female rapes, these women's rape motive is to steal the semen of those men; their act is nevertheless not considered as being sexually motivated. To steal the very production of a man's manhood, meaning the only point at which men can contribute to women's process of creation, is equal to stealing their manhood. This is also a matter of power, a moment that men are oppressed by women - but not systematically as in the male to female rape situation. In this context, the method used by women to rape the men also becomes crucial in order to see the difference. In this particular case, women have taken away the men's legendary physical strength; rendered them vulnerable by means of drugs or a weapon. This type of coercion would be one of the most common points and the most persuasive factors in women's sexual attacks. Otherwise, how can a woman rape a "hero"?

Besides the use of weapon or intoxication, most men have reported coercion into sex by the means of psychological tactics, through the verbal pressure of their "partners", and in order to avoid guilt over disappointing their partners.[197] Furthermore, Muehlenhard indicates a crucial point related to this issue: "In

[195] Marta Tikkanen, *Bir Erkeğe Nasıl Tecavüz Edilir?,* trans. İlknur İgan (Istanbul: Ayrıntı, 1998).
[196] Read more Chris Parsons, "Black Magic Sperm?," in *MailOnline*, October 15, 2011, accessed July 4, 2012. http://www.dailymail.co.uk/news/article-2048720/Zimbabwe-women-charged-sex-attacks-MALE-hitchhikers.html#ixzz1yK45RXJS.
[197] Cindy Struckman-Johnson, "Forced Sex on Dates. It Happens to Men, Too," *Journal of Sex Research*, Vol. 24 (1988): pp. 234-41; and also see Wendy Stock, "Women's Sexual Coercion of Men: A Feminist Analysis," in *Sexually Aggressive Women Current Perspectives and Controversies,* ed. Peter B. Anderson and Cindy Struckman-Johnson (New York, London: The Guilford Press, 1998), pp. 169-84, p. 170.

describing what actually compelled them to engage in the unwanted act, women, more than men, reported that they had been compelled by threats of violence or actual violence, by the other person's ignoring their refusals or proceeding without their consent, and by feelings of guilt if they refused; the only compelling factor that men reported more than women was peer pressure."[198] Men had experienced unwanted intercourse more often than women because of peer pressure; because males are expected to want sex. Their experience is strictly related to a sex-role expectation.[199] This is the reason why women's mostly verbal coercion is effective is on account of the male stereotype. However, as an extension of this understanding, a similar tendency exists to redefine female sexual aggression as "romance." "…a woman who persistently demands sex from a reluctant man is viewed as 'expressing her sexuality'; a woman who persistently kisses, touches, and removes clothing from a reluctant man is being 'seductive'; a woman who uses physical restraint to sit on a man or lock him in a room is being 'playful'; and a woman who initiates sex with a drunken man is 'way too horny for her own good'."[200] But, some of these same actions could potentially result in criminal prosecution if they are committed by a man. These thoughts sympathize with the woman's attack. Trying to make the woman a sympathetic figure, even when she is the perpetrator of a rape, does nothing but emphasizes her ever-lasting victim status. However, it is a fact that women have the ability to rape men, and they some do so. What I endeavor to underline here is not to argue, no matter what it takes, women's capacity to dominate. In fact, I would like to indicate that ignorance of female perpetrators would have serious consequences. First of all, focusing only on male perpetrators ignores sexual aggression that occurs within lesbian relationships. On the other hand, ignoring the harm that women do to men is trivializing the experiences of men, making the experiences invalid. It takes the right of being a victim away from men. And yes, being a victim is right: in the case of rape, it is a privilege that most men do not have.

---

[198] Charlene L. Muehlenhard, "The Importance and Danger of Studying Sexually Aggressive Women," in *Sexually Aggressive Women Current Perspectives and Controversies*, ed. Peter B. Anderson and Cindy Struckman-Johnson, (New York, London: The Guilford Press, 1998), pp. 19-48, p. 39.

[199] Charlene L. Muehlenhard and Stephen Cook, "Men's Self-Reports of Unwanted Sexual Activity," *The Journal of Sex Research*, Vol. 24 (1988): pp. 58-72, p. 69.

[200] Cindy Struckman-Johnson and Peter B. Anderson, "Men Do and Women Don't: Difficulties in Researching Sexually Aggressive Women," in *Sexually Aggressive Women Current Perspectives and Controversies*, ed. Peter B. Anderson and Cindy Struckman-Johnson (New York, London: The Guilford Press, 1998), pp. 9-18, p. 15.

Those were the myths that must be challenged about "male rape." I consider male rape from the victim's perspective. If rape is considered only on the account of the female as a victim, then male rape has to be untraditionally considered on the account of male as a victim. However, I do not adopt the view of feminist theory here, and do not limit the perpetrator to a single angle. No matter what, theirs perpetrator, is male, whereas mine will be both female and male. On this account, we will have to look again to the criteria of rape that we have analyzed in Chapter 1; but this time for male victims.

3.3. The Criteria of Rape

3.3.1. Consent

As we have demonstrated in Chapter 1, consent can only be a meaningful criterion if the decision for consent is given by the person without being affected by any pressure. In this context, the reason for the debate concerning the consent requirement is the very existence of the oppressive system that keeps women in a situation of constant fear. Rape is considered not as an isolated occurrence by feminist theory but as a part of the oppressive system that always affects women's judgments. At this point, we have to question whether there is anything that could affect men's consent.

According to the masculinity analyses, in Chapter 2 – and in Kaufmann, who also supports these ideas - men may not be in constant fear in the pursue of their life, but because of the masculinity they have to be part of, men have the very fear of not being a man.[201] This fear will be clearly very effective in the case of all possible scenarios I am going to analyze. In the case of female to male rape, men are face-to-face the consequences of a woman's domination, and the reputation according to which he is, as a man, always ready for sex is about to be breaking. On the other hand, in the case of same-sex rape, questioning consent will be a direct threat to the

[201] Individuals who could be critical about his/her gender fall outside the scenario. We are looking at cases from the perspective of law, which is made from a male perspective.

survivor's masculinity; it is because of the myth that same sex rape is constructed with homosexual features. Therefore, in both cases, man is under the effect of the same fear: besides being raped, he fears losing his masculinity. Again, in both cases his fear emerges from the same source, but it occurs in two different ways. For the case in which the female is the perpetrator, and because this is against a man's very nature, consent cannot be an issue of debate, because "women cannot rape men." On the contrary, concerning same-sex rape, which is also supposed to be against man's nature, consent is neither an issue of debate - it is no doubt an abhorrent crime: If consent can be an issue in that very incident, then one has to talk about homosexuality. According to a system of hegemonic masculinity, a homosexual man has the same status than a woman. Because he is not considered as a "real man," he is not either considered as a proper male victim.[202] Then we are going to be talking about not same-sex rape, but "rape" in which the perpetrator is man and the victim woman.

According to feminist and legal analyses, the consent criterion of rape law is not meaningful because a woman is not capable of presenting her sexual autonomy without any affection. The two aforementioned scenarios also point out the fact that we cannot talk about free choice, a proper sexual autonomy, for men either. These scenarios also acknowledge MacKinnon's argument according to which "to be rapable is a social position, and being raped is considered as a woman experience." Therefore, in the case of man, we are still unable to talk about a legitimate agent of sexual consent. According to the male-to-female rape analysis in Chapter 1, woman's autonomy on the account of her sexuality is itself designated as un-achieved. Well, it seems we have the same conclusion in the case of male rape. Therefore, I would like to have a closer look at the concept of autonomy itself.

3.3.1.1. Relational Autonomy

The concept of autonomy, as Mackenzie and Stoljar point out, is inherently masculinist, bound up with masculine character ideals and quite hostile to women's interests and freedom. The point feminist theory critically challenged was that the

[202]The reason that I do not make a proper analyze for homosexuality itself is that this study's focus is the concept of hegemonic masculinity, which externalize the other masculinities.

determination of the fundamental characteristics of individual autonomy as individualistic and rationalistic. Therefore, feminist theory endeavors to refigure the concept of individual autonomy, calling it "relational autonomy." Mackenzie and Stoljar define the term relational autonomy as "an umbrella term, designating a range of related perspectives". These perspectives are premised on a shared conviction, the conviction that persons are socially embedded and that agents' identities are formed within the context of social relationships and shaped by a complex of intersecting social determinants, such as race, class, gender, and ethnicity.[203] Therefore, for "relational autonomy", the focus is on analyzing the inter-subjective and social dimensions of selfhood, which in our case is a gendered one.

Contemporary moral and political theory makes different usages of the notion of individual autonomy. The common point of these different usages is the idea of self-determination or self-government which is taken as the defining characteristic of a moral free agent. The most obvious example of this agent, also as Mackenzie and Stoljar indicate it also, is the self-sufficient, rational male individual.[204] This example will be our target, as the feminist critiques of autonomy.

In order to assess this understanding of autonomy, Code's critique of the abstract or ideal of the "autonomous man" will provide a guide. Code explains that:

"Autonomous man is - and should be - self-sufficient, independent, and self-reliant, a self-realizing individual who directs his efforts towards maximizing his personal gains. His independence is under constant threat from other (equally self-serving) individuals: hence he devises rules to protect himself from intrusion. Talk of rights, rational self-interest, expedience, and efficiency permeates his moral, social, and political discourse. In short, there has been a gradual alignment of *autonomy* with *individualism.*"[205]

---

[203] Catriona Mackenzie and Natalie Stoljar, "Introduction: Autonomy Refigured," in *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*, ed. Catriona Mackenzie and Natalie Stoljar (New York, Oxford: Oxford University Press, 2000), pp. 3-34, p. 3-4.
[204] Ibid., p. 4-5
[205] See Lorraine Code, *What Can She Know? Feminist Theory and the Construction of Knowledge* (Ithaca, New York: Cornell University Press, 1991), p. 78.

According to Code, this ideal character is self-sufficient, independent, and isolated. By the means of these characteristics he achieves the goal of human life, which is the realization of self-sufficiency and individuality. To put in other and more familiar, words: The autonomous man that Code designates is likely to be Kimmel's "Self-Made-Man," which we have analyzed and defined, in Chapter 2, as being "independent, self-controlled, and responsible." On account of this definition, Code points out three problematic. First of all, the value of independence is above all other values, particularly those arising from relations of interdependence, such as trust, friendship, and loyalty. Secondly, this definition reduces the agent to an atomic dimension, without their diversities and complexities: as "the general". The last critique is that those who depend on the inter-dependences or cooperation, such as social practices, relationships and communities, threaten the autonomy. Code's critique does not mean that she refuses the concept of autonomy all together, and nor does mine. What Code rejects is the "hyperbolized autonomy"; instead of this concept she suggests using a relational view of subjectivity.[206]

To elaborate this relational view of subjectivity, Baier's "second persons" concept that also supports Code's idea, would be appropriate. Baier terms persons "second persons," meaning that their development requires relations of dependency on other persons. Second persons are essentially successors, heirs to other persons who formed and cared for them, and their personality is revealed both in their relations to others and in their response to their own recognized genesis.[207] Besides Code's feminist goal, this replacement has to be valid for the "man" himself. However, the question that is raised, but not answered here or by Code, is how to develop a model of autonomy, which could be consistent with relational subjectivities. In sum, the concept of autonomy, which is defined as one of the essential features of masculinity, has to be reconsidered relational autonomy, particularly on account of the consent criterion, because the sexual autonomy of men still cannot be achieved.

---

[206] Mackenzie, Stoljar, p. 6.
[207] Annette Baier, *Postures of the Mind: Essays on Mind and Morals* (Minneapolis: University of Minnesota Press, 1985), p. 85.

3.3.2. *Mens Rea*

The other criterion that I will be looking at, in the continuity of Chapter 1, is *mens rea*. In basic words, *mens rea* can be defined as the criminal intent or the evil mind. The problematic which is raised by this criterion regards the "reasonable man standard," which designates what a reasonable man should have understood under the circumstances- in our case, the circumstances of rape. This standard, supposedly being objective, as MacKinnon points it out, is likely to be subjective on behalf of the "man." As we have discussed it before, MacKinnon designates the existing rape law as being affirmative for the man's understanding and far from both reality and women's point of view. Under these circumstances, in the case of male to female rape, the rape law, which is built according to a masculine understanding seems to serve the rapist's twisted mentality. MacKinnon states: "The law that is applied to them and to all women has not been written by women… It has not been based on women's experiences of life, everyday or otherwise. No one represented women's interests as women in creating it…"[208] If the law does not represent women's interests, can it be successful in representing the men's interest as the victim? Is law actually men's law?

In the criminal system, as Newburn and Stanko underscore, the "victim" label defines a state of being that itself induces powerlessness and thus can only be applied to members of relatively powerless social groups. Although left realism intends to bring "experience" at the core of the issue, their understanding of victimology does not escape the binary view of victims and offenders. One of the reasons why left realism is stuck in this binary view may be that it is motivated by feminist issues. In this view, the victim is again portrayed as being "weak, helpless, defenseless and unsuspecting."[209] However, the process of criminal victimization is not that simple, as Ruggerio has pointed it out:

---

[208] MacKinnon, *Women's Lives, Men's Laws*, p. 33.
[209] Tim Newburn and Elizabeth A. Stanko, "When Men are Victims: The Failure of Victimology," in *Criminology: A Reader*, ed. Yvonne Jewkes and Gayle Letherby (London: Sage Publications, 2002), pp. 262-73, p. 263-266.

"Some crimes confirm the existing distribution of power, but some do not. It is not enough for criminologists neither to assume the relations of dominance in victim–offender relations nor simply to present themselves as defenders of the weak. Their task is to uncover and explain the complex processes through which 'victims' and 'offenders' are reproduced."[210]

In that account, Newburn and Stanko suggest that this complexity also sheds light on how "hegemonic masculinity," as defined by Connell, obscures our ability to deconstruct the way power is managed among men. Therefore, there is only a few studies on male victims of crime in criminal literature.[211] The reason why the consideration of male victims is negelected emerges from the concept of "hegemonic masculinity," which intrinsically excludes weakness from its vocabulary. Thus, I agree with MacKinnon's idea that "law is a foreign country with an unintelligible tongue, alien mores, secret traps, uncontrollable and unresponsive dynamics, obscure but rigid dogmas, barbaric and draconian rituals, and consequences as scary as they are incomprehensible. Actually, this is true for most men as well."[212] Therefore, it appears that law is not men's law, but "the" man's law.

The neglect of the male victim will eventually cause the negligence of the female offender in sexual attacks. Thus, I could find no study that could explain the state of mind of female perpetrators of rape. The only data that I could use on the account of female attackers probably sheds light on the very reason for not needing such a study. In Stuckman-Johnson's research, men were asked to answer the question: "What do you think was the person's motive for doing this?" A content analysis of the answers revealed that 38% of the men attributed the woman's advance to sexual arousal and "horniness." Other common attributions were liking and love for the man (16%), loneliness and need for intimacy (10%), and the effects of alcohol (9%).[213] However, according to feminist rape analysis, those reasons are not

---

[210] Vincenzo Ruggiero, "Realist criminology: a critique," in *Rethinking Criminology: The Realist Debate*, ed. Jock Young and Roger Matthews (London: Sage Publications, 1992), p. 129, quoted in Newburn, Stanko, p. 266.

[211] Newburn, Stanko, p. 267-268.

[212] MacKinnon, *Women's Lives, Man's Laws*, p. 32.

[213] Cindy Struckman-Johnson and David Struckman-Johnson, "The Dynamics and Impact of Sexual Coercion of Men by Women," in *Sexually Aggressive Women Current Perspectives and Controversies*,

considered the real reasons; they could only be some excuses to cover up the domination over women. In this case, these are also the representation of men's domination over women. The difference is only the agent's gender that uses this domination: the women uses men's domination over women over men by producing excuses in order to show themselves vulnerable and still the victim – as how society is used to know.

3.3.3. Force

What I intend to discuss in this chapter is not the question whether force is a meaningful or necessary criterion of male rape or not. No doubt, the definition of the male body as being "impenetrable" already presupposes that there would be no consent and that therefore it is absolutely a forced action. On the account of male to female rape, this debate regarding force criterion seems necessary, because of the very definition of the female body as being "penetrable," and therefore rapable. In that perspective, to be raped would not be an act against nature in terms of woman and that is why the question whether there is consent or force should be and has been questioned.

On the account of male rape, the problematic of the force criterion, on the account of male rape, is therefore the force level that, as MacKinnon states, is defined by the perpetrator's side. Since as we have pointed it out in Chapter 1, "our perpetrator" is always male, what are the consequences when a man is both the victim and the one who establishes the level of force? And also, as we discussed at the beginning of this chapter, a female can be the perpetrator of a rape crime. Thus, how is the force defined by male effective in the female rapist situation?

If we are talking about the force that is used in same-sex rape, it probably looks like a fair game for both sides. The level of force will be set according to the standards of hegemonic masculinity. However, in this context, there is something that is absolutely not fair. Rape is not "merely" a brutal damage to man's bodily and

---

ed. Peter B. Anderson and Cindy Struckman-Johnson (New York, London: The Guilford Press, 1998), pp. 121-43, p. 136.

moral entity; it engenders also, from man's perspective, the loss of his masculinity. Whereas woman is facing "blame" when she is a victim, man is dealing with a process of "self-blame". Scarce argues that the most powerful effect of male rape are stigma, shame and embarrassment. These emotions are co-extensive with the self-blame faced by the victim of male rape who feels in some way responsible for his victimization.[214] This is because men are not socialized into being aware of their vulnerability to such victimization, and as such, cannot be "blamed" for such attacks, but can blame themselves. On the other hand, women are, supposedly, aware of their vulnerabilities, and should therefore take more precautionary measures to protect themselves. This is why society can put the blame on woman.[215] At this point, I would like to draw attention to the act of blaming itself. The man who blames himself means that he is still a man enough to take responsibility for his own actions. He blesses the manhood that he has lost with rape.

For the case of female to male rape, the criterion of force would be problematic in terms of the feminist discussion on "rape as violence." In that perspective, Burgess-Jackson draws attention to the emphasis that is made on force as physical coercion. Force does not necessarily mean physical violence. The emphasis on the woman as a victim makes her intrinsically less strong than man. However, it is not necessary for her to be stronger than the man she may rape. It is sufficient for her to be smart enough to find a way to put herself in a position that allows her to be stronger or at an advantage. On this account, the coercion theory of Burgess-Jackson would be more accurate for the female to male rape, considering that men are coerced into sex by the means of psychological tactics or verbal pressure rather than with a weapon or intoxication. This theory gives attention to other types of manifestations of power, beside force, such as coercion, also exploitation and mutual exchange - seemingly more feminine manifestations.

3.4. Male as the Victim of Rape

[214] Scarce, p. 19.
[215] Abdullah-Khan, p. 24.

So far throughout this chapter, we have observed that man, despite the fact that he is a protector, can be the victim of rape is within the bounds of possibility; even though he cannot actually become a victim from society's perspective. Yet the essential characters of being a man and being a protector intrinsically exclude being a victim; for man, the only possibility of being a victim as a protector becomes the one of "not being a man." The moment when a man could be a victim becomes the moment when he gives up his manhood. At this point, I would like to argue that when man cannot be a victim he actually becomes one; in order to be a man, he destroys his "mankind characteristics". To provide an insight for this argument, we have to look closer at the concept of victim.

The term "sacrifice" comes from the Latin "sacrificare"; it is made from the gathering of two other Latin words "sacer," meaning sacred, and "facere," meaning making. [216] Thus, the word "sacrifice," implies in its meaning the idea of a transformation, understood as a process of making and becoming. What was not sacred becomes sacred with the action of sacrifice. Hubert and Mauss underline also this process in their study on sacrifice, its nature and function. They indicate the sacrifice, which always implies a consecration, an object passes from the realm of the profane into that of the divine.[217] In this context, consecration becomes an action that transforms the object. The mere elements of the sacrifice in an abstract scheme are the sacrifier, the subject who performs the sacrifice, and the one who benefits from this sacrifice; the divinity, the one to whom the sacrifice is usually addressed; and the object which is consecrated serve as an intermediary between the former two.[218] Keenan underscores this single mechanism as a double process of communication between the sacred and the profane by the means of a consecrated object that plays a mediating role between the sacrifier and the divinity.[219] The consecrated object is sometimes simply presented as a votive offering and sometimes destroyed. However, in both scenarios the one who sacrificed, the object of consecration, always

[216] Saime Tuğrul, *Ebedi Kutsal Ezeli Kurban: Çok Tanrılılıktan Tek Tanrılılığa Kutsal ve Kurbanlık Mekanizmaları* (Istanbul: İletişim, 2010), p. 15.
[217] Marcel Mauss and Henri Hubert, *Sacrifice: Its Nature and Function*, trans. W. D. Halls (London: The University of Chicago Press, 1989), p. 9.
[218]Ibid., p. 10-12.
[219] Dennis King Keenan, *The Question Of Sacrifice* (Bloomington, Indianapolis: Indiana University Press, 2005), p.17.

transforms: they are called the "victim". Hubert and Mauss define the sacrifice as a religious act that can only be carried out in a religious atmosphere. Therefore, the sacrifier, the sacrifice, the site and the instruments of the sacrifice, or the victim – which do not generally, possesses the religious character in a suitable degree - have to be transformed. Being profane before the sacrifice occurs, they are introduced into the sacred world by the means of the rites. Thus rites are necessary for the transformation of the sacrificed elements. However, their being profane does not mean that they are worthless; they have to be in a certain kind of relationship with God, with his perfection. Therefore, besides the other elements the victim has to be "without defect, sickness, or infirmity." Yet, during his symbolic movement toward the realm of the gods, the victim must not break its connection with mankind. On this account, besides representing the God, the victim also represents the sacrifier through this proximity with the human realm. Indeed, as Hubert and Mauss emphasize it, the victim does not only represent but merges with the sacrifier. Through destruction, when the essential action of the sacrifice is eventually accomplished, the victim changes its own nature.[220]

According to this schema, being a victim implies the transformation of the victim's nature into a status it it does not belong to. It is important to underline the fact that this transformation is not natural and that it happens by means of certain rites. Therefore, the outcome of the transformation process is built according to the dynamics of the given divinity to which the sacrifice is addressed. At that point, we could argue by building an analogy with the scheme and process implied by sacrifice, that the man who is born with a penis is constructed as a character of "hegemonic masculinity" by the rites of the masculinity's "ought-to-bes," and that he becomes a "real man" in order to be addressed the divine, which would represent society itself, after the passage from the religious-political realm to bio-political realm.[221] As Hubert and Mauss also argued, the sacrifier, in this case the political power, which usually benefits from the consecration's effects, is represented by the victim - in fact the victim merges with this sacrifier. That is why the "real man" seems to be the one who possesses power and who benefits from it. Most of the time he really benefits

[220] Mauss, Hubert, p. 10-32.
[221] Tuğrul, p. 17.

from this process, but this never changes the fact that he is only an instrument of the political power; one that is destroyed and became a victim. In other words men are not meant to be protected – they are meant to be used and be disposable.[222] Meanwhile, if we consider the conditions of masculinity which never allow a man to be vulnerable or powerless, since these are the very features of a human being, man's victim status doubles.

CONCLUSION

At the beginning of this study, I examined rape in its popular realm; in the feminist agenda. There seems to be no other accurate realm than the feminist one to indicate the crucial points of the issue of rape, for rape enters the legal and social discourse as a "woman's problem". However, besides the fact that it deserves a

[222] Farrel, p. 68.

special attention for being another representation of the masculine domination over woman, rape is not solely a women's problem. Yet feminist theory does not seem to agree with this viewpoint. Feminist theory emphasizes the victimhood of the woman side, and this approach also means that it mostly excludes the very possibility for a man to be a victim of rape and considers man as the "rapist." To assert that, on the contrary, "men can be raped, and sometimes are. That alone should suggest that the overwhelming numbers of women among the rape-victim population expresses inequality, not biology,"[223] should not be enough. If the feminist theory seeks to underline this inequality and the fact that rape is an act of power and control, it really should give a more complete history and explain how man can be raped, and why this is sometimes the case. Accepting that man could also be a victim is not to deny that he continues to occupy an advantaged position in relation to women, or that women are "unequal" victims of rape[224] is also not enough for a proper understanding for the act of rape. The crucial point that should be expressed would then be put in jeopardy and, to use Paglia's expressions, there will be a backlash, which is questioning the real purpose:

"The dishonesty and speciousness of the feminist rape analysis are demonstrated by its failure to explore, or even mention, man-on-man sex crimes. If rape were really just a process of political intimidation of women by men, why do men rape and kill other males?" [225]

No doubt, the "dishonesty" and "speciousness" are exaggerated and unfortunate claims, however Paglia has the right to question male rape. If the feminist rape analyses argue that rape is a women's issue, it should at least have a closer look to the reason why man, is, or becomes a "rapist." Or, given the prevalence of rape and given the socio-cultural supports for sexual aggression and violence against women in this society, perhaps we should be asking men who don't commit rape, why they do

[223] MacKinnon, *Women's Lives, Men's Laws*, p. 133.
[224] Newburn, Stanko, p. 271.
[225] Camille Paglia, *Vamps and Tramps: New Essays* (New York: Vintage Books, 1994), p. 33, quoted in Scarce, p. 69.

not! In other words, we should be question the factors which prevent men from abusing women in rape-supportive societies.[226]

As we have observed it in Chapter 1, Gardiner points out that second-wave radical feminism galvanized women's support with the simplification that "all men have oppressed women" and some men's movements, too, have found the victim identity useful for themselves.[227] In feminist rape analysis, this simplification leads to the argument that "rapists are all men." According to Foucault, the discourse of sex, "because sex itself is a gendered category,"[228] the discourse of gender had to take place not in the field of power but rather in multiple and mobile power relations. In this Foucauldian feminist framework, it is indeed meaningless to designate men as targets because most men, as with most women, are embedded and implicated in institutions and practices that they as individuals did not create and do not control. This simplistic binary between victims and oppressors does not make it any easier to analyze the inegaliterian social relations. However, Gardiner argues that the rejection of this binary will facilitate the analysis of the subtle complicities of both women and men in upholding inegaliterian institutions, and does not invalidate investigations into dominance.[229] After all, as we have observed it in Chapter 2, masculinity, too, is a gender and men as well as women are subject to all processes of gender formation that distribute power and privilege unequally. Thus, why should not we treat men otherwise. There is no abstraction called "men" that always shapes society and history.[230] It is indeed the political power that uses the law for its legitimization. Therefore, although those who have this power are mostly men, we cannot identify men with the political power. All we can do to is tell and show them that they are only the preferred favorite instruments of power relations.

---

[226] Christina Hoff-Sommers, *Who Stole Feminism? How Women Have Betrayed Women?* (New York: Simon and Schuster, 1994), p. 44.
[227] Judith Kegan Gardiner, introduction to *Masculinity Studies & Feminist Theory: New Directions*, ed. Judith Kegan Gardiner (New York: Columbia University Press, 2002), pp. 1-29, p. 13.
[228] Judith Butler, *Gender Trouble*, p. 143.
[229] Ibid.
[230] Øystein Gullvåg Holter, "Social Theories for Researching Men and Masculinities: Direct Gender Hierarchy and Structural Inequality," in *Handbook of Studies on Men and Masculinities*, ed. Michael S. Kimmel, Jeff R. Hearn, Robert W. Connell (London, New Delhi: Sage Publications, 2005), pp. 15-34, p. 20.

In this way, it will be possible to explore how male power and privilege are constituted and represented, as well as the effects of men's masculinity on women and on men. Therefore, the nuanced feminist analyses of masculinities are necessary for adequately theorized gender studies.[231] On the other hand, it is also important for men to support feminism. As Connell and Kimmel point out, most men are harmed by idealizing the characteristics of socially powerful men and by defining the masculine in opposition to women and subordinate men, especially homosexuals and men of color. All men are harmed by this "hegemonic masculinity," they claimed, because it narrowed their options, forced them into confining roles, such as protector; dampened their emotions; inhibited their relationships with other men; precluded intimacy with women and children; imposed sexual and gender conformity; distorted their self-perception; limited their social consciousness; and doomed them to continual and humiliating fear of failure to living up to the masculinity mark.[232]

The "choice" for feminist rape analysis to exclude male rape analysis in its discourse could be considered an attempt at a political choice for women. However, on this account, MacKinnon argues that women are never able to make this choice. According to MacKinnon, the social power of epistemology creates a reality that conforms to its reality. Ideas that contradict this created reality would be defined as unreal or irrational, via the authority of the scientific reality, but retain a subconscious and subcultural life. That is why choosing an accurate epistemology is a choice of the political institution.[233] Inequality between man and woman is an objective and at the same time an objectified reality. However, to know the objective reality does not mean being aware of this reality. On this account, Ergün argues that consciousness is to know that another way is possible; means the consciousness of that objective reality could be replaceable.[234] That is why I contend that man has to be conscious of the fact that he could also be a victim. Yet, he is not.

---

[231] Gardiner, p. 1.
[232] Also see Connell, *Masculinities*; Connell, *Gender and Power: Society, the Person and Sexual Politics*; Michael S. Kimmel and Amy Aronson, ed., *The Gendered Society Reader* (New York, Oxford: Oxford University Press, 2004).
[233] MacKinnon, *Toward a Feminist Theory of the State*, p. 99.
[234] Ergün, p. 272.

In feminist rape analysis, excluding male rape and masculinity's all other features, except for his being a man and a rapist, on the account of women is a political choice. This political choice is choosing the victim status. And if we use the word "victim" and the word "choose" together in this context, it is definitely beyond acknowledging the objective reality: It is indeed consciousness. On this account, the victimization of man is pushed into another discourse; in fact it is excluded from the feminist discourse. Yet, this is not a political choice for man. It is one of the "ought-to-bes" building the concept of masculinity. Male epistemology does not include any victimhood. Thus, considering man could become a victim of rape would double his victimization, which he is not allowed to experience.

While we explore Connell's concept of hegemonic masculinity, we also see that most men do not seem to belong this category. As MacKinnon asserts, the alleged male standpoint is not always each man's opinion or even some aggregation or sum of men's opinions, although most men adhere to it, non-consciously and without considering it as a point of view, as much because it makes sense of their experience (the male experience) as because it is in their interest.[235] Men acknowledge this male epistemology as objectivity, which corresponds to the world it creates. However, the meaning of this objectivity does not face completely its polar opposite, subjectivity. This objectivity is acknowledged from men more as a generality; he is not a gender for himself, he is the general. MacKinnon points out that this "male epistemological stance does not comprehend its own perspectivity, does not recognize what it sees as subject like itself, or that the way it apprehends its world is a form of its subjugation and presupposes it."[236]

If the choice of feminist rape analysis, the male standpoint's unconsciousness about his victimization and the lived experience of male rape incident itself gathered, there is silence. Such an attack, like rape, strikes at the heart of stereotypical "hegemonic masculinity" in which men are in control, invulnerable, heterosexual protectors. Sexual attack is a damage dealt to all these qualities, leading to a sense of loss of self. Where the victim is male, any claim that he consented projects onto him a

[235] MacKinnon, *Toward a Feminist Theory of the State*, p. 114.
[236] Ibid., p. 121.

homosexual identity. Where the victim is homosexual, this can lead to considerable feelings of guilt, which tend to act as a deterrent to reporting. Where the victim is heterosexual, in both cases (male to male and female to male) the very fear of being thought a homosexual - precisely not being a man - may well stop him from reporting it. One of the consequences of the centrality of the "hegemonic" model of masculinity, within both victimology and criminal justice, has been that the "needs" of male victims of crime have remained largely unconsidered.[237] And this negligence forms a vicious circle together with men's unconsciousness. However, changes and regulations of law in this aspect would not be a real solution for anyone. Therefore I would argue that we have to deal necessarily with the conditions, the reasons of that crime. That is the only way to have an "appropriate" change.

In this context, as I have argued before, feminist theory should deal with masculinity. In this view, the arguments are that men are "no less" gendered than women, that masculinity is "no less" a social construction or performative masquerade than is femininity. However these arguments also support the assumption that men and women are equally installed into symmetrically gendered positions, which is not so true. Feminism would not agree with the aforementioned "no less" argument, because it evacuates the feminist argument that the social and symbolic process of gendering sexed bodies maintains unequal and asymmetrical relations of power. On that account, masculinity studies are charged with perpetuating rather than interrogating the reproduction of male dominance. These studies seem to be motivated by the wish to ameliorate the condition of men, while ignoring or minimizing the oppression of women. However, as Thomas has also argued, to leave masculinity unstudied, to proceed as if it were somehow not a form of gender is to leave it naturalized and thus not serve the purpose of the change. Gender studies focusing on masculinity do not need necessarily need to be a betrayal of feminism. Thomas suggests that, on the contrary, this focus on masculinity can serve some men

[237] Newburn, Stanko, p. 270.

and enable them to learn from feminism in order to make subversive interventions into reproductions of normative masculinity itself.[238]

The reformation of rape law, even writing it all over again, is not an intervention into the reproduction of normative masculinity itself. It only will be useful on the account of charging the rapist adequately with the heinousness of the crime. Feminism should achieve the changes that will prevent a man turning into a rapist. Considering nearly all of inmates charged with rape crime, based on Scully's research, did not understand the harm that they give to women, one may argue that the punishment would never be deterrent enough. Therefore, the intervention has to take place before the crime, not after. Yet, this does not mean that nothing has to be done about the rape law. However, the reasons for the rape should have necessarily been important, as well as its consequences. That is why it is vital to show how "hegemonic masculinity" harms men and makes them a victim. In order to show that, male rape cases would be significant examples to make men's victimization invisible. Showing men how their ought-to-bes are not actually an ought-to-be would help them gain consciousness of their gender. In this way, men could see that change is possible. On this account, according to Thomas, male bodies also matter to feminist theory, and this happens in two ways. Firstly, in creating what Thomas calls "warm bodies": The more pro-feminist men, straight and queer, the better for feminism. Secondly, the question of the abject vulnerability of the male body, that he is not necessarily a protector, he can become a protected whenever he wants, demands a displacement of that vulnerability onto the feminine.[239]

Rape is a heinous crime whose victims remain mostly alive. When it is committed against an individual, this individual has to learn to live and cope with it. Thus, I do not think any punishment will satisfy the victim or give her/him the thing that she/he lost. Nothing could make it unlived. Therefore, our target will not be primarily the one who makes the law, but the power behind those who make the law. If we are going to define rape as "a crime of sexualized dominance on the basis of

[238] Calvin Thomas, "Reenfleshing the Bright Boys; Or, How Male Bodies Matter to Feminist Theory," in *Masculinity Studies & Feminist Theory: New Directions*, ed. Judith Kegan Gardiner (New York: Columbia University Press, 2002), pp. 60-89, p. 61.
[239] Ibid. p. 62-63.

sex," the one who is charging offenders with this crime should necessarily know which "dominance" we are talking about. It is time for men to become conscious of their sexuality, their distorted self-perceptions and limited social consciousness. However to make a good case why he has to leave the *habitus* that is best for his interest, man shoul understand that he is actually a victim when he thinks that, on the contrary, he is "the power." On that account, giving him the privilege of being a victim will be useful. What I endeavor to argue here is that being a victim is a right. That is not to say that being a victim is "good." But, being consciousness about your victimization and living it freely and courageously could be the only "good" thing if you gain from becoming one.

BIBLIOGRAPHY

Abdullah-Khan, Noreen. *Male Rape: The Emergence of a Social and Legal Issue*. New York: Palgrave, Macmillan, 2008.

Agamben, Giorgio. "What is an *Apparatus*?" In *"What is an Apparatus?" and Other Essays*. Translated by David Kishik and Stefan Pedatella, 1-24. Stanford, California: Stanford University Press, 2009.

Akal, Cemal Bâli. *İktidarın Üç Yüzü*. Ankara: Dost, 2005.

Aristotle. *Ethica Nicomachea* (*Nicomachean Ethics*). In *The Basic Works of Aristotle*, edited by Richard McKeon, 935-1126. NewYork: Random House, 1941.

Baier, Annette. *Postures of the Mind: Essays on Mind and Morals*. Minneapolis: University of Minnesota Press, 1985.

Beauvoir, Simone de. *The Second Sex*. Translated and edited by H. M. Parshley. New York: Vintage Books, 1999.

Bevacqua, Maria. *Rape on the Public Agenda: feminism and the politics of sexual assault*. Boston: Northeastern University Press, 2000.

Bourdieu, Pierre. *Masculine Domination*. Translated by Richard Nice. Cambridge: Polity Press, 2001.

———. *The Logic of Practice*. Translated by Richard Nice. Stanford: Stanford University Press, 1990.

———, and Loic J. D. Wacquant. *An Invitation to Reflexive Sociology*. Chicago: University of Chicago Press, 1992.

Brownmiller, Susan. *Against Our Will: Men, Women, and Rape*. New York: Simon and Schuester, 1975.

Burgess-Jackson, Keith. "A History of Rape Law." In *A Most Detestable Crime: New Philosophical Essays on Rape*, edited by Keith Burgess-Jackson, 15-31. New York, Oxford: Oxford University Press, 1999.

———. "A Theory of Rape." In *A Most Detestable Crime: New Philosophical Essays on Rape*, edited by Keith Burgess-Jackson, 92-117. New York, Oxford: Oxford University Press, 1999.

Burkitt, Ian. "Technologies of the Self: *Habitus* and Capacities." *Journal for the Theory of Social Behaviour*, Vol. 32, No. 2 (2002): 219-37.

Butler, Judith. *Bodies That Matter: On the Discursive Limits of "Sex"*. New York, London: Routledge, 1993.

———. *Gender Trouble*. New York: Routledge, 1990.

———. "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory." *Theatre Journal*, Vol. 40, No. 4 (December, 1988): 519-31.

———. "Performativity's Social Magic." In *Bourdieu: A Critical Reader*, edited by Richard Shusterman, 113-28. Oxford: Blackwell Publishers, 1999.

———. "Sexual Inversions." In *Feminist Interpretations of Michel Foucault*, edited by Susan J. Hekman, 59-75. University Park, PA: The Pennsylvania State University Press, 1996.

Card, Claudia. "Rape as a Weapon of War." *Hypatia*, Vol. 11, No. 4, Women and Violence (Autumn, 1996): 5-18

Code, Lorraine. *What Can She Know? Feminist Theory and the Construction of Knowledge*. Ithaca, New York: Cornell University Press, 1991.

Connell, R. W. *Gender and Power: Society, the Person and Sexual Politics*. Cambridge, Oxford: Polity Press, 1987.

———. *Masculinities: Second Edition*. Berkeley, Los Angeles: University of California Press, 2005.

———. "Masculinity, Violence, and War." In *Men's Lives*, edited by Michael S. Kimmel and Michael A. Messner, 176-83. New York: MacMillian Publishing, 1992.

Coxell, Adrian W., and Michael B. King. "Male Victims of Rape and Sexual Abuse." *Sexual and Marital Therapy*, Vol. 11, No. 3 (1996): 297-308.

Demetriou, Demetakis Z. "Connell's concept of hegemonic masculinity: A critique." *Theory and Society*, Vol. 30 (2001): 337-61.

Direk, Zeynep. "Judith Butler: Toplumsal Cinsiyet ve Bedenin Maddeleşmesi." In *Cinsiyetli Olmak: Sosyal Bilimlere Feminist Bakışlar*, compiled by Zeynep Direk, 67-84. Istanbul: Yapı Kredi, 2009.

Dripps, Donald A. "Beyond Rape: An Essay on the Difference between the Presence of Force and the Absence of Consent." *Columbia Law Review*, Vol. 92, No. 7 (November, 1992): 1780-1809.

Durudoğan, Hülya. "İkinci Dalga Fransız Feminizmine Kısa Bir Bakış." In *Türkiye'de Toplumsal Cinsiyet Çalışmaları: Eşitsizlikler, Mücadeleler,*

Kazanımlar, edited by Hülya Durudoğan et al., 67-97. Istanbul: Koç University Press, 2010.

Ergün, Reyda. "Eril Devlet ve Tecavüz." In *Uğur Alacakaptan'a Armağan*, Vol. 1, edited by Mehmet Murat İnceoğlu, 264-90. Istanbul: Istanbul Bilgi University Press, 2008.

Estrich, Susan. *Real Rape: How the Legal System Victimizes Women Who Say No*. Cambridge, Massachusetts and London: Harvard University Press, 1987.

Farrell, Warren. *The Myth of Male Power*. New York: Berkley Books, 1994.

Foucault, Michel. *Cinselliğin Tarihi*. Translated by Hülya Uğur Tanrıöver. Istanbul: Ayrıntı, 2010.

———. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Random House, 1995.

———. *The History of Sexuality*. *Volume 1: An Introduction*. Translated by Robert Hurley. History of Sexuality. 3 vols. Vol. 1, New York: Pantheon Books, 1978.

———. Introduction to *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth Century French Hermaphrodite*. Translated by Richard McDougall. New York: Pantheon, 1980.

———. "Technologies of the Self." In *Technologies of the Self: A Seminar with Michel Foucault*, edited by Luther H. Martin, Huck Gutman, and Patrick H. Hutton, 16-49. London: Tavistock, 1988.

———. "The Confession of the Flesh." Translated by Colin Gordon, Leo Marshall, Joe Mepham, Kate Soper. In *Power/Knowledge, Selected Interviews and Other Writings 1972- 1977*, edited by Colin Gordon, 194-228. New York: Pantheon Books, 1980.

———. "The End of the Monarchy of Sex." Translated by Dudley M. Marchi. In *Foucault Live: Interviews, 1966-84*, edited by Sylvère Lotringer, 214-25. New York: Semiotext(e), 1989.

———. "What is Enlightment?" Translated by Catherine Porter. In *The Foucault Reader*, edited by Paul Rabinow, 32-50. New York: Pantheon Books, 1984.

Gardiner, Judith Kegan. Introduction to *Masculinity Studies & Feminist Theory: New Directions*, edited by Judith Kegan Gardiner, 1-29. New York: Columbia University Press, 2002.

Gauthier, Jeffrey A. "Consent, Coercion and Sexual Autonomy." In *A Most Detestable Crime: New Philosophical Essays on Rape*, edited by Keith Burgess-Jackson, 71-91. New York, Oxford: Oxford University Press, 1999.

Graham, Ruth. "Male Rape and the Careful Construction of the Male Victim." *Social Legal Studies*, Vol. 15 (2006): 187-208.

Griffin, Susan. "Rape: The All American Crime", *Ramparts Magazine* (September, 1971): 26-35.

Heidegger, Martin. *The Question Concerning Technology, and Other Essays*. Translated by William Lovitt. New York, London: Garland Publishing, 1977.

Hicks Stiehm, Judith. "The Protected, The Protector, The Defender." *Women's Studies International Forum*, Vol. 5, No. 3-4 (1982): 367-76.

Hoff-Sommers, Christina. *Who Stole Feminism? How Women Have Betrayed Women?* New York: Simon and Schuster, 1994.

Holter, Øystein Gullvåg. "Social Theories for Researching Men and Masculinities: Direct Gender Hierarchy and Structural Inequality." In *Handbook of Studies on Men and Masculinities*, edited by Michael S. Kimmel, Jeff R. Heam, Robert W. Connell, 15-34. London, New Delhi: Sage Publications, 2005.

Hubin, Donald C., and Karen Haely. "Rape and the Reasonable Man." *Law and Philosophy*, Vol. 18 (1999): 113–39.

Hughes, Gerard J. *Routledge Philosophy GuideBook to Aristotle on Ethics*. London: Routledge, 2001.

Kaufman, Michel. "The Construction of Masculinity and the Triad of Men's Violence." In *Men's Lives*, edited by Michael S. Kimmel and Michael A. Messner, 28-50. New York: Macmillan Publishing, 1992.

Keenan, Dennis King. *The Question of Sacrifice*. Bloomington, Indianapolis: Indiana University, 2005.

Kimmel, Michael S. Introduction to *The Gendered Society Reader*, edited by Michael S. Kimmel and Amy Aronson, 1-6. New York, Oxford: Oxford University Press, 2004.

———. "The Birth of the Self-Made Man." In *The Masculinity Studies Reader*, edited by Rachel Adams and David Savran, 135-52. Oxford: Blackwell Publishing, 2002.

———, and Amy Aronson. *Men and Masculinities: A Social, Cultural, and Historical Encyclopedia*. California: ABC-CUO, 2004.

Kleinig, John. "Nature of Consent." In *The Ethics of Consent: Theory and Practice*, edited by Franklin G. Miller and Alan Wertheimer, 3-25. Oxford: Oxford University Press, 2010.

Lane, Jeremy F. *Pierre Bourdieu: A Critical Introduction*. London: Pluto Press, 2000.

Langton, Rae. "Whose Right? Ronald Dworkin, Women, and Pornographers." *Philosophy and Public Affairs*, Vol. 19, No.4 (Autumn, 1990): 311-59.

Lloyd, Genevieve. *The Man of Reason: "Male" and "Female" in Western Philosophy*. London: Routledge, 1984.

Locke, John. *Two Treatises of Government*. Edited by Peter Laslett. Cambridge: Cambridge University Press, 1967.

Mackenzie, Catriona, and Natalie Stoljar. "Introduction: Autonomy Refigured." In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*, edited by Catriona Mackenzie and Natalie Stoljar, 3-34. New York, Oxford: Oxford University Press, 2000.

MacKinnon, Catharine A. "Feminism, Marxism, Method, and the State: An Agenda for Theory." *Signs*, Vol. 7, No. 3, Feminist Theory (Spring, 1982): 515-44.

———. *Toward a Feminist Theory of the State*. Cambridge: Harvard University Press, 1991.

———. *Women's Lives, Men's Laws*. Cambridge MA: Harvard University Press, 2005.

Mauss, Marcel. "Techniques of the Body." *Economy and Society*, Vol. 2, No.1 (1973): 70-88.

———, and Henri Hubert. *Sacrifice. Its Nature and Functions*. Translated by W. D. Halls. London: The University of Chicago Press, 1989.

McCallum, E. L. "Technologies of Truth and the Function of Gender in Foucault." In *Feminist Interpretations of Michel Foucault*, edited by Susan J. Hekman, 77-97. University Park, PA: The Pennsylvania State University Press, 1996.

McNay, Lois. "Gender, *Habitus* and the Field: Pierre Bourdieu and the Limits of Reflexivity." *Theory Culture Society,* Vol.16, No.1 (1999): 95-117.

Merleau-Ponty, Maurice. *The Phenomenology of Perception.* Translated by Colin Smith. Boston: Routledge and Kegan Paul, 1962.

Muehlenhard, Charlene L. "The Importance and Danger of Studying Sexually Aggressive Women." In *Sexually Aggressive Women Current Perspectives and Controversies*, edited by Peter B. Anderson, Cindy Struckman-Johnson, 19-48. New York, London: The Guilford Press, 1988.

————, and Stephen Cook. "Men's Self-Reports of Unwanted Sexual Activity." *The Journal of Sex Research*, Vol. 24 (1988): 58-72.

Newburn, Tim, and Elizabeth A. Stanko. "When Men are Victims: The Failure of Victimology." In *Criminology: A Reader*, edited by Yvonne Jewkes and Gayle Letherby, 262-73. London: Sage Publications, 2002.

Pineau, Lois. "Date Rape: A Feminist Analysis." *Law and Philosophy*, Vol. 8, No.2 (1989): 217-43.

Ritzer, George. *Globalization: A Basic Text*. Malden, Oxford, and West Sussex: Wiley-Blackwell, 2010.

Rubin, Gayle. "The Traffic in Women: Notes on the 'Political Economy' of Sex." In *The Second Wave: A Reader in Feminist Theory*, edited by Linda Nicholson, 27-63. New York, London: Routledge, 1977.

Sancar, Serpil. *Erkeklik: İmkânsız İktidar*. Istanbul: Metis, 2011.

Scarce, Michael. *Male on Male Rape: The Hidden Toll of Stigma and Shame*. Cambridge, Massachusetts: Perseus Publishing, 1997.

Scully, Diana. *Understanding Sexual Violence: A Study of Convicted Rapists*. Boston: Unwin Hyman, 1990.

Selek, Pınar. *Sürüne Sürüne Erkek Olmak*. Istanbul: İletişim, 2010.

Shafer, Carolyn M., and Marilyn Frye. "Rape and Respect." In *Feminism and Philosophy*, edited by Mary Vetterling-Braggin, Frederick A. Elliston, and Jane English. Totova, NJ.: Littlefield, Adams, 1977.

Smith, Patricia. "Social Revolution and the Persistence of Rape." In *A Most Detestable Crime: New Philosophical Essays on Rape*, edited by Keith Burgess-Jackson, 32-45. New York, Oxford: Oxford University Press, 1999.

Snow, Nancy E. "Evaluating Rape Shield Laws: Why the Law Continues to Fail Rape Victims." In *A Most Detestable Crime: New Philosophical Essays on Rape*, edited by Keith Burgess-Jackson, 245-66. New York, Oxford: Oxford University Press, 1999.

Stock, Wendy. "Women's Sexual Coercion of Men: A Feminist Analysis." In *Sexually Aggressive Women Current Perspectives and Controversies*, edited by Peter B. Anderson and Cindy Struckman-Johnson, 169-84. New York, London: The Guilford Press, 1998.

Struckman-Johnson, Cindy. "Forced Sex on Dates. It Happens to Men, Too." *Journal of Sex Research*, Vol. 24 (1988): 234-41.

————, and David Struckman-Johnson. "The Dynamics and Impact of Sexual Coercion of Men by Women." In *Sexually Aggressive Women Current Perspectives and Controversies*, edited by Peter B. Anderson and Cindy Struckman-Johnson, 121-43. New York, London: The Guilford Press, 1998.

————, and Peter B. Anderson. "Men Do and Women Don't: Difficulties in Researching Sexually Aggressive Women." In *Sexually Aggressive Women Current Perspectives and Controversies*, edited by Peter B. Anderson and Cindy Struckman-Johnson, 9-18. New York, London: The Guilford Press, 1998.

Thomas, Calvin. "Reenfleshing the Bright Boys; Or, How Male Bodies Matter to Feminist Theory." In *Masculinity Studies & Feminist Theory: New Directions*, edited by Judith Kegan Gardiner, 60-89. New York: Columbia University Press, 2002.

Tikkanen, Marta. *Bir Erkeğe Nasıl Tecavüz Edilir?* Translated by İlknur İgan. Istanbul: Ayrıntı, 1998.

Toit, Louise du. *.A Philosophical Investigation of Rape: The Making and Unmaking of the Feminine Self*. New York: Routledge, 2009.

Tuğrul, Saime. *Ebedi Kutsal Ezeli Kurban: Çok Tanrılılıktan Tek Tanrılılığa Kutsal ve Kurbanlık Mekanizmaları*. Istanbul: İletişim, 2010.

Warshaw, Robin. *I Never Called It Rape: the Ms. Report on recognizing, fighting, and surviving date and acquaintance rape*. New York: Harper Perennial, 1994.

Wittig, Monique. "One is Not Born a Woman." In *The Second Wave: A Reader in Feminist Theory*, edited by Linda Nicholson, 265-71. New York, London: Routledge, 1977.

Electronic Sources

Marking, Havana. "The Real Legacy of Andrea Dworkin." *The Guardian*, April 15, 2005. Accessed July 4, 2012. http://www.guardian.co.uk/world/2005/apr/15/gender.politicsphilosophyandsociety.

Markon, Jerry. "Rape redefined for FBI to include male victims." *The Washington Post*, January 6, 2012. Accessed July 4, 2012. http://seattletimes.nwsource.com/html/nationworld/2017180020_rape07.html.

Radikal. "Ere Tecavüz İddiası." *Radikal*, March 27, 2011. Accessed July 4. 2012. http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1044253.

Parsons, Chris. "Black Magic Sperm?" *MailOnline*, October 15, 2011. Accessed July 4, 2012. http://www.dailymail.co.uk/news/article-2048720/Zimbabwe-women-charged-sex-attacks-MALE-hitchhikers.html#ixzz1yK45RXJS.