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# Weinstein, sexual predation, and 'Rape Culture': Public pedagogies and Hashtag Internet activism

## Introduction

*The New York Times* (11 December 2017) indicates that following Harvey Weinstein's dismissal for sexual misconduct some 42 other men have been similarly accused on sexual assault and forced to resign from their positions in Hollywood, media and politics.<sup>1</sup> News media have confined themselves almost exclusively to mentioned the names of the accused rather than any extended analysis or with theorizing the prevalence of sexual misconduct. By far the most overwhelming number of cases concern sexual assaults on younger women by heterosexual men, although there are cases, including that of Kevin Spacey, of older men sexually assaulting younger men and women molesting minors. Sexual accusations include various forms of sexual misconduct from inappropriate language, probing, pinching, patting, and other forms of harassment, to generalized 'sexual assault' typified by the worst-case assault of rape.

Farrow (2017) of *The New Yorker* has revealed the amazing extent Weinstein went to in order to both suppress and cover-up allegations of his own sexual misconduct:

In the fall of 2016, Harvey Weinstein set out to suppress allegations that he had sexually harassed or assaulted numerous women. He began to hire private security agencies to collect information on the women and the journalists trying to expose the allegations. According to dozens of pages of documents, and seven people directly involved in the effort, the firms that Weinstein hired included Kroll, which is one of the world's largest corporate-intelligence companies, and Black Cube, an enterprise run largely by former officers of Mossad and other Israeli intelligence agencies. Black Cube, which has branches in Tel Aviv, London, and Paris, offers its clients the skills of operatives 'highly experienced and trained in Israel's elite military and governmental intelligence units,' according to its literature. (<https://www.newyorker.com/news/news-desk/harvey-weinsteins-army-of-spies>)

This was not a case of straightforward sexual misconduct but rather carried on sexual crusade first to seduce women and then against his accusers to stop publication of details of abuse allegations. As Farrow (2017) further explains 'Over the course of a year, Weinstein had the agencies "target," or collect information on, dozens of individuals, and compile psychological profiles that sometimes focussed on their personal or sexual histories.' The extent of Weinstein's machinations to hush-up the allegations is mind-blowing, especially his hiring of Kroll and Black Cube, two of the largest corporate intelligence companies, who were hired to get dirt for blackmail purposes.<sup>2</sup> The story of Weinstein's attempts to shut down stories and his use of tactics of intimidation and blackmail against his accusers is almost beyond belief but it begins to reveal the lengths that Weinstein went to in developing practiced routines of seduction and assault to sexual assaults his victims and to systematically cover-up his crimes. That any of his victims came out against him is remarkable given such subterfuge and intimidation. It is perhaps a reflection of social media and the solidarity it can build. The Internet-based forms of social media seems well suited to activist 'campaigns' that are triggered by the stories of a first brave few. After the first case accusing Weinstein, a flood of victims has come forward with similar stories revealing a politics of fear perpetrated mostly on young women Hollywood starlets. Weinstein's case followed on from the prominent cases that revolved around Bill Cosby, Roger Ailes, Woody Allen, and Bill O'Reilly. After accusers called out the perpetrators a veritable floodgate opened exposing a growing group of male sexual aggressors in politics and in the entertainment business.

## The pervasiveness of rape

The not-so astonishing conclusion is that sexual predation is not just concentrated in politics, movies and media but occurs *everywhere* in the US and exhibits similar characteristics that involve various forms of sexual assault, mostly involving powerful men against the will and consent of younger women. Sexual assaults may involve inflicting pain or humiliation on others, and fetish behavior of watching others who are undressing, unclothed, or engaging in sexual activities. Some have reacted to the news of the prevalence of sexual predation with critical comments about a Whitehouse culture that sanctions such behavior, from a figure no-less than the president himself who was caught on tape. Two members of the US Congress, Rep. Joe Crowley (D-N.Y.) and Rep. Jackie Speier (D-Calif.) asked the US Office of Government Ethics to investigate the 19 allegations of sexual misconduct lodged against Trump, who has firmly denied all accusations. Noting the activity of ‘courageous women’ who have come forward to share their ‘personal and extremely painful stories of sexual harassment by powerful men’ Crowley and Speier go on to make the case for investigating the alleged sexual demeanors of Donald Trump.<sup>3</sup>

However, the credible claims of inappropriate conduct against the holder of the highest office in the nation have gone uninvestigated. Following the release of a video tape in October 2016 in which then-candidate Donald Trump admits—and brags about—making unwanted and inappropriate sexual advances toward women, numerous individuals came forward to share their own personal stories of their encounters. According to a summary compiled by *The Atlantic*, as many as 19 women have made credible claims that Donald Trump sexually harassed them at some point over the past two decades. (<http://people.com/politics/can-president-trump-be-investigated-sexual-misconduct/>)

We read almost daily of male and female teachers who assault children in their charge; of priests and ministers who take advantage of their congregations, both boys and young women; of sexual predation that occurs in the corporate world and across all major institutions. This widespread sexual misconduct is rife in the West, and, even more extensive and normalized in non-Western countries where women are often still regarded as property and have no or few rights. Western countries are more likely to pass anti-rape legislation to protect women from sexual violence and victims are more likely to report cases. Some forms of sexual violence in non-Western countries, especially patriarchal cultures with strict gender roles, are not recognized as crimes such as rape within marriage which is legal in many African, Arabic countries and in China. In Arabic cultures, rape victims are often blamed and punished (Smith, 2014).

One example of the institutional pervasiveness in the West is child sexual abuse. The Australian Royal Commission into Institutional Responses to Child Sexual Abuse in 2012 have just released their final report in 2017, commenting on how Australian institutions ‘seriously failed’ children in their care over many decades and calling it a ‘national tragedy.’ More than 15,000 survivors of child abuse were involved in detailed claims against over 4000 institutions, many of them faith-based and Catholic—managed institutions.<sup>4</sup> The Royal Commission analyzed the experiences of 6875 survivors, mostly young males 10–14 years, who were abused by adult males mostly Catholic priests, especially those working as teachers in faith-based schools, where there was both religious and official authority that ‘afforded a higher level of trust and credibility’ and ‘the ability to influence or control aspects of a child’s life, such as academic grades.’

These statistics indicate the recent history of forms of entrenched societal and institutional violence and abuse, indicating that the problem has been institutionally normalized. What is true of Australia is probably true of all Western countries. Indeed, there have been other investigations of child abuse in the US, Ireland, UK, Canada, Australia, Mexico, France, Germany, Belgium (the list goes on), with strong media attention beginning in the 1990s and mostly against the Catholic Church with many civil lawsuits. The same criticisms based on non-removal of offenders, secrecy among bishops, the denial of canonical competency, and lack of transparency in the Vatican’s proceedings, suggest that comparative analysis is necessary and that theories, in particular, of pedophilia, require urgent review, linking them to more generalized accounts of sexual abuse and to conditions of violence in society (Jenkins, 2001; Stille, 2016). Sexual abuse is institutionally deep, in the nature of capitalism that encourages the porn industry, it has been culturally ignored and permitted in large measure by patriarchal societies and cultures leading to assertions of the near universality of rape.

## The history of rape culture

The term 'rape culture' first emerged and crystallized in the 1970s. The 1975 documentary called *Rape Culture* by Margaret Lazarus and Renner Wunderlich was an early mention of the term which discussed it within the context of cultural normalization. The film featured the feminist and anti-rape activist Mary Daly and explored the issues through the voices of rapists and victims attesting to the power of personal narratives. Connell and Wilson (1974) used the term in the edited collection *Rape: The First Sourcebook for Women*. The term was well established by the mid-1970s.

As Bryden and Mador (2016, p. 299) write:

As Feminists' anti-rape campaign, launched in the 1970s, was a part of their more general movement for liberation from patriarchy: male supremacy in legal, political, economic and sexual realms. Rejecting psychologists' characterizations of rapists as mentally ill deviants, feminist rape scholars have described them as mostly normal men, motivated chiefly by a desire to prove their masculinity and to dominate and control women. They rape because they are products of a 'rape culture' consisting of patriarchal laws, practices and ideology.

As the authors maintain the US is a patriarchy in decline and 'The women's movement is both a symptom and a cause of that decline' (p. 302). At the same time, there is quite considerable differences among feminists who theorize the role of patriarchal culture in the causes of rape and the claim 'that rapists' motives are predominantly nonsexual' (ibid.).

Various waves of feminism and gender theory have made substantial progress in understanding the history and origin of rape in its various forms (prison rape, war rape, rape in marriage, gang rape) exploring themes of the progressive juridification of rape, including the fundamental historical shift from women as property to subjects of rights, a process initiated in the late nineteenth century with established legislation in the West before the turn of the century. For example, historically, the rape of a black woman, by any man, was considered legal and the rape of a white women by a black man were generally lynched (Phillips, 1996). Sexual violence and rape have been and still are tools of colonization and war; and in the West rape has changed from being considered a crime of sex to a crime of violence. This indicates the link of rape to larger questions of sexual violence and to violence more generally.

*The History of Sexuality*, a three-volume path-breaking study by Michel Foucault (Eng. Trans., 1979, 1990, 1992) published before his death in 1984, was regarded as a 'frought' work by feminists because while published during the second wave of feminism in the 1970s it included little discussion or analysis of women's sexuality at a time when radical feminists like MacKinnon (1982, p. 515) had declared that 'sexuality was to feminism what work was to Marxism' and that 'feminism fundamentally identifies sexuality as the sphere of male power' (p. 529). Not only had Foucault's analysis marginalized women's sexuality, it had taken little notice of feminist theory at a time when feminists had proposed a history of rape as the consummate act of male power in a culture of patriarchy. Foucault, a gay man, had betrayed his own personal proclivities and provided a history that portrayed them. When Pistono (1988) reflects on Brownmiller's (1975) *Against Our Will: Men, Women and Rape* over a decade after its publication he comments on how her view of rape as a crime of violence had begun to receive unexpected historical corroboration in studies of ancient societies. These studies also enable a retrospective hypothesis of rape culture to be used in understanding classical mythology in the West.

Both Hebrew and Babylonian societies and other early legal codes saw rape as fundamental a crime of property rather than an offense against the victim. Since Brownmiller's study of rape in classical mythology there have been a great deal of interest in more systematic studies. First, classical sources reveal rape as a common theme: Antiope was raped by Zeus; Cassandra was raped by Ajax the Lesser; Europa was raped by Zeus in the form of a bull; Hera was also raped by Zeus, her brother; Leda was raped by Zeus in the form of a swan; Lucretia was raped by a prince; Medusa was raped by Poseidon; Odysseus was raped by Calypso; Persoephone was raped by Hades; the Sabine women were raped by the founders of Rome; and so on. As Silver (2017) notes even the most powerful women 'fell victim to sexual assault and harassment in myth.'<sup>5</sup> She reports that the events surrounding these Greek myths were so violent to call ancient Greek tragedy 'rape culture.' Several authors in Deacy and Pierce's (1997) *Rape in Antiquity: Sexual Violence in the Greek and Roman Worlds* indicate that the word for rape did not

exist and we can't assume that they share anything like our concept (Harris, 1997). The ancients also had very different ideas about the powers of women.

The central difficulty is that the central concepts defining what we moderns call rape change their meaning over time. Rape and abduction in Medieval England were treated as the same crime under *raptus law* (Dunn, 2013). Garthine Walker (2014), a historian of sexuality in the sixteenth to eighteenth centuries, makes clear, that even with more refined historical awareness based on new studies, there were huge disagreements in the feminist community about the nature of rape:

For some, rape is transhistorical. After all, there's evidence aplenty of coerced, violent, violatory, and/or unwanted sexual acts in any historical period in which we've looked for it. If rape is ever-present, so, we might assume, is male sexual aggression, which in turn has been identified as integral to masculinity. We needn't agree that all men are rapists or potential rapists to observe that rape and 'rape culture' (in which the onus is on women to avoid rape rather than on men not to do it) may be used as a means to control and oppress women. If rape is about violence, power and oppression, the question arises of whether we should categorise it as a form of sexual expression let alone identity at all, even by those who see it as a constitutive element of masculinity. (<https://garthnewalker.wordpress.com/2014/01/22/the-history-of-sexuality-a-view-from-the-history-of-rape/>)

Today there are still different views where some feminist scholars see it fundamentally as a form of violence involving injury to the physical body. Others, liberal scholars, see rape as a violation of autonomy infringing on the right to decide when and with whom to have sexual relations. Various forms of the latter also include those who see rape as moral injury or as an invasion of moral integrity. These theories differ, of course, from radical feminist accounts who following the likes of Brownmiller and MacKinnon explain rape as an expression of power within the context of patriarchal society. Some, like Demsey and Herring (2007) argue that sexual penetration of a woman by a man is a *prima facie* wrong, meaning that it requires justification in order to validate it. They write:

This article defends the claim that a man who penetrates the vagina or anus of a woman with his penis has committed a *prima facie* wrong. In other words, sexual penetration requires justification. The question of whether sexual penetration is wrongful in the sense we consider here has received little detailed attention in the criminal and philosophical literature. It must be emphasized, however, that this question leaves many further issues to be addressed before a proper evaluation of the criminal law's response to sexual penetration can be completed. As such, this article forms a preliminary part of a larger project. Here, we are not directly concerned with questions of criminalization; we aim simply to map the moral landscape of sexual penetration. If we are right that sexual penetration calls for justification, we must then address the question of how and when it may be justified: for if an act is justified then it should not be prohibited by the criminal law. Moreover, even if an act is morally unjustified, it may nonetheless be an improper target for criminal sanction, since the criminal law is not properly concerned with all morally unjustified conduct.

They comment that in law there is remarkable little that addresses the question of what justifies and what is valuable in sexual relations.

## Public pedagogies and hashtag Internet activism

One of the effects of the Weinstein episode is the development of Internet activism. Wikipedia reports:

The phrase had been used more than 200,000 times by October 15,<sup>[18]</sup> and tweeted more than 500,000 times by October 16.<sup>[1]</sup> On Facebook, the hashtag was used by more than 4.7 million people in 12 million posts during the first 24 hours. ([https://en.wikipedia.org/wiki/Me\\_Too\\_\(hashtag\)](https://en.wikipedia.org/wiki/Me_Too_(hashtag)))

It has become truly global with a myriad of local alternative hashtags. Other forms of Internet activism such as Times Up, a movement against sexual harassment founded in 2018 in response to the Weinstein affair. Wikipedia reports that some 700,000 female farm workers wrote a letter in solidarity with those women assaulted by Weinstein that was published in *Time*.<sup>6</sup>

Hashtag activism in a social media age has the capacity to recruit celebrities and to gain financial support in a celebrity culture but it has come in for criticism on the basis that it is confined to the realm of social media and does not result in change.<sup>7</sup> In our view, this criticism is misplaced. It may not be the full answer but given the existing forms of education these public pedagogies provide information sharing, action coordination, crowdfunding, citizen analysis of government statistics, the archiving and

coordination of personal narratives, monitoring of legislation, the basis for research communities, and publicity and public awareness campaigns.

Yet it also raises the question of how existing sex and sexuality education programs are so wide of the mark, many of which focus on the biology of sexual reproduction but, few if at all, on the political and social norms that support rape culture.<sup>8</sup> In New Zealand, the so-called Roast Busters scandal broke in 2013, a pun on Ghostbusters, that refers to 'split roast,' a euphemism for a sexual practice involving two males and one female. The scandal involved young men who sought to intoxicate and gang rape young girls, some as young as 13, using Facebook. The police first said there was insufficient evidence to prosecute and no complaints, and later acknowledged that victims had reported their cases which had been dismissed. The police mishandling of the case and their victim blaming raised a national debate about rape culture and the inadequate funding for rape awareness and rape crisis centers. No charges were laid even though the police managed to identify 35 young men and 110 potential girl victims. Online activism strongly objected to the way male media personalities inappropriately interviewed a girl involved on RadioLive.<sup>9</sup> There has been a call for a sexual violence court to be set up by law professor Warren Brookbanks where girls could go without the fear of humiliation.<sup>10</sup>

The Independent Police Conduct Authority found that the police failed to adequately investigate the complaints laid, failed to consider all the charges available to them, and failed the victims and survivors of the so-called 'Roast Busters' prompting the call for the police to reopen the case and lay charges and fueling claims that NZ has a rape culture problem.<sup>11</sup>

At the school level where clearly there are obvious difficulties in talking about rape culture in a co-ed environment where potential and actual perpetrators and victims may be present in the same classroom. The unequal power relations and conservative institutional school climate might do more damage and add to the problem. At the university level one can easily imagine a course on rape culture. Le Roux (2016) from Stellenbosch University suggest that universities can do a great deal:

At other universities, especially in the US, various interventions have been launched to address rape culture. Some launch semester-long rape education courses with the aim of developing rape consciousness among students. Some focus on mobilising bystanders to address rape culture. At some universities, faculty members have become involved as researchers, teachers, advocates or policy reformers.

One of her references is to a paper entitled 'Challenging Rape Culture: Awareness, Emotion and Action Through Campus Acquaintance Rape Education' (Klaw et al., 2005) the findings of which suggest 'college student participants developed rape consciousness, and that this shift involved cognitive, emotional and behavioral changes that are similar to those involved in the development of feminist identity.'

These courses are designed to be preventive and of course they are urgently required. Courses are now being designed by universities in the UK, so-called 'consent classes' to tackle sexual harassment on campuses. Oxford University holds now mandatory 90 min workshops 'to break taboos, start a conversation and dispel myths about sexual violence.' Universities of Warwick and York have launched similar workshops.<sup>12</sup>

What else that is required is a feminist academic course and program of study that addresses and theorizes the wider issues: the comparative analysis of rape societies and rape cultures, especially Western-non-Western differences and similarities, the relation to rape to violence, alternative explanations including the accounts of evolutionary psychologists that argued that rape is programmed, the history and juridication of rape and the changing of rape law status, the changing account of 'rapists,' and the change from women as property to women as subjects of rights that would involve a careful examination of feminist theories in its successive waves as it has addressed the question of rape.<sup>13</sup>

Mary Beard (2017), the classics scholar, has produced a feminist classic with her *Women and Power: A Manifesto* that traces the roots of misogyny to its ancient source in Athens and Rome to take a 'long view on the culturally awkward relationship between the voice of women and the public sphere of speech-making, debate and comment.'<sup>14</sup> Beard's book is a presentiment of the Hollywood odor of Weinstein and the commonality and deep-seated nature of sexual predation in Western institutions.

At this point in media history with the development of a form of media no longer an industrial broadcast model of the one to the many but social media of many to many and horizontal power relations,

women have found a ready medium, or least another form of speech, that can be used to promote solidarity with one another in speaking out and speaking truth to power.

Mary Beard begins her 2014 Winter Lecture 'The Public Voice of Women' referring to the first time in Western literature when a woman was told to 'shut up'—the story of Telemachus in the *Odyssey*. His mother Penelope comes in from her private quarters to tell her son to quiet down his singing about Greek heroes finding their way back home. He responds:

Mother, go back up into your quarters, and take up your own work, the loom and the distaff ... speech will be the business of men, all men, and of me most of all; for mine is the power in this household.

Beard remarks:

right where written evidence for Western culture starts, women's voices are not being heard in the public sphere; more than that, as Homer has it, an integral part of growing up, as a man, is learning to take control of public utterance and to silence the female of the species. (<https://www.lrb.co.uk/v36/n06/mary-beard/the-public-voice-of-women>)

In the case of Weinstein and of patriarchal institutions in general the effort to shut women up, especially the victims of sexual abuse, is absolutely critical to rape culture: not only to isolate women, to humiliate them, to individualize them, to prevent them talking or sharing information and their experiences, but, above all, to stop them talking publicly.

## Notes

1. This is an updated webpage <https://www.nytimes.com/interactive/2017/11/10/us/men-accused-sexual-misconduct-weinstein.html>. Similar sites occur in other newspapers e.g. <https://www.usatoday.com/story/money/business/2017/10/31/harvey-weinstein-sexual-harassment/808277001/>, <http://www.mcall.com/entertainment/mc-harvey-weinstein-impact-list-of-men-accused-of-sexual-misconduct-20171129-story.html>.
2. Kroll, a company that Weinstein enlisted many years ago, advertises itself as 'the industry leader in helping clients prevent, mitigate and respond to risk'—see <https://www.kroll.com/en-us/default.aspx>; Black Cube advertise itself as 'A select group of elite Israeli intelligence community who specializes in tailored solutions to complex business and litigation challenges'—<https://www.blackcube.com/>.
3. <https://crowley.house.gov/press-release/chairman-crowley-rep-speier-call-investigation-sexual-misconduct-harassment-president>.
4. The Final Report can be found at <https://www.childabuseroyalcommission.gov.au/case-studies>.
5. Goddesses and Sexual Assault in Greek Myth, at <https://www.thoughtco.com/goddesses-and-sexual-assault-greek-myth-119904>.
6. [https://en.wikipedia.org/wiki/Time%27s\\_Up\\_\(movement\)](https://en.wikipedia.org/wiki/Time%27s_Up_(movement)).
7. See Horeck (2014).
8. See, for instance, <http://www.brownpoliticalreview.org/2013/11/how-americas-sex-ed-supports-rape-culture/>; [http://www.huffingtonpost.co.za/aishvarya-singh/we-need-to-be-educated-on-rape-culture-and-consent\\_a\\_22043475/](http://www.huffingtonpost.co.za/aishvarya-singh/we-need-to-be-educated-on-rape-culture-and-consent_a_22043475/); <http://www.stuff.co.nz/national/education/90428386/Whos-teaching-kids-about-rape-culture-and-consent>.
9. <http://thewireless.co.nz/articles/two-years-on-from-the-roast-busters>.
10. <https://www.radionz.co.nz/news/national/301532/roast-busters-drives-calls-for-sexual-violence-court>.
11. E.g. [http://www.actionstation.org.nz/roastbusters\\_review](http://www.actionstation.org.nz/roastbusters_review); and <https://www.villainesse.com/culture/roast-busters-ii-does-new-zealand-have-rape-culture-problem>.
12. <http://www.businessinsider.com/oxford-university-is-addressing-sexual-assault-by-making-consent-classes-mandatory-2016-10?IR=T>; <http://www.bbc.com/news/uk-england-34545861>.
13. Rutgers offers an interesting course on Rape/Culture in the English Department by Abigail Zitlin. The description begins: 'Frances Ferguson's 1987 article "Rape and the Rise of the Novel" proposed that sexual violence was integral to the development of the realist novel as we know it, and not just on the grounds that the threat of rape to a vulnerable young woman drives the plots of Samuel Richardson's epochal *Pamela* and *Clarissa*. The specific attribute of rape that makes it integral to the history of the novel, Ferguson argues, is the legal inscrutability of consent, which finds in narrative a technique for juxtaposing social exterior with psychological interior, dramatizing 'the ongoing possibility of the contradiction between what one must mean and what one wants to mean,' <http://english.rutgers.edu/graduate-92/courses/fall-2017/1075-fall-2017/4780-350605.html>.
14. See Beard's 'The Public Voice of Women' <https://www.lrb.co.uk/v36/n06/mary-beard/the-public-voice-of-women> where she says:

My aim here—and I acknowledge the irony of my being given the space to address the subject—is to take a long view, a very long view, on the culturally awkward relationship between the voice of women and the public sphere of speech-making, debate and comment: politics in its widest sense, from office committees to the floor of the House.

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