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Does the Construction of 'Rapeable' Bodies Constitute an Instance of Hermeneutical Injustice?

Master of Arts in Philosophy

Half thesis, submitted in fulfillment of the requirements of the degree.

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Abstract

This thesis argues that within the conventional imagination of the West, identity functions in a way that particular forms of embodiment are characterised by the experience of endured sexual vulnerability, which I argue is best understood as the construction of 'rapeable' bodies (Cahill 2001, 120). By this, I mean that the threat of rape is contingent upon the social and political construction of one's identity as vulnerable. In virtue of this particular way of constructing the embodiment of certain subjectivities, there is an instance of hermeneutical injustice conferred (Fricker 2007, 114). I inquire into the function and meaning of stereotypic generalisations, prejudice and rape myths embedded within the dominant framework of the West and show how language and representation constructs these identities as 'rapeable'. Furthermore, I consider how collective hermeneutical discourses construct Blackness, specifically Black masculinities and the construction of the 'un-rapeable' Black femxle body. To see how these ideas are congruous the prominent example that occurred in South Africa in 2005, namely, the Jacob Zuma rape trial comes to mind. One relevant feature of the case is that it shows how identities of race are constructed in the aftermath of apartheid and points to a Western collective imagination resistant to change. In addition, it demonstrates the triad of interrelatedness holding between the self-world-other, a relationship constituted mutually by the self and the socially constructed interpretations of identity and embodiment (du Toit 2009, 58). Lastly, the construction of 'rapeable' bodies is an example of how discursive narratives construct particular identities as vulnerable through rendering particular embodied subjects as sexually irrelevant and hermeneutically obscured.

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Key concepts: 'rapeable' body, vulnerability, grievability, embodiment, silencing, power; rape, rape myths

Introduction

The main hypothesis proposed in this thesis is that the discursive and social construction of 'rapeable' bodies is an instance of hermeneutic injustice, a specific form of epistemic injustice (Fricker 2011, 1). This research aims to provide a response to the question, namely, *does the collective imaginations of the West hermeneutically obscure femxle embodied subjectivities by socially and politically constructing them as 'rapeable' and does this constitute an instance of hermeneutical injustice?* To demonstrate the hypothesis, I inquire into the phenomenon of rape that has at its core embodied sexuality. Rape is a distinctive form of sexualised violence in which symbolic and individual meanings are produced (du Toit 2009, 59-68). Moreover, when considering the function of rape, it shows precisely that rape is an overt expression of femxle sexual subjugation, domination and subordination (du Toit 2009, 54). It is held that the Western symbolic order has at its core a hierarchisation of sexual and racial difference that constitutes mutually the relation of self-world-other (du Toit 2009). It is through this triad interrelatedness of self-world-other that social experiences necessarily occur and are interpreted. However, the communicative intelligibility of these social experiences is possible if and only if the available collective hermeneutic resources provide a coherent discursive narrative that can effectively interpret these social experiences (Fricker 2007, 154-5). Hermeneutical gaps in the collective resources obscure these social experiences and render self-interpretations and interpretations of self-world-other incoherent (Fricker 2007, 6). The hypothesis is supported by an analysis of Western academic discourse that interprets identity in a way that particular kinds of embodiment are socially and politically constructed as 'rapeable' (Gqola 2015, 80). This construction is grounded in the interpretation of femxle embodiment that is constructed as ontologically fragile and sexually vulnerable to the threat of rape (Cahill 2001, 121). This particular kind of embodiment is characterised by an experience of endured vulnerability experienced as the constant threat of rape (Brownmiller 1975, 388). This vulnerability is contingent yet remains firmly established in Western history and functions discursively and symbolically by rendering femxle subjectivities sexually irrelevant (Cahill 2001, 113). The construction of 'rapeable' bodies is constituted by the collective hermeneutic discourses that interpret identity and embodiment from within patriarchal structures and its discursive narratives (French 1992,

9). Gender narratives are interpreted through discourses of vulnerability. These narratives are collectively rooted in Western hierarchy and are shaped by a violent dichotomisation and hierarchisation of womxn and men (Cahill 2001, 3, 128). This dichotomy and hierarchisation functions through the routine and institutional oppression of womxn (Cahill 2001, 126). The thesis is therefore an inquiry into the relationship between prejudice, stereotypic generalisations and bias, and how they are often used to interpret identities or embodied subjectivities (Fricker 2007, 162). I will consider how the collective resources share and perpetuate prejudicial stereotypes that sustain rape culture by producing rape myths. These collective resources with other interpretive schematic frameworks yield hermeneutical resources that preserve the epistemological paradigms of Western patriarchy (Fricker 2007, 14). The sustained paradigms systematically dominate and oppress in ways that affirm the constructed hierarchy of sexual and racial difference (du Toit 2009, 54). The experience of these embodied subjects is obscured by the available collective hermeneutical resources because of their constructed embodiment and therefore renders their self-world-other interpretations incommunicable and unintelligible (Fricker 2007, 161). The presupposition that all social experiences are constituted by and interpreted within a necessary relationship holding between the self-world-other implies that, any experience is constituted and therefore constitutes equally the triad of interrelatedness between self-world-other (du Toit 2009, 59). This fundamental relationship holds that (in short) all identities, interpretations, notions and experiences of the self are thought and produced within this mutually constituted relation of self-world-other (du Toit, 2009, 58). My claim is supported by the following argument: (1) the self-world-other triad of interrelatedness are mutually constituted and are (*therefore*) ontologically mutually dependent (du Toit 2009, 56). (2) Intelligible interpretations of the self depends on communicable intelligibility of self-world-other (du Toit 2009, 60). Therefore, communicable unintelligibility of self-world-other causes unintelligible interpretations of self (Fricker 2007, 161).

The syllogism of the following argument is as follows: every subsequent premise is derived from the one preceding it. The desired success of this thesis relies on coherency and having each premise justified by the validity of the former. Each premise outlines an important argument that demonstrate the proposed hypothesis.

This thesis appeals to a model of embodiment that has at its core *necessity* for it holds that embodiment is a necessary condition for the possibility of a self (*selfhood*) (du Toit 2009, 56). The self is embodied and constitutes mutually the relational of the self-world-other (du Toit 2009, 56, 2-5). The possibility of a self is necessarily conditioned by embodiment, as embodiment is a fundamental feature and awareness of self. All who are embodied share only that they are embodied, as the nature of embodiment is to be embodied individually (Cahill 2001, 115). Embodiment distinguishes between embodied subjects and paradoxically is indistinguishable insofar as all embodied subjects share that they are embodied. The academic discourse of the West interprets particular kinds of identities such that particular embodied subjectivities are interpreted as 'rapeable', and this interpretation constitutes a hermeneutical injustice that is specific to *this kind* of embodiment (Cahill 2001, 129; Fricker 2007, 728). It seems, therefore, that womxn as a social category can and do suffer a specific set of injustices particular to the construction of femxle embodiment (Brownmiller 1975, 384). The social category womxn designates a shared set of features, markers and discourses as well as refer to a particular kind of embodiment constituted by the individual and the symbolic (du Toit 2009, 61). Thus, this thesis aims to understand the ways in which womxn qua womxn are subjected to a particular kind of injustice, namely, hermeneutical injustice, and show how this injustice occurs precisely *because* the collective imagination of the West constructs femxle embodiment as 'rapeable' (Fricker 2007, 14). The foundational argument holds that:

> *Premise 1:* The triad of interrelatedness and experiences of selves are made intelligible and communicable to both the individual self and others through the *(available)* collective hermeneutic resources (du Toit 2009, 58)
>
> *Premise 2:* The available collective hermeneutic resources are constituted by corresponding structural causes that give rise to and produce these resources (Fricker 2007, 161-2)
>
> *Premise 3:* If the corresponding structures that produce the collective hermeneutic resources are prejudicial, oppressive and hierarchically hegemonic, the available collective hermeneutic resources will be consistent with these prejudices (Fricker 2007, 168)
>
> *Premise 4:* Western structures are prejudiced toward race and sex and they

tend to be patriarchal and oppressive (Fricker 2007, 162)

Premise 5: Western collective hermeneutic resources tend to be consistent with these prejudices

Premise 6: Womxn and specifically Black womxn are structurally oppressed because of prejudices they face within Western societies (du Toit 2009, 56)

<u>*Conclusion:* The collective hermeneutic resources obscure the experiences and interrelated triad of womxn qua womxn and specifically Black womxn.</u>

The abject denial of femxle bodily authority is consistent with the failure to recognise the wrong and harm of rape (du Toit 2009, 76). Consider for example, the categories of abortion laws where access to an abortion and even in some countries access to birth control is controlled by the state (French 1992, 54). Abortion is prohibited and recognized as a criminal act in as many as 26 countries globally. These laws prohibit abortion altogether including pregnancy caused by rape or incest and pregnancy that put life womxn's life or health at risk. A further 39 countries globally prohibit abortion except to save a womxn's life if complications related to the pregnancy put her life is at risk. When access to abortion is controlled by the state the number of womxn who receive an abortion does not change. It does however affect the number of unsafe abortions that increase if an abortion cannot be accessed legally. Prohibiting and restricting abortions is a practice of patriarchal state dominance in the form of policing that denies womxn authority over her body (French 1992, 18). It is an overt expression of legalised male power marked by the destruction of femxle sexual subjectivity (du Toit 2009, 67). Similarly, rape draws on historically constituted prejudices and practices that disempower womxn, deny femxle sexual subjectivity and maintain legislated control over womxn (du Toit 2009, 76).

Concepts such as embodiment, vulnerability and silencing are analysed in this thesis to show how the construction of 'rapeable' bodies constitutes an instance of hermeneutic injustice (Fricker 2007, 162; du Toit 2009, 67). The Jacob Zuma rape trial highlights the importance of deconstructing through critical analysis our current gender discourses and rape narratives that permeate our social understanding of these concepts (Gqola 2015, 100). Moreover, the contested nature of such concepts can also explain and further how

embodied subjects interpret what it *means* to be raped (du Toit 2009, 66). Here, the fundamental argument holds that:

Premise 1: Hermeneutic resources are consistent with and constitute a society's epistemology (knowledge of that society)

Premise 2: Those whose experience is obscured by the collective hermeneutic resources are epistemologically obscured from knowledge of that society *(contributing and accounted for)*

Premise 3: A coherent self requires epistemic clarity in the form of the available collective hermeneutic resources

Premise 4: A coherent self is epistemically sustained, confirmed and constituted by the available collective hermeneutic resources

Premise 5: The phenomenon of rape and experiences of 'rapeable' bodies are obscured from the collective hermeneutic resources and lacks epistemic clarity

Premise 6: The phenomenon of rape and the construction of 'rapeable' bodies is epistemologically sustained and constituted by the available collective hermeneutic resources

Conclusion: Therefore, the construction of 'rapeable' bodies is an instance of hermeneutic injustice.

Chapter One: The Construction of Bodies as 'Rapeable'

1.1. The Phenomenon of Rape from the perspective of Sex/Sexuality

Cahill's fundamental claim is that sex/sexuality is *central* to understanding the phenomenon of rape, including but not limited to, understanding rape's function and meaning(s) (Cahill 2001, 126). Rape is a distinctive form of sexualised violence, and its meanings are produced at an individual symbolic and structural level (du Toit 2009, 62). The meaning of rape for the individual is derived partly from her experiences, beliefs, cognitive set, etc. (du Toit 2009, 58). This suggests that the manifest meaning of rape is interpreted differently and informed by embodiment (Gqola 2015, 21), the individual who is embodied and how that kind of embodiment is socially constructed (du Toit 2009, 66). For the embodied femxle for whom rape is a threat, the meaning of the threat is interpreted as the destruction (du Toit 2009, 79) and overpowering of her sense of self both physically and mentally (Cahill 2001, 111). The embodied male may interpret the meaning of rape as the exaggerated description of sex gone wrong (du Toit 2009, 80). The multiplicity of symbolic and individual meanings of rape are manifestly produced, reproduced and interpreted within the Western symbolic order (du Toit 2009, 66; Cahill 2001, 111). It is within the collective imaginations of Western patriarchy that femxle sexualities are constructed as 'rapeable' and rape is experienced as a constant threat, particular to the construction of femxle embodiment (Cahill 2001, 127). The severity of the wrong and harm of rape cannot be realised under patriarchy, for the meaning of rape is always obscured, as the available hermeneutical resources are unable to describe rape coherently (Cahill 2001, 111). The Western symbolic and structural order is premised on a hierarchisation of difference, a framework used to establish the structural subjugation of groups according to features such as sex/sexuality or race (Cahill 2001, 3). Within this hierarchical framework, subjugated groups are structurally oppressed and hermeneutically obscured from collective narratives (Fricker 2007, 14). Thus, the hierarchisation of sexual difference, otherwise understood as Western patriarchy, is the structured oppression, domination and subjugation of womxn through the symbolic destruction of femxle sexual subjectivity (du Toit 2009, 68). Western patriarchy denies womxn bodily authority and renders the social experiences of womxn communicatively unintelligible by the collective resources' failure to provide

coherent discursive narratives with which to describe her social experiences and interpretations of self-world-other (du Toit 2009, 76-77; Cahill 2001, 113). Furthermore, it is precisely because the Western symbolic order erases femxle sexual subjectivity that rape remains structurally possible (du Toit 2009, 79). This structural possibility of rape operates through the normalisation of rape as a social phenomenon (Cahill 2001, 123). Consequently, the normalisation of rape renders its structural meaning unrecognisable, for these meanings are obscured by the collective hermeneutic resources, as dialectics break down and speakers (of language) cannot make sense of rape without a coherent narrative existing collectively (Cahill 2001, 121). The structural possibility of rape through which hermeneutical resources serve the interests and interpretable aims of patriarchy create hermeneutic gaps in the collective discourses (Fricker 2007, 114). This explains the lack of communicative intelligibility experienced by oppressed subjectivities (Fricker 2007, 162).

Rape is disproportionately a crime committed by men against womxn. Thus, sex and sexuality are central to understanding the meaning of rape (Cahill 2001, 128). Rape is understood as a blatant expression of the ways in which womxn are socially and politically constructed within the Western symbolic order as vulnerable to the threat of rape, namely the construction of 'rapeable' bodies (Cahill 2001, 203). When a man rapes a womxn he reinforces her structural ontology as vulnerability and communicates to her that her sexual subjectivity is *up for grabs* (Brownmiller 1975, 386). Her femininity is socially conceived as that of "pre-victim" that makes womxn ontology targets of the crime rape (Cahill 2001, 157). These rape cases, when the victim is femxle and perpetrator male, must assume that sex/sexuality is crucial to its understanding (Cahill 2001, 120). The victim necessarily interprets what has happened to *her* to be consequence of *her* sex-specific ontology, constructed as embodied vulnerability rendering *her* the expected target of the crime of rape (Cahill 2001, 156). In almost all her attempts to make sense of this barbaric sickening attack, she finds herself thinking that it happened *because I am a womxn* (Cahill 2001, 159).

The hierarchical hinges of patriarchy and hermeneutical scaffolding are the building blocks of self-interpretation through which the constitutive interrelatedness of the world and others is interpreted (du Toit 2009, 160-5). These patriarchal hinges are constituted by

the hierarchisation of sexual difference that is primarily used to justify the structural oppression and subordination of womxn (Gqola 2015, 21). Insofar as the body is always marked by sex, and sex is differentiated according to a hierarchy that privileges men, rape is the total destruction of femxle sexuality and denial of femxle bodily security (du Toit 2009, 79; Cahill 2001, 137). The hierarchisation of sexual difference has historically "produced and perpetuated a system of oppression that privileges men and dominates womxn…rape as a social phenomenon (*therefore*) depends on sexual difference and produces experiences and subjects that are differentiated by sex" (du, Toit, 2009, 126). The sexual victimization of rape is an example of the unjust distribution of fear and security that forms part of the overall discrimination of womxn by men (Cahill 2001, 121; Gqola 2015, 87).

The following inquiry into the phenomenon of rape and the construction of 'rapeable' bodies necessarily depends on recognising the relevance of sexuality and embodiment of any individual experience of rape as well as its inseparable surrounding social, political and historical context in which it is intricately and deeply embedded (du Toit 2009, 160). The dual functioning of rape is such that rape occurs both on an individual and social level (Cahill 2001, 127). Rape is symbolic as the crime of rape is inherently sexual such that the survivor or victim is so treated because her embodiment is constructed as 'rapeable' (du Toit 2009, 56). Any individual rape is represented, affected and informed by the collective imaginations of the West as well as interpreted on an individual level to enable the rape to happen (Cahill 2001, 120). The social functioning of rape produced by its duality constructs the embodied subjectivities of these subjects as vulnerable to the threat of rape in virtue of their constructed embodiment (Cahill 2001, 113). Rape functions on a symbolic level by sexually differentiating embodied subjects and constructing kinds of embodiment as more vulnerable to rape (Cahill 2001, 121). In this sense, rape is the active discrimination of embodied subjectivities according to socially and politically constructed identities (Brownmiller 1975, 17). The discrimination of sexual difference is grounded in modes of subjectivity and ostensible dichotomies characterised primarily by dominator and dominated (Cahill 2001, 126).

Rape as embodied experience defines the subject as inherently and fundamentally embodied (Cahill 2001, 109). The sense of embodied subjects here refers to the sense of

the subject as one whose materiality is the basic condition of the possibility for existence and whose corporeality is constituted and constitutes a site of possible harm, violence, oppression, exclusion and its antithesis corporeal privilege and security (Cahill 2001, 113). The body and corporeality are embedded within structural and linguistic referents, connotations and descriptions which conflate prescriptive sociopolitical interpretations and epistemological paradigms (Cahill 2001, 111). The body carries with it a hierarchisation of sexual differentiation which identifies it as distinctly feminine, positioning it in opposition to the mind which is epistemologically, socially and politically interpreted as the source of reason and intellect, and is fundamentally a characteristic of the masculine (French 1992, 10). That rape is disproportionately a crime committed against womxn and the significance of the experience and victimisation of rape is the result of specific form of embodiment and sexually specificity (Cahill 2001, 128). The significance of rape as embodied experience does not undermine any individual experience of rape. It does not assume that every experience of rape is constituted by identical qualities of embodiment (over and above embodiment itself) (Cahill 2001, 109). Nor is it a requirement for individuals to be embodied identically, and if it was, it would surely indicate on the part of the writer an insufficient understanding of embodiment. The nature of embodiment is twofold; it is particular to each embodied subject for whom self-world-other experiences occur from the perspective of the individual and common to all selves in general (du Toit 2009, 77). Embodiment distinguishes between embodied individuals. Thus, it is a differential paradigm marked by unjust interpretations of identity in which particular embodied subjectivities are rendered ontologically weak and sexually irrelevant (Cahill 2001, 115). Cahill claims that, "embodiment is the site of possibility and necessity of difference…precisely because all subjects are embodied, all subjects are embodied *differently*" (Cahill 2001, 113, 13-14). The discourse of 'rapeable bodies' and more generally the phenomenon of rape is marked by particular sexed subjects and sexual differentiation (Cahill 2001, 113). This is a dichotomy that yields a violent structure in which sex and sexuality become an ordering principle and designation of social power aimed at sustaining patriarchy (Gqola 2015, 21). These hierarchical structures produce relations of domination and subordination (MacKinnon 1998). Epistemological paradigms through which sexual difference functions as an instrument of power constitute mutually

the available hermeneutical resources of the Western collective imagination, used to interpret social experiences of self-world-other (du Toit 2009, 56). Therefore, social discourses represent this hierarchy of sexual difference, constitutively producing unequal relations of power manifest in identity and the disempowerment of particular embodied subjectivities (Cahill 2001, 121). These structures safeguard male dominance through the subjugation of womxn and denial of her sexual subjectivity (French 1992, 9). This implicitly gives rise to and sustains rape culture and ideas of sexuality that function through social objectification, sexualising and oppression of womxn by men (du Toit 2009, 68).

Consider, for instance, the discursively constructed Black womxn as hypersexual that subsequently constructs Black womxn as 'un-rapeable' (Gqola 2015, 43). The identity of Black womxn functions such that within the Western academic discourse the embodiment of Black womxn is constructed as not likely to be raped (Gqola 2015, 43). Despite various disproving counter evidence, a Black womxn is more likely to be suspected of fabricating the experience of rape and in general less likely to have her testimony believed (Fricker 2007, 161). Black men are embodied such that they are constructed as unruly, violently hypersexual and acting without restraint (Gqola 2015, 32). This is a narrative that perpetuates prejudicial stereotypes recognisable and conferred by the available hermeneutic resources that constitute epistemological foundations of Western academic discourse (Fricker 2007, 14). Identity functions in a way that kinds of embodiment are constructed in harmful prejudicial ways, such as that of sexual predator, ontological fragility, politically vulnerable or sexually irrelevant (Cahill 2001, 129). A prejudiced construction of embodiment implies an increased possibility of an incoherent interpretation of self-world-other occurring because the collective hermeneutical resources obscure one's social experiences (Fricker 2007, 162). Affirming communicable interpretations of self-world-other is necessary for the physical and psychological development of embodied subjects, whose social experiences are properly understood and coherent if and only if social discourses do not obscure them. Those whose embodiment is constructed as 'rapeable' are deprived of coherent self-world-other interpretations for they are hermeneutically obscured and suffer a specifically hermeneutic kind of epistemic injustice (Fricker 2007, 162). Bodily security and self-coherency are central to intelligible and communicative interpretations of self-world-other (du Toit 2009, 59). Those constructed

as 'rapeable' are only able to partially interpret their social experiences of self-world-other, that are otherwise hermeneutically obscured, by social narratives as well as by the available discursive resources constituted mutually by the hierarchisation of sexual difference (Cahill 2001, 122). It is herein that embodied subjects and subjectivity occurs (and reacts to) a particular localised situation (Cahill 2001, 113).

Sexual difference is not intrinsically violent; however, it is presupposed when used as an ordering principle (du Toit 2009, 53). Particular modes of embodiment presuppose a greater threat of sexual violence, characterised by discursive and corporeal (physical) modes of representation (Cahill 2001, 121-2). Sexual violence is the representation of femxle corporeal vulnerability and male corporeal security (Butler 2016, 4-6), the discursive representation of which is the configuration of beliefs and practices that produce a multitude of meanings thereof (Cahill 2001, 113). The explicit categorisation of the body is contingently grounded in historical representations that continue to disempower particular embodied kinds whose sexuality is obscured by epistemic bias and linguistic misrepresentation (Fricker 2007, 115). Though contingent, these representations are constantly influencing how embodiment and identity are constructed within the social ontology of the collective imaginations of the West (Code 2009, 333). The body functions as a principle for social ordering and determines the degree to which subjects are vulnerable to threats such a rape (Butler 2016, 19). Particular embodied subjectivities signify social status determined by access and participation in socio-political spheres (Gqola 2015, 26). The femxle/male dichotomy, for instance, is represented by the politicised male body and privatised femxle body (Cahill 2001, 124). The privatisation and politicisation of embodiment is historically rooted in the idea that biological or natural factors, such as menstruation and childbearing, mark womxn as more 'natural' or 'closer to nature' (de Beauvoir 1949). Habitually, narratives appealed to nature and biology to explain why womxn are historically excluded from politicalised public spaces (French 1992, 43). It was further used to justify restricting or denying entirely her involvement in political/public spaces and instead confining her primarily to private spaces (de Beauvoir 1949). The femxle body represented the inevitable deterioration of our physical form. It was (and often still is) interpreted as inherently contingent, continually depreciating and for some reason immediately more embodied than men (de Beauvoir 1949, 50). The immediacy and

intimate attachment that has long characterised femxle embodiment is understood as a discursive device used to show womxn as primarily embodied, which somehow implies that womxn lack intellectual capacity and are fundamentally deprived of reason (French 1992, 10).

Intellect and reason are historically characteristics of the masculine and indicate men's intrinsic superiority over womxn (French 1992, 10). However, the male body is also physical and is subjected to contingencies and deterioration in the same way that a femxle body is subjected to contingencies (French 1992, 10)). Male embodiment has historically been interpreted and constructed independently of its inevitably contingent form and conceived as superior in every way. The superior status of male embodiment occurs by constructing it as such and interpreting it as a site of intellect and reason within the academic discourse of the West. This is opposed to femxle embodiment that history has constructed as primarily physical and lacking in intelligence or reason (French 1992, 10). These narratives of sexual difference were premised on social interpretations of embodiment and constituted mutually by the collective hermeneutical resources (du Toit 2009, 58). Femxle embodiment is often interpreted as a trajectory of diminishing physical usefulness and appeal. Womxn are bound by her corporality through which the world and others recognize her and according to which a narrative that interprets her value, an assessment of her constructed worth (Butler 2016, 18). Male dominated societies assess a womxn's worth by considering her youthfulness, physical attractiveness, passive obedience and her childbearing capacity (including her age and ability to conceive) (Burgess-Jackson 1993; French 1992, 19).

A salient interpretation of womxn is often in terms of age. It is commonly accepted that with age womxn get less attractive and often then are thought of as disposable as a result (de Beauvoir 1949, 51) Consider the story of an older man who leaves his wife to be with a far younger womxn (French 1992, 33). Womxn are likely to interpret ageing as a sentence, at the end of which her beauty will be gone, she might be divorced and experience dissatisfaction toward her life as an older womxn (French 1992, 33). At a certain age, often in her late twenties or early thirties, society begins to interpret womxn as almost too old to find a husband and settle down (French 1992, 33). In some sense she is interpreted or interprets herself as having somehow failed at the thing womxn are expected to do by the

time they reach thirty (French 1992, 33). The social anxiety of ending up alone is reinforced by the many men who are unashamed of their attraction to younger womxn. The construction of womxn as wives has led to girls growing up planning her dream wedding, the dress, flowers, bridesmaids the cake (de Beauvoir 1949, 197). Of course, it is a wedding which is planned in detail years before meeting the man who will declare his love to a womxn and marry her (de Beauvoir 1949, 34). The pressure of getting married is firmly established and its impossibility marked by some not so distant birthday (Lloyd 2016). There is a desire to deny her hypothetical 'sell by date' and delay the inevitable at almost any cost. Plastic surgery, Botox, anti-ageing skincare products, gym contracts, diets, diet pills, eating disorders indicates the femxle fear of ageing (French 1992, 17). The sheer misery thought to accompany the ageing womxn is always at times overwhelming and concerning (de Beauvoir 1949). The interpretation of men, however, is far less understood as an unavoidable timeline and with each consecutive year the chance of happiness becomes increasingly fleeting. With age, men are often thought distinguished. It is expected of men to play the field, have some fun, prioritise a career or hobbies over planning a wedding. Getting married carries with it for the man the notion of giving up and residing to having sex with a single womxn once married. Of course, men have their own set of socially established norms to which they are expected to adhere. For instance, society understands handsomeness in relation to height; a tall man is typically taken to be more attractive (de Beauvoir 1949, 199).

The body is perceived as a source of knowledge according to which epistemic credibility and influence is assigned (Fricker 2007, 28). Cognitive characteristics including reasonableness, intelligence and logic are typically attributed, within society, to the male body (Gqola 2015, 28). The privileging of male intellect is held in opposition to the inherently more natural femxle which is a product of and produces too the hierarchisation of bodies (du Toit 2009, 71). Correspondingly, the production and accumulation of systems of knowledge are informed by the social interpretation where men are of intellect and womxn merely biological (French 1992, 10). Male bodies are assigned epistemic authority and femxle bodies confined by their biology and naturalness (French 1992, 10). Sexual differentiating has often been associated with traditional gender or sex-based roles (Butler 2016, 17). They tend to be based on stereotypes or historical assigned duties and

characteristics pertaining to particular embodied gendered subjects (French 1992, 17). Roles such as caregiver and housekeeper were and sometimes still are associated with womxn (Carroll 2015). Roles that womxn are/were associated with were often particular to the private sphere primarily the home which raises the question of the intention behind assigned gender roles (de Beauvoir 1949). Men are often associated with roles that demonstrate bravery, mental capacity or physical endurance (French 1992, 18). A few examples might be firefighter, doctor, scientist, fitness instructor or rodeo cowboy. They tend to be physical or intellectual in nature and are interpreted within the academic discourse of the West as more impressive than for instance the stay-at-home-mum (French 1992, 33). Gender roles are based on sex-specific expectations that extend to personality; behavior; appearance to identify suitable occupations that arise from gender or racial stereotypes (French 1992, 17). Stereotypic personality traits such as being emotional or compassionate are often associated with womxn (de Beauvoir 1949). Stereotypes are problematic as characteristics perceived as distinctly more masculine and those more feminine are exaggerated and used to assign occupation, evaluate performance, determine wages, prescribe capacity and aptitude, and more generally affect one's job market opportunities, wages and related modes of living (Carroll 2015). The politicisation of the body is furthermore achieved through state regulations, laws and normative discourses that permeate both private and public spheres (MacKinnon 1998). These regulations reinforce the subordination of womxn and other oppressed groups such as Black people through structurally endorsing the domination of these and other subjugated groups (Carroll 2015).

Heteronormativity and male domination are maintained by policing the womxn and the femxle body, by attaching social meanings to biological differences that assist in the destruction of femxle sexual autonomy (MacKinnon 1998). The representations of what it *means* to be a womxn or a man implies that heteronormativity constitutes mutually the hermeneutical resources which act as an instrument for grasping the world (du Toit 2009, 58). The problem is that the femxle perspective is often obscured or excluded entirely from public discourse, even when the subject matter concerns distinctly femxle experiences and embodiment (du Toit 2009, 68). The result of this is the expectation that womxn are to act in accordance with social paradigms and regulations together with interpretative social frameworks determined by men, without men ever having any experience of what *being* a

womxn is *actually* like (de Beauvoir 1949, 19).

What happens is that it creates a gap between (1) womxn as having lived experiences involving the uniquely femxle perspective on what it means to be a womxn in the world and (2) the normative expectation of her behavior and being (de Beauvoir 1949). If womxn are embodied such that her lived experience has at its core ontological vulnerability or a lack of epistemic credibility, in virtue of heteronormative domination through which womxn are subordinated and more generally oppressed, her embodiment becomes a site of possible harm and injustice (Cahill 2001, 120-122). Throughout Western history, the femxle/male dichotomy has been used to justify the structural and institutional oppression of womxn (MacKinnon 1998). Fundamentally, this dichotomy is contingent upon the categorisation of the body, which informs our interpretative schemas (Fricker 2007). Thus, embodiment is experientially intertwined with how one experiences oneself as a subject that exists in constitutive relation to the world and to others (du Toit 2009, 68).

Embodiment is constituted by the various ways through which the available modes of discourse interpret the body (Cahill 2001, 213). It seems that a womxn's experience of her own embodiment is shaped by the interpretations of the femxle body as available to her and is symbolic of the prevailing social position womxn hold (Fricker 2006, 106). Rape as embodied experience is the articulation and recognition of sex-specific vulnerability. It is associated more generally with the social interpretation of the femxle body, and thus the experiences of femxle embodiment (Cahill 2001, 111). With regard to embodiment, I argue that particular bodies are positioned as ontologically fragile or vulnerable *(being-in-the-world*) for, ontological fragility (vulnerability) as such is constituted by the interpretations of embodiment which society constructs as weaker or less powerful than others (Cahill 2001; du Toit 2009). If so, those who experience ontological fragility (vulnerability) because of the ways in which their particular form of embodiment is socially and politically constructed and interpreted experience a greater degree of ontological threat *(vulnerability)* than others for whom embodiment is constructed differently (Cahill 2001, 109). That vulnerability implies the existence or experience of some threat suggests that the experience of ontological fragility or vulnerability calls for the presence of a threat (Gqola 2015, 84). The threat will cause the threatened to experience ontological vulnerability (Cahill 2001, 111). In this case, rape is a threat, particular to some forms of embodiment

to a far greater degree than others (Cahill 2001, 109). Those who experience the *threat of rape* as a result of *their* embodied vulnerability constructed and constituted by the broader society seem therefore to experience themselves as 'rapeable' insofar as their social experiences are characterised by feelings of vulnerability particular to their constructed embodiment which is socially interpreted as being at a high risk to being raped (Cahill 2001, 108). The argument goes as follows:

Premise 1: The constitutive relation of self-world-other yields ontological vulnerability

Premise 2: If the constitutive relatedness triad of self-world-other constitute each other mutually and are ontologically mutually dependent, and particular selves are constituted ontologically as fragile or vulnerable, that which threatens their selfhood is also ontologically constituted

Premise 3: Any threat constituted ontologically remains a threat for as long as it remains constituted ontologically

Premise 4: Rape is a threat that is constituted ontologically

Premise 5: Rape is *(ontologically)* a constant threat to ontologically fragile or vulnerable bodies

Conclusion: Therefore, those who experience constant threat of rape are constructed as 'rapeable'.

1.2. Vulnerability

Premise 1: Coherent selves depend upon having bodily integrity respected among other bodies in the world,

Premise 2: Rape denies bodily integrity,

Premise 3: Bodily integrity is necessary for the experience of a coherent self,

Conclusion: Rape denies the possibility experiencing the self as coherent.

Vulnerability is the degree to which X is adversely affected by some hazard Y. It is in this sense an intrinsic feature of embodiment, insofar as those who are embodied have the capacity to suffer and therefore be affected by some hazard Y (Fineman 2008, 9). Bodies are in a constant state of ageing and some sense of deterioration by their very nature. They are also susceptible to an almost endless list of hazards from minor paper cuts to car

accidents, health hazards such a cancer or herpes, psychological hazards such as depression or PTSD and environmental hazards like hurricanes, flash floods or even sunburn. It seems fair to claim that all persons in virtue of their embodiment, are vulnerable to these sorts of hazards, while the extent or degree to which they are vulnerable vulnerability to such depends on a number of either extrinsic or situational factors (Fineman 2008, 9). For instance, geographic location. It is known that one's vulnerability to sunburn increases when one is exposed to a higher UV index typically associated with geographically hotter climates found in for instance Africa or Thailand. The fairness of one's skin might increase one's risk of getting skin cancer. One's clumsiness might increase the risk of failing down a flight of stairs, and so on. One's genetic makeup might increase one's risk of hereditary illnesses (Fineman 2008, 10). It seems clear that all who are embodied are presented with several threats to which they are to some degree vulnerable (Butler 2016, 12). Thus, vulnerability is the degree to which X is adversely affected by hazard Y and the degree to which one is affected depends on situational or extrinsic factors (Fineman 2008, 10).

Further, it seems that the concept of vulnerability is best understood by distinguishing between two broad senses, which according to the literature are (1) inherent or universal vulnerability and (2) situational or relational vulnerability (Fineman 2008). The first sense of vulnerability is universal and derives its meaning from the Latin origin '*vulnus*' which translates into the English *wound* (Fineman 2008). The universality of the first sense of vulnerability merely implies that anyone who can suffer or be wounded is in that regard vulnerable, and hence vulnerability is "an inevitable and enduring aspect of the humxn condition" (Fineman 2008, 8). The capacity to suffer vulnerability is universal. It is ontologically or corporally rooted because of the precariousness of the life of all persons. This is true insofar as all persons are inevitably exposed and susceptible to the actions of others and are therefore, vulnerable to the actions of others (Butler 2016, 5).

The second sense of vulnerability includes the notion that all persons are vulnerable insofar as all persons have the capacity to suffer. However, to identify various kinds of suffering which themselves might require different protective measures to adequately deal with each, vulnerability ought to be understood in a narrower sense as well and not just as all persons' ontological condition (Butler 2016, 12). This second sense of vulnerability considers it as situational or relational, as it originates from relational inequalities that mark

some subpopulations as vulnerable largely than others whom society interprets as powerful (Fineman 2008).

The strength of the second sense is that in not labeling everyone as equally vulnerable, a society is able to find the causes of specific forms of vulnerability and identify ways of safeguarding those who are more vulnerable (Fineman 2008). The biggest challenge of the second sense is to not render those who are identified as more vulnerable (to specific threats) as passive victims (Gqola 2015, 21). Vulnerability is often thought in opposition to autonomy, and those who are vulnerable are often thought to be so terms of hopelessness (Fineman 2008). Thus, a balance must be found between both senses of vulnerability, for each sense has its place in understanding who and to what degree X is vulnerable to hazard Y, and what threat is posed by hazard Y, which distinguishes it from other threats that X is vulnerable to, as well as those threats that perhaps only T is vulnerable to.

The claim that particular forms of embodiment are constructed such that they experience a greater degree of vulnerability, suggests they are socially interpreted as powerless or as having lessor power (Fineman 2008). Vulnerability as such occurs because the epistemic paradigms establish embodied subjectivities as ontologically weak and therefore can be understood as a hermeneutical injustice (Fricker 2007, 162).

1.3 Moral Vulnerability

Moral vulnerability describes how some subgroups or subpopulations are treated in the aftermath of having suffered, such that the suffering experienced is dismissed (Walker 2014). It also describes the limited access these subpopulations or groups have to reciprocal accountability that Walker argues is due to the degradation of status (Walker 2014, 206) whereby these subgroups are not recognised or able to participate as fully autonomous agents with standing (de Beauvoir 1949, 18). Insofar as access reciprocal accountability presupposes a recognised social status such that one is (1) recognised as the subject of a wrongful action and (2) supported in one's claim to justice through holding the wrongdoer accountable (Walker 2014). Embodied subjectivities who experience a diminished capacity to safeguard themselves against a threat, of which the interpretation is obscured such that it overlooks her vulnerability and undermines the wrongful action, are constructed as morally vulnerable (Brownmiller 1975, 17). These subjectivities occupy a position

wherein they are not recognised as fully autonomous agents as a result of their constructed embodiment (Walker 2014). Moral vulnerability is distinguished by the denial of the threat or the refusal to protect embodied subjects from the threat. Consider the example of public warnings that are in place to alert anyone who is within an unsafe proximity to some approaching natural disaster. This indicates that the natural disaster is *recognised* as a threat to public safety. Others *affirm* the threat X poses and X is *therefore* collectively interpreted as something one is vulnerable to. The fear of X is also justified and collectively interpreted as a reasonable response to X. Those measures taken to protect the public from potential and actual threats declare the existence of some threat, against which the public are vulnerable and hence require and ought to receive assistance in the event of the threat materialising (Butler 2016, 19).

As the collective narrative describes the existence of some threat and acknowledges that the public is rendered vulnerable, the available hermeneutical resources coherently interpret the threat and can intelligibly communicate their associated experiences (Fricker 2007, 116).). However, this is not the case if the collective imaginations of the West fail to interpret R as a threat and/or fail to interpret those who experience R as a threat as vulnerable to R. If R is excluded from the discursive understanding of what constitutes a threat, those who experience themselves as vulnerable to R will not be able to articulate how this is so because, the collective hermeneutical resources obscure their experiences and render them incommunicable or unintelligible (Cahill 2001, 113; Fricker 2007, 114). Femxle embodied subjectivities are constructed such that they experience the constant threat as a result of the way their embodiment is interpreted socially and politically (Cahill 2001, 112). In the absence of state implemented strategies femxle, as embodied subjects, find that the collective hermeneutical resources obscure their social experiences (Fricker 2007, 114). Her experiences are obscured by the collective resources. Through the constructed rape narratives, her self-interpretation and interpretation of self-world-other are rendered communicably unintelligible (Fricker 2007, 161). Patriarchy uses the threat of rape to "manufacture female fear" (Gqola 2015, 78, 11). This constructs femxle embodied subjectivities as powerlessness such that her body is metaphorically something to conquer and a symbol of male supremacy. The failure to end the war against womxn and put a stop to her experience of endured vulnerability and institutional form of silencing for

these subjects have not been recognised as existing (Gqola 2015, 79).

One can object by claiming that rape is *obviously* a threat recognised by the broader society as addressed by rape prevention (whether its talks, guides, books, centers, etc.). That cases of rape make it into the courtroom at all seems to suggest that rape is in fact a socially recognised form of harm, one that the broader society is attempting to deal with in terms of prevention (Gqola 2015, 78). One might even go as far as to bring up just how difficult it is to put effective preventive or warning measures in place to assist in the fight against rape. An understanding of rape as a crime requires those who are vulnerable to rape to be recognized as such within the Western collective imaginations (Cahill 2001, 122). To prevent rape from occurring one might argue that, womxn have at their disposal rape whistles, pepper-spray, self-defense classes, and have been told countless times to not walk home alone after dark (Gqola 2015, 85). Womxn are told to not drink too much when out, to always stay in groups, because of safety in numbers and to avoid situations that might be dangerous, and so can hardly claim that no preventative measures are in place against the threat of rape (Gqola 2015, 92). It is the same old generic response, which has no impact. Unlike the tsunami warning system in Thailand that was forced to improve after a tragedy where many lives were lost, which called for a necessary upgrade to try harder to protect the lives of those at a greater risk of tsunami, those at risk of being raped are given a whistle and a curfew (Fineman 2008).

The concept of moral vulnerability implies that there exists or at least ought to exist a relationship between vulnerability and dependency and vulnerability and agency (Butler 2016, 21). That all humxn persons have in some sense the capacity to reason, deliberate and experience decision and choice presupposes agent powers (Code 2009, 328). The extent to which humxn persons have agential powers are not within the scope of this thesis. However, that humxn persons appeal to and experience agential powers seem enough for the purpose of this argument. If one accepts that, (a) humxn persons have agential powers, and (b) a feature of the humxn condition in virtue of our embodiment is vulnerability (Butler 2016, 18), then we can say that all persons are vulnerable and dependent in some sense on others (Butler 2016, 21). Insofar as all persons are vulnerable, vulnerability is not associated with victimhood and hopelessness, rather, it is an inevitable feature of personhood and is therefore not in contradiction with agency (Walker 2014).

1.4. The Vulnerable and Grievability

If all persons are vulnerable, the question becomes why then are some lives seemingly more important and recognised within the broader society as affected by violence (Butler 2016, 13) My response will draw on Butlers' concept of the grievable life, where Butler explores the notion of life and why some are considered valuable and other not (Butler 2016, 22). Butler enquires into the legal and otherwise social value given to some lives and not others and uses the notion of grief and who is grief worthy to do this. The ways in which my inquiry differs is that I do not aim to provide or even suggest a moral theory. I am concerned with vulnerability as a result of social, political and situational factors including but not limited to relations of power, which leads to subgroups suffering hermeneutical injustices, which are rooted and function at a symbolic level, insofar as they are deeply, yet often, unrecognisably embedded within the structures that give rise to and constitute our social lives (Butler 2016, 25). Butler's work however, is essential to my inquiry insofar as it highlights the ways through which the grievability of a life is warranted within the broader society, and the relationship such grievability holds with the interpretive value of that life (Butler 2016, 33). The notion of grievability seems therefore to provide a response to the question of how one's vulnerability to the threat of rape within a society is distinguishable from other ordinary threats to which embodied subjects are vulnerable (Butler 2016, 3).

Let us assume for now the intricate multifaceted nature, function and meaning of various forms of power, and take for granted the Foucauldian conception of power as acts of power rather than power as inherent to that which is identified as powerful and put leave out any promise of dealing with power more sufficiently later (Butler 2016, 21). A grievable life is recognised within the broader society as warranting protection against threats to which that life is vulnerable (Code 2009, 333). In grief, one presupposes that the other for whom one is grieving was in some sense valuable, and that fundamentally the continuation and flourishing of the grieved life ought to have been protected in virtue of it being valuable (Butler 2016, 22). The normative assumption is that the life worth grieving for is a life recognised as valuable and one that is more broadly offered protection and preservation (Butler 2016, 22). That people might grieve for survivors of rape in virtue of their own relational proximity or closeness to them does not imply that the rape survivor is within

the broader society represented as a life worthy of protection in virtue of the intrinsic value of her life (Butler 2016, 24). According to Butler, insofar as the self is related to others, the notion of the extended self is a key factor in determining whether and to what degree others' lives are grievable, which seems integrally bound up with the worthiness or value that one considers the others life to hold (Butler 2016, 23). Yet, the nature of one's relationship with others is typically and often defined in terms of identification and proximity because the notion of the extended self, while mutually constituted by the broader society, even the world, experiences distinguishably personal and more intimate interpersonal relationship with some (Butler 2016, 25). That which distinguishes the latter nature tends typically to involve biological ties such as family members; geographical proximity in the case of one's work colleagues, school peers, or neighbors and of course personal relationship often characterised by shared by identification with the other(s) (Butler 2016, 21). Proximity and identification are what seemingly distinguish the nature of relationships one tends to hold and explains why one is more likely to grieve for someone with whom they were close rather than a stranger (Butler 2016, 12). Of course, one might be brought to tears after reading that the lives of many were lost in a recent flash flood, for the claim is not that one cannot be empathetic towards or even grieve for others, for often others whom one has and will likely never form close even basic relationships with are considered valuable (Butler 2016, 13).

It seems however, that the lengths to which one will go for those who have been displaced or injured after flash floods is probably, more often than not, less than the length one would go for someone whose relationship is characteristically personal in nature (Brownmiller 1975, 16). The claim still holds, namely, that some lives are conceived of as more valuable and worthy of protection and preservation than others (Butler 2016, 13). The phrase 'what if it was *your* daughter?'(Brownmiller 1975, 40) aims to blur this distinction by forcing one to imagine that someone they know, their daughter, or sister, was raped. One is forced to imagine what it might feel like, and perhaps understand to a greater degree the violence of rape and its aftermath (Gqola 2015, 94). Her status as daughter or sister, even mother, girlfriend or wife that constitutes her life as grievable, for if her life is considered valuable it ought not be determined by her 'belonging' to someone in the sense that the violence and suffering is shared equally between the womxn who has been raped

and her father (Brownmiller 1975, 40). The violence and wrong of rape is swept away for the focus of grief and value is understood in terms of her belonging to someone else, who in turn suffers as a result: you shouldn't rape because it could be *your* daughter who is raped and that would hurt *you* (Brownmiller 1975, 49). However, despite good intentions, what it does is perpetuate conceptions of womxn as property and reinforces that value and grievability of a life is largely determined by the closeness characterising the relationship holding between the grieved for and the griever (Butler 2016, 11).

The grievable is characterised not only by proximity or closeness in this regard, but also some sense of identity as seen through the phenomenon of state or institutionalised racism and even heteronormative patriarchy (French 1992, 9). It almost seems that the broader society aims at its very core to construct rape survivors as un-grievable (unless they are your daughter, etc.). As rape is not taken seriously by any of the schematic frameworks designed to regulate and maintain social cohesion under the democratic illusion of equality declared by constitutions and courthouses (Gqola 2015, 36). The pervasiveness of rape is normalised and its perpetrators held unaccountable (Gqola 2-15, 87). The collective imaginations of the West are complicit and, in some sense, accountable for the continued construction of 'rapeable' bodies (Cahill 2001, 121). The unequal distribution of bodily security constituted within the broader society and connected to the very idea of a grievable, or otherwise socially valuable life, demarcates those who can suffer from those who can't, recognising some forms of suffering over others (Gqola 2015, 92). It does this through the multifaceted functioning of power acting on and through social relations, legal and institutional structures and most if not all realms of interconnected social life (Winkler 2016).

The demands of grievability require that the life that is to be grieved for be a life that is valued (Butler 2016, 23). The suffering caused to those who are grieved must be recognised as harmful, wrong, damaging and in some sense a condition upon which the grief is warranted. It is intricately connected with the notion of a life that matters, one that is worth protecting, one who is suffering and whose vulnerabilities are intelligible and communicable (Fricker 2007, 161). Both the threat to which one is vulnerable and the suffering it causes must be communicable and intelligible to both oneself and to others, insofar as they are to be recognised, rendered incomprehensible and can therefore be more

broadly addressed (Cahill 2001, 111). The wrong and harm visited upon the rape survivor is at best secondary for, it is unintelligible within the frameworks, schemas and hermeneutical resources available for the very meaning making acts required in order to both communicate and interpret the violence of rape (du Toit 2009, 76). Rape survivors must first prove that they have indeed suffered (Brownmiller 1975, 208). They must show that it was not in any way their own fault and that all the readily available protective measures were employed and yet were unsuccessful (Brownmiller 1975, 81).

1.5. Endured Vulnerability and the Construction of the 'Rapeable'

State regulations and social interpretations of some subpopulations and subgroups, such as black individuals and womxn suggests that the lives of those who constitute these groups are interpreted within Western academic discourse as irrelevant or disposable at the very least more so than others (Gqola 2015, 40). Embodied vulnerability is construed in the very social and political practices of institutionalised violence that are perpetuated through self-justificatory legal systems interested in maintaining the status quo and continued privileging of those in power (Gqola 2015, 21). The 'rapeable' body is constituted by the experience of enduring embodied vulnerability in virtue of the sociopolitical, epistemological and historical position through which particular sexed subjects are interpreted as inferior, sexually irrelevant and sexually vulnerable (Brownmiller 1975, 384). Such embodied vulnerability is ontological only insofar as it characterises a particular kind of *being* in the world marked by a hierarchisation of sexual difference (Brownmiller 1975, 17). Rape is in this sense ontological for, particular *beings* are positioned in society such that they are rendered vulnerable to rape, and their vulnerability to the threat of rape is experienced to a far greater degree than some others (Gqola 2015, 79). The sense in which particular bodies are socially and politically constructed as 'rapeable' stems from the symbolic order and its dichotomising of femxle sexual subjectivity and bodily agency (Cahill 2001, 112).

> *Premise 1:* Particular bodies are positioned as ontologically fragile *(being-in-the-world*) such that they are more vulnerable to rape *(ontological fragility)*.
>
> *Premise 2: (vulnerability implies a threat)* Experiencing oneself as vulnerable or fragile is experiencing oneself as threatened by that which one is vulnerable to.

Premise 3: Rape is a threat to which particular ontologies are more vulnerable.

Conclusion: Rape is the threat experienced by those who are positioned *(being-in-the-world)* as ontologically vulnerable *(to rape)* or experience ontological fragility.

Rape acts at a symbolic level and derives its meaning from the symbolic order (du Toit 2009, 68). The 'rapeable' body is constructed by and through the symbolic and systemic erasure of femxle sexual subjectivity that locates the feminine sexual subject outside the collective hermeneutical resources and against the symbolic order which normalises rape (Fricker 2007; Brownmiller 1975, 236). The harm, wrong and damage of rape are obscured, and the social meaning of rape disparaged for rape becomes normalised and naturalised in the dominant symbolic order (du Toit 2009, 68). The symbolic destruction of femxle subjectivity refuses womxn the possibility of being full subjects, insofar as "it views femxle subjectivity as borderline, impossible or at least highly ambiguous and unstable" (du Toit 2009, 33, 18-19). Du Toit understands the symbolic destruction of femxle sexual subjectivity as that which positions rape as "structurally impossible" (du Toit 2009, 33, 11). That is, the wrong and harm of rape disappear into the systemic blind spot which undermines sexual subjectivity and misconstrues rape's systemic dimension as nothing more than ambitious notions of privatisation and consent (Gqola 2015, 81).

To make sense of the structural possibility of rape requires that rape be understood within the broader social, political and historical context in which it is reinforced, repeated and affirmed (du Toit 2009, 60). Rape has both symbolic and ontological dimensions whereby those positioned as 'rapeable' are systemically repressed, hermeneutically marginalised and dislocated in terms of subjective identities (Fricker 2006, 100). 'Weak ontologies' such as those socially and politically constructed as 'rapeable' show the interrelatedness of identity and difference, where any individual act of rape is an ontological clash between rapist and victim/survivor (du Toit 2009, 67). Constituted interrelatedness shows that in situations of violent domination and subordination of worlds, weak ontologies may be destroyed, distorted or disrupted. This will affect the ways one inhabits the world (du Toit 2009, 58). Interpretations of rape as embodied experience, such as we find in the works of Cahill (2001) and Braidotti (1994), account for the role of sexual difference. As Cahill noted about Braidotti's perspective, there is reason to "insist that

subjectivity be understood not in terms of an abstract quality of rationality or reasonableness, but rather as grounded in an experience of embodiment and the necessary differences accompanying that experience" (Cahill, 2001, 120, 31-34). Cahill claims that "to approach rape as an experience that is imposed on a sexed subject is to recognise that there will be major differences among various experiences related to the sexes of the subjects involved" (Cahill 2001, 120, 41-42).

To adequately articulate the meanings that are central to any experience of rape requires that the significance of the sexed quality of the bodies involved be recognised as necessarily integral to any individual and social interpretation of rape (Cahill 2001; du Toit 2009). Rape is sexualised on both an individual and social level, insofar as rape is disproportionately a crime committed by men against womxn (Cahill 2001, 121). The nature, experiences and harms of rape constitute a violent assault on the victim's body in a distinctly sexual way, such that "rape uses sexualised body parts and the very sexualities of the victim and the assailant and a means to commit physical, psychic and emotional violence" (Cahill 2001, 120, 21-24). Insofar as the experience of rape is informed by imposed sex and sexual difference, it suggests that femxle embodiment and womxn's bodily experience include "at a basic level an assumption of the threat of rape" (Cahill 2001, 121, 7). "Womxn are constantly subjected to the threat and possibility of rape which is itself an integral part of any one experience of rape" (Cahill 2001, 121, 9-11). The reiterated threat and possibility of rape internalised by womxn establishes a set of attached meanings that are distinctly associated with femxle embodiment (Cahill 2001, 113).

Rape as a social phenomenon affects the perception of bodily integrity, safety, mobility and day-to-day concerns held by the feminine subject in a distinctly different way than it affects the social lives of men (Cahill 2001, 114). The femxle experience of the possibility of rape produces a culture of victim blaming, guilt and shamming, for victims are socially (and often individually) interpreted as responsible for protecting herself against the threat of rape (Gqola 2015, 111). This view ensures femxle culpability while assuming the power and task of preventing rape is fundamentally femxle. Rape is therefore a means of social differentiation itself insofar as feminine and masculine experiences of rape are distinct, and the meanings of these experiences vary according to sex (du Toit 2009, 67).

Difference is not by nature problematic such that sexual difference is not an inherently

ethical act (Cahill 2001, 120). That, however, the hierarchisation of sexual difference within the Western symbolic order marks the feminine as inferior while firmly precluding the possibility of recognising the sexual differentiating function it plays suggests there is a problem to consider (Cahill 2001, 121). That rape is constituted by sexually specific violence primarily committed against womxn by men implies that the phenomenon of rape be interpreted as functioning as a means of sexual differentiation (Cahill 2001, 121).

The nature and experience(s) of rape seem implicitly interwoven with sexual difference that informs and represents social import and worth associated with sexualities (Cahill 2001, 117). Interpreting rape as an example of the unjust distribution of social significance, bodily integrity, mobility, security and autonomy against a backdrop of rape functioning as a means of sexual difference problematises the hierarchical paradigm of differentiation (Cahill 2001, 120). The pervasive threat of rape experienced by womxn qua womxn is produced by the sexual differentiating function of rape and accounts for the qualitatively different way womxn and men experience individual acts of rape (Cahill 2001, 123). The Western symbolic order renders femxle embodiment a site of victimisation and obscures social and self-interpretations of the feminine subject (Cahill 2001, 122). Femxle sexual subjectivity is denied by the symbolic order which constructs womxn as ontologically vulnerable to the threat of rape, and culpable for protecting herself against rape and sexual assault (du Toit 2009). The construction of 'rapeable' bodies is caused by the hierarchisation of sexual difference that erases femxle sexual subjectivity, victimises femxle embodiment and renders it socially and individually nonsensical (Cahill 2001, 111). As all experience is embodied experience, rendering nonsensical femxle embodiment and womxn's bodily experiences renders womxn qua womxn unable to communicate intelligibly her experiences of self-world-other, to neither herself nor to others (du Toit 2009, 66). The experiences of 'rapeable' bodies are obscured such that those so constructed are socially misrepresented, victimised and obfuscated by appealing to available discourses and hermeneutic resources which fail to articulate their experiences (Fricker 2007, 162). These experiences represent and are represented by the broader historical, social and political environment that seems to affirm the violent victimisation and erasure of femxle sexual subjectivity (Cahill 2001, 115). The 'rapeable' body is therefore constituted by the virtually irrelevant rendering of femxle embodiment and womxn's bodily experiences,

imposed sexed experiences characterised by a pervasive threat and total victimisation, unjust distribution of fear and security and structural preclusion from socio-political participation and experiential intelligibility (du Toit 2009, 58).

1.6. Embodied Interrelatedness and Hermeneutical Injustice

The triad interrelatedness of the self-world-other (du Toit 2009, 55) is a necessary relation required in order to experience oneself as intelligible or communicable to both oneself as well as to others (du Toit 2009, 58). Du Toit claims that an analysis of the interrelatedness between self-world-other can provide one with examples of healthy and unhealthy relationships (circumstances), which is a necessary component when inquiring into the wrong and harm of rape, for rape is shown as a crime committed against all womxn (du Toit 2009, 66). The meaning of rape, according to du Toit is such that "any individual act of rape serves as the symbolic destruction of femxle subjecthood by driving a wedge between, and placing in opposition, womxn's embodiment (and sexuality) and womxn's subjectivity (or selfhood)" (du Toit 2009, 435). Healthy relationships according to du Toit are such that

> a subject experiences the world as a meaningfully ordered field of possible action that enables and supports her being and projects. Given this, the subject transcends her body as mere object and asserts herself as a subject in the world. Moreover, her relations with others affirm her subjectivity and act as the basis from which she asserts herself in the world. Finally, the self receives affirmation from others, which is necessary to her status as subject in the world and also for her interpretations or understandings of the world (du Toit 2009, 181, 34-39).

If so, it suggests that any breakdown of interrelatedness between self-world-other is damaging and causes either an erasure of or unintelligibility of self-world-other and the interrelatedness of each (du Toit 2009, 53). According to du Toit, the integrity of the self is threatened by at least two factors, namely, (1) "she is threatened in her existence as a subject when she is systemically threatened, and comes to experiences herself as sub-human object or thing, 'merely' existing, or existing passively in the world" (du Toit 2009,

59, 31-33). Secondly, (2) "the self is threatened in her existence as a subject if she is internally fragmented or torn to the extent that there is little or no internal coherence, integration (integrity) or stability, that is, when the subject is no longer a relativity coherent and continuous subject, enduring through space and over time, but is radically scattered or fragmented through internal contradictions and tensions" (du Toit 2009, 59, 36-40). One therefore cannot make sense of oneself nor can others make sense of one, for the self-world-other interrelatedness is necessary for subjectivity and selfhood (du Toit 2009, 56). It is both phenomenological and structurally necessary. Thus, its breakdown seems to prevent those bodies constructed as 'rapeable' from participating (fully) and contributing to the collective hermeneutic resources that make intelligible self-world-other as well as the interrelatedness between them (du Toit 2009, 56). To experience the constant threat of rape suggests that a breakdown of the interrelatedness between self-world-other exists (du Toit 2009, 56). The triad of interrelatedness holding between self-world-other is rendered communicatively intelligible through the available collective hermeneutical resources and discourses if and only if what is made available adequately describes one's experiences and facilitates interpretations of oneself as one exists in the world in relation to others (du Toit 2009, 61). Furthermore, communicative intelligibility is achieved only insofar others can adequately interpret the self and affirm the self through the world and others (du Toit 2009, 60).

'Rapeable' refers to the femxle sex-specific experience of ontological vulnerability characterised by social marginalisation and hermeneutical ambiguity (Cahill 2001, 113). The distinctly femxle experiences and particular subjectivities constituted by the triad interrelatedness of self-world-other are rendered communicatively unintelligible through discourses of interpretability made available by the triad self-world-other (du Toit 2009, 59). The triad interrelatedness of self-world-other is manifest through various kinds of knowledge systems – linguistic, cultural, social and political structures – which describe and constitute the circumstances (these are either healthy or unhealthy) through which subjectivity or selfhood is realised, actualised and affirmed (du Toit 2009, 60).

A hermeneutic injustice is "where we lack the collective hermeneutic resources (such as language) to express and interpret certain elements of experience in a socially intelligible fashion… which results in social experience obscured from understanding owing to a

prejudicial flaw in the collective resources for social interpretations" (Fricker 2007, 105, 23-25). In order to be intelligible to both one and others, the collective hermeneutic resources must be able to explain, describe and account for one's experiences (Fricker 2007, 148). Hermeneutic marginalisation, on the other hand, occurs when the former is not possible, and experience is obscured by gaps in the collective hermeneutic resources, in virtue of hermeneutic lacunas (Fricker 2007, 160). Rape and the construction of bodies as 'rapeable' are collective and historical insofar the epistemological, medical, legal paradigms and law enforcement echo the trauma of rape (du Toit 2009, 66). Social interpretation is possible only insofar as the collective hermeneutic recourses can describe and account for one's experiences of oneself in the world with others (du Toit 2009, 60). The femxle social experience is obscured by her social interpretation where the collective hermeneutic resources construct womxn as socially and politically 'rapeable' (Gqola 2015, 80).

The notion 'rapeable' is obscured by a gap in the hermeneutical resources because something is hermeneutically missing and goes unexplained (Fricker 2007, 115). To describe her experience of herself as 'rapeable' "embraces a whole range of subtle and unsubtle persistent behaviors" (Brownmiller 1975, 281) directed toward her because she is a womxn. Her social experiences are misunderstood and largely misinterpreted on a collective and individual level (Gqola 2015, 97). That is, all womxn suffer a cognitive disadvantage of this kind for merely belonging to the group identified as femxle (Fricker 2007, 14). It is in this sense that the injustice is owed to a significant structural identity prejudice in the collective hermeneutic resources (Fricker 2007, 162). The subject of this cognitive disadvantage is rendered epistemically ambivalent and imagined through wavering social interpretation of herself and to others (Fricker 2006, 99). The social experiences of 'rapeable' bodies are obscured by the collective hermeneutical resource rendering her social experiences communicatively unintelligible, while the available collective hermeneutical resource deliberately provides trivialising interpretations (of her experiences) that constitute a further epistemic injustice insofar as it perpetuates and reinforces her powerlessness through structural hermeneutical prejudice (Fricker 2006, 99). The systematisation of the collective hermeneutical resource as prejudice is an injustice for it disadvantages only particular groups while benefiting others (Fricker 2006,

100).

The construction of ‘rapeable’ bodies is by its very nature disadvantageous for her corporal materiality is a site of violence thus, her social experiences occur against a background of fear (Cahill 2001, 113). Her fear is a direct response to the prejudice and otherwise misinterpretations of her given in the collective hermeneutical resource (Fricker 2006, 102). That very same collective hermeneutical resource that positions womxn as ‘rapeable’ ensures that men qua men (those whose social experiences exclude the constant threat of rape) are socially superior such that their experiences are adequately, even suitably, described by the hermeneutical resource (Fricker 2006, 96). This can to some extent be said to protect men from experiencing repercussions for their sexist actions and avoid accountability thereof (Fricker 2006, 102).

Fricker refers to the difference in how the collective hermeneutical discourse affects different groups as asymmetrical cognitive disadvantage (Fricker 2006, 103). In rape and the construction of ‘rapeable’ bodies, the experience of the femxle subject is radically different to that of the male subject (Cahill 2001, 112). The experience of the male subject mostly excludes sexualised harm, while the femxle experience is partly constituted by a multitude of harms varying from physiological to physical (Cahill 2001, 113). The femxle subject cannot make sense of her experience of rape or existing with the constant threat of rape because it is obscured from the collective hermeneutical resource, rendering her self-interpretations communicatively unintelligible (Fricker 2007, 161). For the male subject, an appeal to ignorance or lack of proper knowledge or awareness of the nature of his actions is often used and drawn on. In this case, the male subject is not harmed by his actions for he is not impoverished by the collective hermeneutical resource and is able to make sense of his experience (Fricker 2007, 115). However, I would argue that although in no way at all does the collective hermeneutical resource impoverish or disadvantage the male in the same ways that it does the femxle subject, it does seem to obscure his interpretation of his experience insofar as he seems ignorant to the harm and wrong of his action (Fricker 2007, 114). It seems unlikely that he is ignorant in the sense that with proper education on the matter of rape he would know (1) what he did was wrong and (2) he should never do it again. It seems much more plausible that he is at some fundamental level aware that his action is wrong and persists from a lack of consideration for the femxle subject

(Brownmiller, 1975). It might also be a case of general disvalue for the ethical consideration/treatment of femxle subjects (Gqola 2015, 96). In that sense, both the femxle and male subject have an obscure interpretation of the experience of rape, however, the male subject is empowered and arguably aware that his action renders the femxle subject powerless (Cahill 2001, 123).

Fricker holds that; "the subject is rendered unable to make communicatively intelligible something which it is particularly in his or her *interests* to be able to render intelligible" (Fricker 2006, 103, 34-35). That is, a further harm of hermeneutical injustice is that one's interest, namely, the interest of collective communicative intelligibility of social experiences, is not met (Fricker 2006, 103).

The notion of interests seems to undermine the argument, for interest implies only that it is of one's benefit to have one's social experiences collectively communicated intelligibly (Fricker 2007, 161). It seems therefore to hold that collective communicative intelligibility is an advantageous social position, which is clear, considering that hermeneutical injustice is the asymmetrical cognitive disadvantage occurring because of some collective lack (Fricker 2007, 168). However, the notion of interests seems unable to capture the precise nature of the wrong and harm of hermeneutical injustice and raises the question of the possibility of a clash of interests. It might be that it is in the interest of male subjects to continue occupying a social position of power at the expense of disempowering femxle subjects (Cahill 2001, 125). At the same time, it is undeniable that this interest directly opposes the interest of femxle subjects who have an interest in occupying a social position that excludes constitutive powerlessness (Fricker 2007, 12). If interests are advantageous then the denial of them, whether collective or individual, is harmful and wrongful only insofar as the nature of the interest is one that warrants being met (Fricker 2007, 13). I would argue rather that it is not limited to a matter of one's interest to have her social experiences communicatively intelligible, but that it is a matter of *necessity*.

The interrelatedness of embodied subjects suggests that communicative intelligibility is necessary for construction of subjectivity, selfhood, ability to participate and contribute to collective hermeneutical resource and meaning making, which constitute a fundamental and essential part of all social life (du Toit 2009, 60). What is wrongful and harmful about hermeneutical injustice is that is obscures the communicative intelligibility of one's social

experiences, which necessarily precludes those subjects from experiencing themselves as coherent and stable (selves). It means that they are epistemologically obscured and are unable to meaningfully communicate their social experiences to themselves, or anyone else (Fricker 2007, 161). They are obscured from the collective meaning making discourse for they are continually misinterpreted by the collective hermeneutical resource that is perpetually prejudice against them both individually and as a group (Fricker 2007, 160). They are denied participation in and contribution to collective hermeneutical resources that largely constitute systems of knowledge, representations and interpretations that pertain to, explain, describe and ultimately constitute the discourse of social life (Jenkins 2014). Fricker, however, does claim that a secondary harm of hermeneutical inequality is the unfair disadvantage towards the discriminated subject(s) construction of social identity; "that they are prevented from becoming who they really are" (Fricker 2007, 168, 13). While this is still not as strong as the claim that they are necessarily unable to become a coherent stable self at all, it does show the harm of hermeneutical inequality as more than merely having one's social interest go unmet (Fricker 2007, 160). As she claims, "if all epistemic injustice undermines the subject specifically in his capacity as a knower, then we can identify the distinctive manner in which hermeneutical injustice does this by saying that it undermines the subject in his capacity as an interpreter of his own social experience, in his capacity, that is, for social self-knowledge" (Fricker 2006, 108, 1-5).

The hermeneutic inequality inherent in Western discourse and the English language regarding sex/gender operates at a structural level and acts as a hierarchical organising principle (Oyêwùmí 1997, 36). The English "wo*man*" and "*man*" establishes a hierarchical dichotomy whereby "*man*" is defined in opposition to the negative "wo*man*" and implies "an original human type against which the other variety is measured" (Oyêwùmí 1997, 33). Compared, for instance, to the Yorùbà: "obin*rin*" and "okùn*rin*" is a distinction between two kinds of anatomy, whereby the common suffix "*rin*" "implies common humanity…without gender schemes…" (Oyêwùmí 1997, 33). "Rape" is a contested notion which is burdened with ambiguity that makes it conceptually difficult to interpret and perpetually difficult to identify in real-life examples (Reitan 2001, 44). 'Rapeability' is itself a modification of an existing ambiguous word 'rape' which only exacerbates the problem and potentially further alienates people from the issue, or unintentionally positions

people such that their identity becomes inseparably intertwined with this notion.

The etymology of the word rape shows that it is derived from the latin *rapere (n.)* which means “seize prey, carry off by force, abduct” (Burgess-Jackson 1993, 311). That typically described birds of prey hunting and catching of smaller animals for food. It was very rarely used to describe the rape of a womxn in the ways that it is used today. Instead, the Latin word *stuprare* meaning “to defile, ravish, violate” was most used. Stuprare is derived from the Latin *stuprum (n.)*. Translated into English, it means ‘disgrace’. As a result, images of ‘*stranger danger’* and womxn as property are represented and permeate cultural interpretations and understanding of what it means to be raped, and what it *‘means’* to be a womxn (Cahill 2001, 114). Part of what contributed to the overall difficulty in defining rape was determining whether rape is an assault, or a sex crime. In 1977, Foucault argued for the decriminalisation of rape as a sexual violence for he likened being raped to being punched in the face. Therefore, in doing so the sexual element of rape is denied and rejected as the object of punishment because “the crime of rape ought to be punished as a form of physical violence and nothing but” (Henderson 2007, 5-6). Parts, some of which are sexual, constitute the body and those sexual parts of the body are sexual, not only in virtue of their capacity for among others; mensuration and reproduction, but also there are cultural meaning(s) that distinguish sexual from non-sexual body parts. Invariably, it is not the same to punch someone in the face, as it is to rape her, for the meaning of each is radically different and entirely distinguishable (Dolezal 2009). For example, even the fact that sexual body parts are commonly referred to as ‘*private* parts’ indicates the difference in the way they might be viewed.

One can infer from the notion ‘private’ that often describes sexual parts of the body that, a common cultural interpretation of the meaning of sexual body parts is one associated with shame particularly in instances of rape, which is indicative by the origin of the word. Foucault’s view problematises any definition of rape as necessarily sexual, arguing that in doing so womxn are rendered *inherently* powerless (Fricker 2007, 10). It seems, however, that such a view presupposes that particular meanings of embodiment are inherently so that is, the meanings ascribed to embodiment are implicit, rather than transitory, for they are culturally generated and imposed (Fricker 2007, 168). There is nothing inherently ‘rapeable’ about a womxn (Gqola 2015, 21). That she experiences herself as ‘rapeable’ is

a consequence of the way in which she is constructed social-politically, something that legal institutions affirm by the continued denial of her sexual autonomy, and hermeneutical structures reinforce for they render her experiences communicatively unintelligible (Cahill 2001, 111). That we lack the vocabulary to talk about rape and in turn 'rapeability' without either trivialising or obscuring it is no accident (Fricker 2007, 156). Nor is it an accident that the legal institutions regularly fail to punish the crime of rape (Gqola 2015, 79). These structures and institutions are seemingly designed such that they allow for the continuation of male dominance (Brownmiller 1975, 389). Men are neither inherently dominant, nor are their experiences implicitly intelligible or hermeneutically special (Fricker 2007, 160). They merely occupy a position of power that constitutes the experience of hermeneutic communicative success (Jenkins 2014).

Power is intricately connected to the distinctly epistemic nature of epistemic injustice which holds that an injustice occurs insofar as one is "wronged in one's capacity as a knower" (Fricker 2007, 9, 1). 'Knower' is a power-loaded capacity for one's capacity to access, generate and engage with the construction of knowledge (as well as other knowers) relies on a particular kind exercise of power that allows one to be part of the structure and system of knowledge (Fricker 2007, 16). Fricker distinguishes her notion of power as a capacity from the Foucauldian notion of power that comes in and out of existence (Fricker 2007, 13). Power as a capacity is the view that power, the operation of which can be agential or structural, exists at some level all the time, whether is it active and noticeable or passive and at times unnoticed (Fricker 2007, 15). Fricker's connection between power as a capacity and the capacity as a knower form a relationship based on dependency that allows for epistemic injustices to occur insofar as an exercise of one's power wrongs another's capacity as a knower by undermining their capacity as such (Jenkins 2014). Thus, it is an especially epistemic kind of injustice that occurs and not merely an injustice concerned with epistemic goods such as education or access to information (Fricker 2006, 100). However, on Fricker's account, the notion of power seems somewhat bound to the idea that power, if it is to be understood as a capacity, always exists whether active or not. This seems to suggest that power is in some sense rendered structurally possible by constructing particular embodied subjectivities as dominant and with the capacity to exercise power (Fricker 2007, 13). Power as such also implies the possibility to resist active

modes of power that become oppressive. Power is a capacity in accordance with structural power as the nature of such power is active (Butler 2016, 24). It can therefore be structural or agential and can change at any time if those who exercise their power (actively) within the structural realm are doing so to a greater degree than the existing mode of power that is in operation (Jenkins 2014). Power as a capacity can therefore be described in terms of the triad of interrelatedness of self-world-other, insofar as almost people have the capacity for power (Brownmiller 1975, 16). Those who exercise their capacity of power to a greater degree than others will affect the structural mode of power which will therefore operate symbolically with that of those whose power is active in society (du Toit 2009, 68). Thus, for social change to occur, oppressed groups would have to exercise their power to a degree larger than the existing mode of power in order to shift the structurally operative mode of power (Fricker 2007, 10).

Chapter Two: The Jacob Zuma Rape Trial: A Case Study

2.1. A Brief Outline of The Jacob Zuma Rape Trial:

On November 4, 2005, Fezekile Ntsukela Kuzwayo, known to the public by pseudonym Khwezi, reported to the police that former (at the time deputy) president of South Africa, Jacob Zuma had raped her two days earlier (Robins 2006). On December 6, 2005, South Johannesburg High Court Zuma pleads *not guilty* to the charges (Evans; Wolmarans 2006). This was three months after the rape was reported. Then, on May 8, 2006, the Court dismissed the charges, ruling that the sexual act in question was *consensual*, and found Jacob Zuma not guilty (Gqola 2015, 108). Claiming they no longer feel safe in South Africa, Khwezi and her mother fled into exile where they were forced to seek asylum in the Netherlands (Moloi 2006). Subsequently, Zuma was elected President of the ANC at the party's 52nd national conference on December 18, 2007. During 2012, The Azanian People's Organisation (AZAPO) campaigned to bring Khwezi home, and it is believed that during this time, Khwezi returned to South Africa. On August 6, 2016, at the Independent Electoral Commission (IEC) election results center, four womxn formed a silent protest during Jacob Zuma's acceptance speech (Southall 2011). Marking 10-years since Zuma's acquittal, the protest was in solidarity with Khwezi, who to many, represented a failure of the justice system which continually fails womxn who are subjected to sexual violence and rape on a regular basis (Gqola 2015, 100). October 8, 2016, Khwezi's family confirmed that she had died.

2.2. The Historic Relevance of Jacob Zuma

Zuma supporters parade t-shirts and placards baring phrases such as: "*Burn the bitch*" "*100% Zulu boy*" "*100% Not Guilty*" "*Hands off Zuma*" as they depicted images of Zuma crucified as Christ (Suttner 2009). Crucifixion imagery symbolises sacrifice and redemption and is widely recognised as a sacred icon of hope and faith. The representation of Zuma on the cross is therefore a symbol of his supporters' unyielding faith in him and his innocence, while claiming inadvertently that the charge against him is synonymous to the charge that led to the crucifixion of Jesus Christ (Suttner 2009). Zuma's position of power and humble background, leadership role in the 1990 ANC apartheid negotiations

and overall contribution to the struggle against apartheid and the ANC's history, seemed to fundamentally obscure peoples' judgment and clouded the perspective of many who remained faithful to the accused and unhesitatingly relinquished any belief in the truth of Khwezi's claim (Gqola 2015, 110). The vulgarity of obscenities hurled at Khwezi by Zuma supporters continued over the duration of the trial, with threats made upon her person and home, forcing her into exile to live as a refugee in perpetual fear of acts of revenge (Motsei 2007).

So, who was Jacob Zuma and what did he mean to so many South African citizens who continued to show their loyalty in spite of the rape accusation (Gqola 2015, 110). Many of his supporters claimed that their support was not in any way predicated on Zuma's innocence (Waetjen, Maré 2009). In their eyes, Zuma remained the heroic freedom fighter that fought for Black people during apartheid (Robins 2006). He represented hope for a better future and strength that would ensure the possibility of that very future (Ceruti 2008).

The ANC was formed in 1912 in response to the overwhelming dissatisfaction, unjust laws and overall grotesque treatment of Black people. Zuma's political interest began at an early age when his stepbrother, who fought in World War Two, became a member of the ANC. In 1958 at the age of 17, Zuma began his political career when he joined the ANC, the ANCYL (African National Congress Youth League) and in 1959 the SACTU (South African Congress of Trade Unions) (Suttner 2009). Zuma's involvement with the resistance movement continued even after the banning of the ANC in 1960, and in 1963 Zuma he was recruited and joined the ANC's armed wing known as uMkhoto we Sizwe (MK) (Ceruti 2008). His ruthless dedication and commitment to the aims of the ANC did not go unnoticed, and later that year, on August 12, 1963, Jacob Zuma was convicted of conspiracy to overthrow the government and sentenced to 10 years in prison together with some of his comrades. Prior to this, he was interrogated, beaten and detained in solitary confinement for 90 days.

Zuma served his 10-year jail sentence on Robben Island. During this time helped establish ANC structures from prison and played a central role in initiating and organising political study groups (Buiten and Naidoo 2016). In prison, Zuma's involvement within the formally mentioned political groups resulted in permitting of sports on the Island (Ceruti 2008). After his release on December 29, 1973, Zuma helped re-establish the

underground structures of the ANC, and in 1977, he served on the ANC National Executive Committee. After his leadership position in the ANC materialised Zuma was propelled on an unstoppable ascent to power. He received several awards for leadership as well as honorary doctorates from numerous universities throughout Africa (Buiten and Naidoo 2016).

2.3. Zuma's Contextualised Power

The rise of Jacob Zuma was simultaneously the rise of democracy in South Africa (Ceruti 2008). He represented possibility; hope and freedom that bore Black power and helped unite people through Black struggle (Buiten and Naidoo 2016). Comradeship seemed to form part of the foundation of democracy, and with it an undeniable support for Zuma who together with his comrades drove the ANC to power. It is this notion of comradeship that underpins the support given to Zuma during the 2005 rape trail (Moloi 2006). Prior to and during the trial Khwezi faced "unbearable pressure to drop the case" (Moloi 2006, 234, 17) several times Khwezi was offered money in exchange for her silence. At the time of the trial Zuma proposed to Khwezi, asking her if she would be his wife in exchange for her cooperation to drop the charges. Despite the abiding pressure, bullying and harassment from political supporters and public figures of the Zuma camp, Khwezi bravely pursued her case and endured a multiplicity of cruelty and violence thereafter (Hassim 2009).

The victimisation Khwezi endured is a symptom of power relations manifested in the phenomenon of blindly supporting powerful public figures such as Zuma (Lindegger 2012). That Zuma occupied a powerful public role and cultivated particular image of himself as the embodiment of Zulu culture and militaristic masculinity meant that those who were loyal to him were so whether he was *guilty or not* (Gqola 2015, 110). Rape was therefore, rendered insignificant and those who believed Khwezi were placed in opposition to Zuma and Zulu culture (Moloi 2006). Power is intricately manifested, communicated and reproduced in all acts of rape (Gqola 2015, 21). It is shown through the ways that rape is socially understood, as well as in the legal institutions' failure to prosecute most cases (Gqola 2015, 119). That womxn are socially and politically constructed as 'rapeable' is a direct result of the social and political acceptance of rape, which is further communicated by absence of consequences for perpetrators (Cahill 2001, 111). It seems that the rapists'

action is protected by entrenched victim blaming and upheld conceptions of femininities and masculinities that make rape possible. Suttner holds that, "the phenomenon of rape is an exercise in power" (Suttner 2009; 223, 7) which relies on the acceptance of social roles formulation that are perhaps unacknowledged, although lead all together to deliberate gender wars and rape culture (Suttner 2009, 224).

2.4. The Normalisation of Rape Culture

The difficulty in defining culture is that it seems to apply in various forms to different aspects of social life and captures a multitude of ideas associated with communities and identities (Brison 2002). It seems in part able to describe what is most prominent in a society, the socialised and otherwise normalised parts of our lives that seem to convey the dominant ideas through prevailing discourses (Gqola 2015, 98). Rape culture is a form of culture insofar as it describes the ways in which power is manifested along racial, gendered, class and other lines and describes in particular a society's attitudes and actions toward its members that are acted out in accordance with the hierarchies of difference according to which its members are distinguished (Cahill 2001, 115). The West's institutionalised male supremacy, which gives rise to rape culture, is the subjugation, oppression and degradation of womxn, otherwise known as patriarchy (French 1992, 9). According to Marilyn French, patriarchy began around the fourth millennium BCE, and ever since has been institutionally backed by force (French 1992, 1). French argued that; "the systemic war against womxn has been fought for centuries, resulting in what we see today, the patriarchal arrangement of society…into stratified classes, each with different access to resources" (French 1992, 9, 30-32). The paradigms of hierarchy are constructed and maintained by various relations of power governed by sexism that creates the structural oppression of womxn (du Toit 2009, 80). Insofar as the principles of organisation extend throughout most if not all social-political and legal spheres, rape and the oppression of womxn has become institutionalised and normalised (MacKinnon 1998). Power is therefore fundamental to the acting out and systemic institutionalisation of rape, for each rape communicates that it is men who have power and that womxn are the targets of his power (Cahill 2001, 122). It seems then that womxn are rendered structurally inferior within the social-political power relations between men and womxn according to which the arrangement of difference is organised

(Cahill 2001, 115). The 2005 rape trial of Jacob Zuma might have served as an opportunity to actualise the progressive sexual rights and gender politics set out in the South African constitution (Gqola 2015, 100). Instead, it failed to do so and became a reminder that our transition to democracy continues to suffer the consequences from the historical heritage of apartheid (Gqola 2015, 37). It suggests further that our constitution remains only a symbol of where South Africa ought to be. Identities enable culture and culture is the accumulation and normalisation of these identities which are displayed as socially prominent ways of acting and being in the world (du Toit 2009, 56).

'Rape culture' was coined in the 1970s and fosters the idea of blame to disempower womxn and the general attitude of fear and shame that discourages womxn from speaking out about rape and sexual violence (Gqola 2015, 143). Rape culture as a term attempts to address the legal failure in the handling of sex abuse allegations that are designed to protect rapists and silence rape victims (MacKinnon 1998). Because rape is a systemic problem, the term rape culture holds that it is both society and the rapist who are at fault for allowing rape to happen (Gqola 2015, 143). The concept does not aim to not hold rapists unaccountable as critics of the concept argue (Reitan 2001). It describes the culture of impunity toward rape allegations and the overall abject failure of due legal process (MacKinnon 1998). Culture is in this sense a set of assumptions and meanings that are articulated and expressed within the hermeneutical resources constituted and therefore available to members of a society (Heberle 2011). The pervasiveness of demeaning representations of womxn juxtaposed by the celebration of male sexual conquests within Western culture and captured most effectively within mass media such as television shows, films and social media platforms is an indication of just how widespread and pervasive rape culture is (du Toit 2009). Victim blaming, slut shaming, aggressive misogamist comments that permeate public discourse reveal the affective behaviors rape culture gives rise to (Heberle 2011). These attitudes formed part of the Zuma rape trial together with representations of culture and its various forms that became a fundamental feature of the case (Suttner, 2005, 225-6).

During the trial Zuma supporters laid siege to the court, as they burnt photographs of Khwezi, chanted slogans, and held abusive placards callously slut shaming and persecuting Khwezi (Gunner 2008). The militaristic masculinities of these demonstrations along with

Zuma's testimony is communicated through the Zulu war song, 'Leth'uMshini Wami' which means bring me my machine gun in English (Gqola 2015, 158/9). The distinctly masculine image associated with a machine gun is historically located and represents a history of men's wars (Gqola 2015, 116). Rape is a symbol of masculine power that perpetuates a culture of violence constituted by representations of wartime (Gqola 2015, 48). Since men have fought wars, men have used rape as a wartime strategy as their symbol of ultimate domination and conquering. War rape, and perhaps all rape, fosters the idea that womxn are objects of war that when taken secure and confirm a mighty power through violent subjugation and physical and psychological domination (du Toit 2009). Her body seems therefore to represent the overall powerlessness and destruction of the opposition (du Toit 2009, 79).

War rape is seemingly categorised by the inherent conception of womxn as property (Gqola 2015, 82). Using it to one's advantage signifies manifestations and representations of womxn that show war rape as a domination strategy that communicates to the opposition their defeat (Brownmiller 1975, 206). War rape plays on the historical establishment of a particular kind of masculinity that predicates itself on the dichotomy of man as protector and womxn as protected (Brownmiller 1975, 204). It physically articulates the opposition's failure as *men*, for they were unable to protect *their* womxn. It draws on various historically located representations associated with womxn (Brownmiller 1975, 196). Specifically, fertility and purity insofar as the rape of a womxn belonging to another group (religious, ethnic, etc.) destroys the purity of that group, which often renders the raped womxn 'spoiled' or 'unclean' and along with it the ethnic or religious group she belonged to (Brownmiller 1975, 49). She, along with the groups' heredity, is tarnished through this act of war rape (Gqola 2015, 48). The function of rape in war mimics that of the machine gun insofar as both are weapons that symbolise power and are used to deploy destruction and domination that distinguish the powerful from the powerless (Brownmiller 1975, 197). In this sense, it symbolises the power that Zuma had over Khwezi, and systemically the historically located power men have over womxn (Gqola 2015, 35).

Further analysis of Zuma's use of a song that is offered by Raymond Suttner, a political analyst, holds that the song conveys phallic images that "served to deter any person who might dare to charge a high profile figure with rape" (Suttner 2009, 21-2). However, the

symbolic importance of the imagery of a machine gun seems to go beyond phallic presence, for its significance seems rather that it represents deeply embedded conceptions of hegemonic masculinity that dominate the social, political and legal sphere (Gqola 2015, 116). Historically, "Leth'uMshini Wami" was a Zulu liberation song, and is therefore deeply embedded within the history of South Africa and the ANC for it symbolised the ANC's rise to power (Hassim 2009). It manufactured notions of inclusion and exclusion and drew distinctions between included and excluded groups/individuals that intensified the division between Khwezi and Zuma supporters (Gqola 2015, 110). The song became a vehicle through which the transmission of generated meanings reached a mass audience and act as a catalyst for public opinion (Gunner 2008). It was therefore significant that Zuma used a song to deliver his message insofar as within South Africa, music is traditionally the most widely appreciated art form and has been a form of communicative action since before apartheid (Reddy and Potgieter 2006). The power of song to unite and conjure up imagery that resonates deep within its listeners is unlike most other communicative techniques because "it constitutes a larger, powerful platform through which public opinion can be influenced" (Allen 2004, 1, 3). It succeeded to obscure the focus of the trial by yielding issues pertaining to, for instance, Zulu culture and its place in 'modern day' society (Allen 2004).

Zuma's exploitation of Zulu culture aimed to construct his actions towards Khwezi as normative, for he characterised the rape accusation as a misidentification of what is traditionally in Zulu culture an acceptable way to engage with a womxn (Reddy and Potgieter 2006). According to Suttner, "a key argument in the trial was that there are expectations in Zulu culture that demand a man to fulfill the desires of a womxn if a man interrupts her being 'aroused' as Zuma claimed to have read the behavior (or dress) of the complainant" (Suttner 2009, 227, 1-2). Zuma represented himself as a "100% Zulu boy" and caused the already contested notion of consent to become a cultural issue (Gqola 2015, 37). This is the case because he claimed he only acted as Zulu men are *supposed* to act. By this mean, he aimed to normalize his actions by appealing to his own interpretation of Zulu culture (Reddy and Potgieter 2006).

Within South Africa there appears to be two distinguishable discourses and practices pertaining to sex and sexuality (Hassim 2013). Although distinct, there is interplay between

the discourses and practices of sex and sexuality (Gqola 2015, 22). The first set of the discourses is characterised by notions of sexual repression that is according to the literature a result of Christian belief structures and Western colonialism (Gqola 2015, 37). The second set of discourses is more generally associated with some Southern African cultural traditions (Jewkes, Penn-Kekana and Rose-Junius 2005). This refers to what is otherwise described as 'sex-play', which can be understood as the normalisation "of sexualised play and joking between (and within) generations" (2005, 1812; 43-44). Although the latter applies only to some cultural traditions and limited only to particular individuals or families who find behaviors as such acceptable and unproblematic, it is however, still useful as an analysis of sex and sexuality distinguished along cultural lines that point to differences in the sexual practices therein (Jewkes, Penn-Kekana and Rose-Junius 2005). It does seem to shed light on some of the comments made by Zuma during his rape trial and further demonstrates the prevalence of the acceptance of rape myths within certain forms of discourses (Gqola 2015, 26). The most concerning aspect of intergenerational 'sex-play' characterised by sexualised games and gestures is that, "It creates a space for ambiguity about the boundary between acceptable and unacceptable practices" (Jewkes, Penn-Kekana and Rose-Junius 2005, 1812, 45-46). That, 'sex-play' occurs within social and hierarchical frameworks that are premised on the privileging of age, race and sex suggests that it has the potential to create volatile and vulnerable spaces and practices which are themselves based on ideological notions (Jewkes, Penn-Kekana, Rose-Junius 2005). That Jacob Zuma appealed to a version of black masculinity that can be identified through the discourses prevalent in some Southern African cultural traditions pertaining to notions of sex and sexuality indicate a strong acceptance of rape myths that are employed as a discursive device with the capacity and intention to not hold men accountable in cases of rape or sexual abuse (Gqola 2015, 35).

Chapter Three: Rape Myths

Rape myth: If she did not fight back, she must have wanted it.

Rape myth: If you have been raped you will be hysterically crying.

Rape myth: She was asking for it: wearing revealing clothing.

Rape myth: Black womxn cannot be raped.

Burt first defined the term 'rape myth' in her 1980 paper as, "prejudicial, stereotyped or false beliefs about rape, rape victims and rapists" (Burth 1980, 217, 3). Although much of the literature seems to agree that rape myths involve either one, or a combination of stereotypical beliefs, false beliefs, or prejudicial beliefs about rape, a fundamental issue seems to question the use the word 'myth' (Young-Bruehl 1998). That is, it remains unclear how distinct types of believing such as stereotypical beliefs, false beliefs, or prejudicial beliefs, might share the quality that marks each of them as characteristically mythological in character (Lonsway and Fitzgerald 1994, 135). A review of the literature on the nature and origin of myths suggest that a myth most commonly holds three fundamental characteristics, namely: (1) they are widely held false beliefs (2) the myth explains some important cultural phenomenon and (3) the myth seems to serve to justify existing cultural arrangements (Lonsway and Fitzgerald 1994, 133). It seems therefore, that for a belief about rape to count as a rape myth, it needs to hold characteristics, namely, (1) falsity and (3) serve to justify existing cultural arrangements (Lonsway and Fitzgerald 1994, 140).

Rape myths are by nature harmful in virtue of their falsity for the nature of believing is such that beliefs tend to justify new or other beliefs that are formed based on the previous belief. For example, if I hold the belief that 2+2=4, I will likely hold that 4+2=6, and so on. Based on the belief 2+2=4 the belief holder can form new related beliefs. Moreover, any new related belief seems to depend on the truth of the belief 2+2=4 (Lonsway and Fitzgerald 1994, 133). Thus, an argument from analogy holds that, the believer who holds a false belief about rape (rape myth) can form new related beliefs on the basis of the existing false belief rendering the new related beliefs false too (Lonsway and Fitzgerald 1994, 136). To say that someone holds the belief *that P*, is to say that the believer takes their world of experience to be in such and such way as captured by *(that) P*. The nature of

believing seems to entail that the belief holder believes *that P*, for the belief holder takes *P* to be *true*. Further, it seems clear that the belief holder would not hold the belief *that P*, if holding the belief *that P* was harmful to the belief holder (Lonsway and Fitzgerald 1994, 140). It seems then that if the belief *that P* is harmful, it is so insofar as the belief *that P* harms someone other than the belief holder who holds the belief *that P*. If so, it suggests that the act of believing is subject to moral judgment (Lonsway and Fitzgerald 1994). The believer, who holds the belief *that P*, were the content of the belief *that P* is false, harms the object of the belief *that P*.

The object of rape myths is constituted by the *who* and not the what of the belief, and the content of the belief/myth is rape. Therefore, the believer who holds the belief that; if a womxn has been raped she will act a certain way, harms womxn qua womxn, for the content of the belief is false (Gqola 2015, 143). The content of a rape myth is false and therefore falsely identifying particular people as untrustworthy or dangerous (in the case of the belief/myth only particular kind of people are rapists) (Lonsway and Fitzgerald 1994). Rape myths seem, however, to consist in prejudice, for they are by nature based on preconceived ideas rather than experience or evidence (Gqola 2015, 143). Prejudice is a disposition to disvalue and cognitively endorse a corresponding negative affect to that group and its members.

Research in social psychology find that prejudice originates in individual pathology (Young-Bruehl 1998). Young-Bruehl provides an account of the individual pathology approach to prejudice. Her discussion primarily is about the emphasis that individual pathology is more fundamental than the cultural or social aspect of prejudice and that it is the specific psychological traits that account for an individual's prejudice (Young-Bruehl 1998). The problem with an appeal to individual pathology as an explanation for prejudice is that it must account for why individuals are disposed to largely the same prejudices as others (Young-Bruehl 1998). That is, one must show how it is the case that even though prejudice originates from individual pathology, it is reasonable to see the same kinds of prejudice(s) held by different individuals (Young-Bruehl 1998). This is easily addressed insofar as a 'disposition' (such as a disposition to prejudice) is understood as a tendency toward a characteristic or behavior of thinking beings. Any act of thinking seems to involve categorisation, which lends itself to distortions and amplifications.

Prejudice is necessarily conditioned by empirical diversity, which axiomatically presupposes a principle of identity (Young-Bruehl 1998). So, people think in terms of categories, with which some they identify as belonging to, and others they don't. Anyone capable of thinking in accordance with a principle of identity and categorisation is conceivably disposed to prejudice, that is, the cognitive distortion of the former (Young-Bruehl 1998). The recognition of differences between individuals and categorising of individuals into groups suggests that the potential for prejudice lies in ordinary principles of thought (Gqola 2015, 22). Thus, prejudice is the disposition to cognitively distort ordinary principles of thought, such that one will judge, act and hold in disfavor that group and its members (Young-Bruehl 1998). A stereotype, on the other hand, is an exaggerated or oversimplified representation of that group and its members that the individual knower represents as definitively characterisable by features or traits associated with that group (Fricker 2006, 99). These representations tend to be uncritical and misleading in nature. However, it is more likely that if confronted by counterevidence, a knower will recognise their stereotype as such and might abandon the stereotypic-generalisation (Fricker 2007, 162).

The cognitive process of acquiring a stereotypic-generalisation is epistemically flawed, for the individual fails to subject it to interrogation regarding the truth of the stereotypic-generalisation (Fricker 2007, 162). It is in this sense reasonable to reject conceptions such as Lepore and Brown, who hold that stereotypes are an inevitable and automatic consequence of social categorisation (Lepore and Brown 1997). For, it is an act of intellectual laziness to acquire representations or beliefs without determining its epistemic soundness and purposefulness as reliable category of ordinary social categorisation. That is, insofar as the stereotypic-generalisation exaggerates or oversimplifies features, traits or an association of a group and its members, it fails to remain a reliable category (Fricker 2007, 728). Stereotypic-generalisations are derived from social stimuli and cultural that constitute the collective resources used for self-interpretations and interpreting social experiences. When these generalisations are based on prejudice, the collective resources will therefore obscure or misinterpret those who are constructed as belonging to that group (Lepore; Brown 1997). Rape myths tend to do one or more of the following: (1) minimise the wrong and harm of rape; (2) excuse or deny the actions and/or intentions of the rapist;

(3) establish victim-blaming; (4) silence survivors/victims; (5) perpetuate misconceptions pertaining to gender roles, vulnerability, responsibility, credibility and acceptance of violence and (6) determine correct behaviors someone will display if she has been raped (Lonsway; Fitzgerald 1984, 133). In 2007 Yandisa Sikweyiya, Rachel Jewkes and Robert Morrell conducted a quantitative study on rape in South Africa. There were 20 participants who took part in the study, all of which were from the Eastern Cape, South Africa and between the ages of 18 and 49 years old (Sikweyiya, Jewkes, Morrell 2007). Those involved were selected at random and given a questionnaire that asked about their attitudes toward rape and non-consensual sex with womxn. The study aimed to analyse and interpret the ways in which men interpret instances as such, the role they play in it, and the ways in which themselves and others are affected (Sikweyiya, Jewkes, Morrell 2007, 172). Some of the most interesting responses indicated that many of the men believed rape myths such as 'womxn shouldn't wear revealing clothes unless they want sex' or that 'men have unstoppable urges that suggest it's not actually rape' (Sikweyiya, Jewkes, Morrell 2007, 173). While many of the men from the study also admitted that they themselves have raped womxn, they tended to appeal to some kind of justification that in their minds excused their action or deemed it something other than rape (Brinson 1992, 16).

The problem of rape was thought by many of the participants to be a problem for men created by those who interpret rape as manipulative false claim made by womxn in order to shift the blame (Sikweyiya, Jewkes, Morrell 2007). Many of the men seemed to think that rape is itself only a problem because womxn know that they can claim that they have been raped, even when the men believe they hadn't committed the act. But in doing so, the womxn deny any accountability themselves (Sikweyiya, Jewkes, Morrell 2007). As a number of the participants indicated through their responses that womxn are manipulative liars who cannot be trusted to tell the truth about having had sex or being raped, they therefore reveal attitudes that agree and appeal to rape myths for their understanding of rape and non-consensual sex (Sikweyiya, Jewkes, Morrell 2007). It ought to be noted that I do not distinguish between rape and non-consensual sex, insofar as that implies sex can be without consent yet not be rape. Besides, such distinction fails to account for the sex-rape continuum to which this paper is sympathetic (Brownmiller 1975)

Catherine MacKinnon, Ann Eaton and Susan Brownmiller, hold that acts of

heterosexual sex are to be viewed, under patriarchy, on a continuum with rape. In this sense, sex is inherently *not* fully consensual in virtue of the position womxn hold under patriarchy (MacKinnon 1998). McKinnon argues that womxn are not able to freely refuse sex with men and therefore a womxn's participation in heterosexual sex is not fully consensual (MacKinnon1998). This raises the question whether the participants, who can perhaps be said in some sense to represent the broader population to some degree, might not fully understand the notion of consent, and its relationship to rape (Brownmiller 1975). It may be that the participants who admitted to having had non-consensual sex but denied that they had raped before were in fact just unaware of how these two instances are merely different ways of expressing the same issue (Brownmiller 1975, 207). This indicates an instance of hermeneutical failure insofar as the collective hermeneutical resources are obscured by the persistence of rape myths that misrepresent and misinform one's understanding of rape and therefore perpetuate such misunderstandings and prevent themselves and others from recognising and dealing with the issues at hand (Jenkins 2016, 197). The acceptance of rape myths, which is seen in the responses given by participants of the study discussed above, leads people to accept and develop and inaccurate conception and understating of rape and sexual assault, which eventually leads to an understanding of rape that is narrow in the sense that it excludes many actual instances of rape (Gqola 2015, 143).

The Jacob Zuma rape trial was impacted by the adverse influence of attitudes saturated with rape myths, both in public responses and the decisions within the courtroom (Gqola 2015, 27). These rape myths are categorised into one or more of the categories discussed ealier and indicates the wrong and or harm caused by accepting them as fact (Gqola 2015, 143). This demonstrates why more generally the acceptance of rape myths results in overall greater possibility of vindication of rapists in the eyes of both the court and the public (Gqola 2015, 164). Myths and misconceptions were used as part of Jacob Zuma's defense strategy, emphasising the difficulty in establishing the absence of consent and contested credibility between the complainant and the accused (Gqola 2015, 98). In other words, it was Khwezi who was on trial, her credibility became legally relevant and her character interrogated. It was she who in some sense had to prove that she *was guilty* of being rape (George and Martinez 2002, 112).

One of the most frequent methods employed in rape trials is the attempt to deride a womxn's credibility by bringing into question her sexual history, notions of promiscuity, ideas of seduction and manipulation pertaining to her overall trustworthiness (Gqola 2015, 36). It seems that evidence is merely to establish that she has a past sexual history, rather than being in any relevant to the case itself (Moloi 2006). The rape myth that holds that rape is sex gone wrong permeates throughout the Jacob Zuma rape trial, for his defense team aimed to establish Khwezi as an untrustworthy source (Gqola 2015, 144). Khwezi underwent invasive cross-examination regarding her sexual history, through which the court confirmed that Khwezi had (a) had sex before, (b) had sex with men before and (c) has a history of rape accusations (Gqola 2015, 108). In short, according to section 227 of the Criminal Procedure Act No. 51 of 1977, cross-examination regarding the complainant's sexual history is permissible only when the court regarded it as relevant to the case (Moloi 2006).

In respect of Zuma's rape trial, there was severe tension and conflict regarding the relevance of cross-examination of this nature, however, the judge ruled that it be allowed (Moloi 2006, 2413). According to some feminist legal theory, the masculine metric and distinctly male dominated template upon which legal disputes are assessed ensures that fundamental gender inequality persists (Brownmiller 1975, 15). Fundamentally, Khwezi's sexual history was used to "prove" that she was in the habit of falsely accusing men of raping her and could therefore not be trusted in the case of her accusation against Zuma (Gordin 2008). It served to undermine her credibility, putting Khwezi on trial rather than Zuma (Moloi 2006). During April 1999 Khwezi was diagnosed with HIV and told the court that her diagnosis meant that she could not have engaged in consensual sex without a condom, for she understood HIV is spread through unprotected sex (Gqola 2015, 160). Since her diagnosis, Khwezi became quite dedicated to educating people about HIV and other health issues. Rape and HIV are connected, especially in South Africa where the statistics for each are particularly high (Gordin 2008). Insofar as Khwezi had been subjected to rape and sexual violence in the past and was statistically likely to know other womxn who had suffered experiences of a similar nature, it can be said that her interest in educating others on HIV was personal and thus conveys her testimonial credibility (Brownmiller 1975, 48). Zuma, who at the time had also started speaking out about the

problem of HIV, can be said to have had a political interest in doing so, insofar as his actions might have been predicated on his goal of becoming president of South Africa. It is not unthinkable that people in government positions, especially those whose political career trajectory is aimed at positions such as president, would be involved in social causes such as HIV that affect so many citizens in devastating ways. Zuma's defense team asked Khwezi if she had engaged in unprotected sexual intercourse before the night where she claimed Jacob Zuma had raped her (Gqola 2015, 164). To this, Khwezi responded with the previous time in which she had been raped, which was seen to the court to contradict her former claim that she abstained from sex without a condom because of her diagnosis (Moloi 2006, 1221). Although it is stipulated that the cross-examination of Khwezi's past sexual history would only be used if and only if what was conveyed was relevant to the case at hand, it is a highly problematic approach to cases of sexual violence and rape (Gqola 2015, 36). The masculine setting of the courtroom, which is premised on notions that inevitably disempower oppressed groups and can in some sense be seen to further construct members of the oppressed groups as vulnerable (Cahill 2001, 114). Legal vulnerability as such is rooted in sexist and racist notions of rape myths and are otherwise more broadly affected by the culture of rape within which the case takes place (Longsway & Fitzgeraled 1994).

A womxn's testimonial credibility is undermined when she is expected to act in a way that indicates she is telling the truth when claiming to have been raped (Gqola 2015, 30). Apparently, a raped victim should scream for help and attempt to fight off the rapist after which her body should display evidence of a physical struggle that indicates to the court that she resisted, thereby distinguishing it from consensual sex (Gqola 2015, 29). After the rape, she is expected to cry hysterically and immediately report it to the police (Gqola 2015, 145). Khwezi, however, did not exhibit any physical evidence indicating that she put up a struggle, thus the court was disinclined to believe her testimony alone (Gqola 2015, 79). Further, Zuma's defense argued that since there were official bodyguards present during the time the rape was said to take place, Khwezi ought to have called out for help, if in fact she did not consent (Gqola 2015, 164). It was argued that insofar as Khwezi claimed to have 'frozen' during the time that Zuma raped her *proved* that she consented and was therefore lying about it being rape (Gqola 2015, 101).

The legal proceedings seem to demonstrate how legal and social institutions often represent womxn as untrustworthy liars who with malice falsely cry rape, which is in accordance with the rape myth that womxn tend to lie about being raped (Brownmiller 1975). Zuma also argued that the clothing worn by Khwezi on the night of the alleged rape was seductive and indicated to him that she had taken an interest in him sexually, and that it was his duty as a Zulu man to act on this. The 'revealing clothing' was in fact a kanga, which is a "traditional African cloth that is worn in villages throughout the Sub-continent" (Motsei 2008, 21). Zuma's argument and defense strategy are once again in accordance with another common rape myth, namely, that her seductive clothes meant that *she was asking for it* (Motsei 2008). This myth captures the discriminatory views pertaining to a womxn's clothes and the social inferences made thereupon. Rape myths share some of the same function, as they also obscure the experiences of womxn (Brownmiller 1975, 17). Moreover, they deny that all womxn are vulnerable to rape by excluding black womxn from the possibility of rape. They serve to dismiss incidents from the category of rape and fundamentally, they shift the blame from the rapist to the rape victim/survivor in the fashion of victim blaming (Longsway & Fitzgeraled 1994). Another function of rape myth is that it serves to sustain the continued oppression and overall social control of womxn (Brownmiller 1975, 16). Such myths function as a justification mechanism excusing the rapist's actions and consequently trivialising the individual womxn's experience and rape in general (Cahill 2001, 111).

Rape myth acceptance is dangerous insofar as they act as an instrument that generates knowledge and provides individuals with access to that knowledge (Fricker 2007, 149). They are, to a large degree, perceived socially as holding some truth, therefore reaffirming their content and establishing it as believable (Burt 1980). When legal institutions allow the rape survivor's past sexual history, clothes and sexual experience to be used as part of the defense strategy, it communicates that such personal characteristics are what will determine the outcome of the case (Gqola 2015, 93). Womxn are slut-shammed, victim-blamed and typically the social reaction to rape and the prevention of rape suggest it is her responsibility to protect herself and dress in ways that won't lead men on (Gqola 2015, 111). The hermeneutic injustice I refer to in this context occurs through the pervasiveness of rape myths and dominance of rape culture (Fricker 2007, 150). A culture's language and

hermeneutic resources are constituted by the dominant ideas conveyed in the normalised discourse and identities described therein (Butler 2016, 17). A society characterisable by the term rape culture is constituted by a collective normalisation of hegemonic masculinities that exert a socialised power over weaker masculinities as well as feminine identities (Donaldson 1993, 646).

The experiences of those weaker masculinities, or those otherwise characterised by a lack of power as opposed to those who occupy the dominant positions in society, and the experiences of womxn qua womxn are obscured by misinterpretations inherent in the collective conceptual resources (Fricker 2007, 155). The concepts of masculinity and femininity are ordered along hierarchical lines that distinguish the more powerful from the less, thereby determining one's access to both the hermeneutical recourses through methods of exclusion and inclusion (Butler 2016, 18). This occurs also through availability of adequate or accurate hermeneutical resources to ensure and maintain the current relation of power (Fricker 2007, 159).

Chapter 4: The Construction of Black Masculinities and the 'Un-rapeable' Black Femxle Body

I will here appeal to a theory of race that holds that there is a connection between race and politics (Mills 1997). The goal is to establish the connection between race and construction of the 'un-rapeable' body. Race was used as a political mechanism of structural prejudice, segregation and oppression during apartheid. This establishes the connection of race to politics, a link that persists socially, structurally and within many of the representations held currently (Fricker 2007, 1). This then means that I consider race in this context to be a discursively established category, to which its members are susceptible to a specific kind of vulnerability, similar to the experiences specific to individuals within social categories of sex/gender (Cahill 2001, 113). The understanding of race here therefore acknowledges that forms of oppression, prejudice and violence are motivated by race and operate structurally as a means of continued racial categorising in line with established hierarchisation of racial difference (Cahill 2001, 157).

The ways through which racial difference manifests itself as the hierarchisation of racial difference means that particular races experience a greater threat to acts of violence which positions them as more socially vulnerable than others in virtue of the racial category society identifies them as belonging to (Cahill 2001, 138). The embodied experience of race is such that it is easily affected by multitude of social representations and accompanied set of social associations (Cahill 2001, 116). One common social representation of a black men is that they are violent, dangerous or hypersexual, largely more than white men (Mills 1997). Such representations feed into and are themselves reinforced by stereotypic generalisations (Fricker 2007, 17). In virtue of the stereotype that holds that the Black man is hypersexual, black men are positioned within society and interpreted therein as a danger to womxn, and specifically a danger to white womxn (Brownmiller 1975, 174). Thus, society locates the black man as a target of suspicion, as seen in the commonly held police perception of black men who are treated with overt suspicion during crime investigations (Gqola 2015, 32). Suspicion often appears to arise when the investigated crime is of a sexual or violent nature (Brownmiller 1975, 114). In the same way, many white men seem to conceive of themselves as belonging to a group required to protect both themselves and

their families from intruders (Brownmiller 1975, 174). Although the intruder is not necessarily specified as a black man, it is often discursively implied, for it draws on various other racial associations, such as the relationship between race and poverty, race and violence, race and crime, etc. (Duncanson 2015).

Within South Africa, the relationship holding between race and poverty is characterised by disproportionate unemployment demographics that is problematically associated with levels of education and ability (Hassim 2009). That is, high unemployment levels of black individuals are often interpreted socially as an accurate or appropriate correlation with capacity and intelligence, as opposed to the structural economic disadvantage black individuals are faced with (Fricker 2006, 106). Such interpretations are wrongfully supported and enforced by the stereotype that holds that black individuals are less intelligent than whites (Gqola 2015, 37). This, among most other negative stereotypes about blackness lacks any kind of evidence, justification or empirical grounding. However, it is perpetuated by falsely appealing to normative social relations used to interpret *the way things are* (Cahill 2001, 117). What this means is that often statistics are used to justify prejudicial stereotypes without examining the causes of the statistics themselves (French 1992, 17). They are in this sense taken as self-justifying and used to further perpetuate negative representations and prevent any hierarchical shift from occurring (Hassim 2009).

Historically, blackness was and continues to be used as an ordering principle despite various attempts to correct it, such as broad based black economic empowerment (BBBE) which aims to increase employment of black individuals, and ensure specifically that black individuals share in high-powered managerial and directorial positions (Hassim 2009). One of the problems seems to be that several individuals and group mindsets remain widely unchanged (Fricker 2006, 105). As a result, widespread prejudicial stereotypes prevent popular or dominant public opinion from changing (Hassim 2009). This situation allows for conceptions that were dominantly held during apartheid to seep into the current post-apartheid culture, a situation that keeps race intertwined with the political sphere. To this end, I argue that black masculinities are socially interpreted within the current collective hermeneutical resources that are still influenced by discourses of apartheid (Fricker 2007, 159). This discourse obscures conceptions black men have of themselves as well as the way black men are perceived socially (Fricker 2006, 99). The cultural or social

representations of subjects affects subjects such that they are in part conditioned to behave and interpret themselves often according to, but almost always in relation to, these representations (Butler 2016, 18). Insofar as race is a form of social ordering, which seems to aim at continued black oppression and white privilege, it is valid to assume that the body conveys social meaning (du Toit 2009, 61).

It seems useful then to conceive of race in much the same way as gender, insofar as gender is conceived of as performativity, which is to say, as a product of socially cultivated and endorsed discourse (Butler 2016, 21). Categorisation depends on distinguishing between subjects and therefore presupposes interaction between subjects in the world (Cahill 2001, 108). All individuals are embodied, and our bodies are used to distinguish us from others (Cahill 2001, 109). Already, the triad of interrelatedness of self-world-other becomes apparent, insofar as the self (a body) is distinguished from other (bodies) in the world (du Toit 2009, 54). The phenomenology of the racialised or sexed body, that is part of lived experience, seems to affect and are in turn affected by the world and others (du Toit 2009, 55). Further, attached to experience is the symbolic system of meanings, social positioning, relations of power and the collective hermeneutical discourses which are interpretative tools both for self-interpretation and understanding of how the self is interpreted by others (Fricker 2007, 161). Oppressed groups are oppressed insofar as the oppression is culturally supported as well as socially regulated through social norms and discursive symbolism (Fricker 2006, 102)

The historic and continued social and political interpretations of blackness perpetuates negative and unhealthy images of blackness that affect the ways black people experience the interrelatedness of self-world-other and more generally their experiences of self in the public and social domain (du Toit 2009, 54). Masculinities are constituted by multiple expressions and ways of being in the world and themselves exist in hierarchies "dominated by loosely coherent and evolving hegemonic forms" (Duncanson 2015, 12-3). The term hegemonic masculinity was introduced to account for the persistence of male power and as a way to seek out the potential for social change to be characterised by the dissolving of male power and striving for a more equal, less oppressive society that acknowledges difference without necessarily resulting in a hierarchy of relations of power (Gqola 2015, 37).

Raewyn Connell, who introduced the concept of hegemonic masculinity in 1982, did so in order to investigate and make sense of male power (Brownmiller 1975, 17). An analysis of gendered power, which coexists with racial categorization, ordered according to the privileging of whiteness over blackness and powerful masculinities over weaker masculinities, seems useful when considering the Zuma rape trail (Gqola 2015, 35). This is so as Zuma was interpreted as representing an idea of what it means to be a Zulu man and therefore implying what it means to be a black womxn in relation to this masculine ideal (Butler 2016, 21). The trouble with identifying masculinities with racial identities is that it enforces further dichotomies and relations of power that are formed within the ordinary dichotomies of men and womxn, black and white, etc. This seems to call into question the adequacy of the legal institution that might negate or neglect the very constructs of blackness and the masculine and feminine identities, for the very institution appeals to white Western and therefore colonial frameworks (Morrell, Jewkes, Lindegger 2012). Within these colonial frameworks, Western conceptions of right and wrong are grounded in interpretations of race and sex (Butler 2016, 16).

The cultural environment within which the Zuma trail took place is a flux of differing conceptions and expressions of skin colors and genders which seemed to inadvertently become preoccupied with vague dichotomies such as Zulu and Western, culture and modernity and blackness and whiteness (Gqola 2015, 37). The role of these dichotomies seemed to divide and unite groups and populations and thus overpowered and undermined the claim that a man who occupied a position of power raped a womxn (Cahill 2001, 114). The application of the concept of masculinity is historically associated with male dominance, yet historically the term was divided into three expressions or forms namely: (1) white masculinity (2) African masculinity and (3) black masculinity (Brownmiller 1975, 194). The first form describes the male ruling power that was at the time and continues to be occupied by white men. The second form or expression of masculinity identifies masculinity with geographical location insofar as colonialism distinguished indigenous groups who were occupied by men and womxn, who must have therefore expressed gendered identities distinct from Westerners (Gqola 2015, 154). The third, namely, black masculinity, is used to describe the African man's geographical shift from a rural to an urban setting because of colonialism (Gqola 2015, 37).

That the social interpretation of black masculinities is historically rooted in racism and colonialist motives suggests that even today it is a struggle to intelligibly communicate, makes sense of and negotiate what it means to be a black man in South Africa (Gqola 2015, 34). Insofar as Zuma called into question the authenticity of black manliness during his rape trial in 2005, together with his position of power and identity as a freedom fighter, it is not surprising the number of his followers who believed him when he claimed to have been doing nothing more than fulfilling his duty as a Zulu man. In doing so he established himself as a man, an identification with which many men find themselves wanting to be classified. The concept of racially specific masculinity to which Zuma appealed during his rape trial was archaic and presupposed male superiority (Cahill 2001, 111). This is the case because the notion of masculinities describes the relations between men while acknowledging the power men have over womxn (Brownmiller 1975, 236). The notion of male supremacy on which the former and other theories of hegemonic masculinities are predicated, function only insofar as womxn are rendered and interpreted through the collective hermeneutical resources as inferior and subordinate (Fricker 2006, 105). Furthermore, the hierarchies that are established between men, where different masculinities are categorised by interpretations of inferiority and superiority and often along racial lines, suggests a normative criterion of hetronormative and powerful masculinities (Gqola 2015, 194). The more powerful hegemonic masculinities are often interpreted through actions that display desired masculine qualities and are otherwise adorable features of the ruling class (de Beauvoir 1949, 197). The mark of hegemonic masculinities and therefore the mark of a *real* man is historically characterised by the power he holds (Gqola 2015, 21). The attainment of such power is the result of associated qualities such as strength or forcefulness, which when referring to masculinities are frequently held in relation to characteristics like bravery, determination, courage or will (Gqola 2015, 156).

Though masculinities are expressed in multiple forms and are thus multifaceted and differentiated through experiences, they tend to occupy more advantageous position within gendered power relations (Brownmiller 1975, 16). Black masculinities are socially and politically interpreted are having less power than white hegemonic masculinities, yet they are socially and politically constructed as more powerful than black womxn (Cahill 2001,

157). That those masculinities interpreted as weaker and thus less powerful are able to identify the kinds of actions that are typically associated with dominant hegemonic masculinities suggests that men are able to move up the masculine ladder and enhance so to say their masculine appearance by performing certain forms of action (Cahill 2001, 157). This line of reasoning has been used to account for the vast violence that occurs in economically unstable or struggling households who appear to have more instances of domestic abuse, child abuse and sexual violence against womxn and children than other more financially stable households (Brownmiller 1975, 389). The claim is that those who are disempowered are more likely to exert whatever power they might have over those with less power as a means to gain, enforce, enact and experience a sense of power that they otherwise feel they don't have (Brownmiller 1975, 398). After apartheid many black men were out of work, homeless, poor and seemed to generally experience an overwhelming sense of inadequacy. Men who fought in wars arrived home only to find that the work they once did is performed by the womxn who remained at home (Evans and Wolmarans 2006). These are both instances where men experience a lack of power, or a continued lack of power that is seemingly interpreted in some sense as emasculating, and therefore often given as a reason for the violence against womxn and children that occurs as a result of this feeling of interpreting and being interpreted as less of a man (Butler 2016, 3). This perspective is often offered as justification for male violence and violent masculinities, for it is argued that these actions are caused by experiences of worthlessness and inferiority (du Toit 2009, 80). But this is the very experiences and interpretations that are ordinarily within the West reserved for womxn qua womxn and have been since the rise of patriarchy in the fourth millennium BCE. (French 1993, 9).

This is of course not a line of thought to which I am even the slightest bit sympathetic. However, it is worth mentioning insofar as it offers an account that once again justifies male violence and fails to hold accountable the men who act violently (Brownmiller 1975, 386). This is the case because the discourse frames male violence and violent masculinities as hermeneutically connected to ideas of male suffering and is interpreted as a response to some other external systemic issue whereby masculinities are incommunicable if they are without total control over some subject and exist as more powerful than at least some others (Brownmiller 1975, 17). That these others tend mostly to be womxn and children would,

most likely, be justified in terms of physical strength and an appeal to hierarchies of difference. It is easy to feel powerful when power is exerted over someone who has been socialised not to fight back (Cahill 2001, 130). Black masculinities and the black male body are historically and contextually contingent upon images that represent black men as unapologetically predatory, inherently violent, inclined to crime and hypersexual by nature (Gqola 2015, 34). Unlike male whiteness that historically is identified with reason, intellect and the mind, the black man is inherently embodied (Brownmiller 1975, 212). He is represented and interpreted within the collective imaginations of the West as in perpetual pursuit of sex and sexuality and unequivocally thought as a dominant perpetrator of sexual violence against womxn and children, and thus treated with increased sense of suspicion (Evans and Wolmarans 2006).

4.2. The Construction of the 'Un-rapeable' Black Femxle Subject

Black womxn are also represented as hypersexual and the objectification of the black womxn's body feeds into the broader social realm that portrays them as promiscuous and therefore facing in little to no threat when it comes to sexual abuse (Adeniji 2015). Insofar as black womxn are within Western societies are depicted as overtly embodied, sex-crazed subjects, the suggestion is that black womxn are constructed as 'un-rapeable' (Adeniji 2015). It is not that Black womxn are not raped; rather the claim is that Black womxn are less likely to be believed when they claim they have been raped as they are interpreted and represented as promiscuous, hyper sexual and abundantly fertile (Collins 2006, 123). Race is an observable feature in the discourse (Gqola 2015, 37). Its presence in the discourse implies that it affects the subject's experiences, social relations, public perceptions, economic opportunities, and all other areas that make up public life (Gqola 2015, 38). The construction of the 'un-rapeable' black womxn reflects images of the hyper-masculine, hypersexual black man. And the two interpretations feed and play off each other (Collins 2006, 148). These images are positioned in opposition to norms pertaining to whiteness, meaning that the interpretive frameworks and collective hermeneutical resources thereof are contingently racist and perpetuate negative images that serve the continuation of institutionalised racism (Gqola 2015, 32/4).

The collective imagination of the West is fascinated with black male penis, interpreting

its size as unruly to demonstrate embodied black men as dangerous and hypersexual (Collins 2006, 161). The discursive narrative interprets the embodied Black male as a predator who is unable to control his sexual urges (Brownmiller 1975, 154). These discourses are produced through the precarious construction of black male sexuality and historically objectified through the commodification of his sexualised body (Collins 2006, 161). Within the Western symbolic order, these discourses functioned to dehumanize embodied black subjectivity (Collins 2006, 161). This construction of black male embodiment constituted mutually the construction of black femxle embodiment and the assumed desire for hypersexual black men (Adeniji 2015). The precariousness of black sexuality left black womxn open to various forms of violence premised on the false interpretation of her enjoyment of pain (Gqola 2015, 34). These representations construct black womxn as sexually indiscriminate and her body as a site of extreme sexual pain. Black womxn and children are rendered by this means vulnerable to sexual abuse in virtue of commonly held ideas and representations that establish relationships characterised by oppression and domination and ideologically based hierarchies of age, race and patriarchy (Gqola 2015, 40).

4.3. The Construction of Khwezi as 'Un-rapeable'

Race is an observable feature of the body that mark particular subjects and their experiences in distinct ways (Cahill 2001, 121). There are meaning(s) of rape that are present in encounters that occur between people of the same race that may otherwise not be seen in instances of rape that occur between people of different racial groups (Adeniji 2015). This makes it pertinent to consider the ways race played a vital role in rendering Khwezi as un-rapeable (Adeniji 2015). The construction of blackness within the collective imagination of the West clashed with discursive and cultural paradigms that underpin normative social relations (Gqola 2015, 26). Normative assumptions, attitudes and behaviors grounded in patriarchy and organised according to social hierarchies were located outside of the Western interpretive scheme (Cahill 2001, 126).

A version of hierarchical relations based on age became one central focus of the case and was portrayed by Zuma as a constituent feature of Zulu culture. Age is representative of the respect one warrants the older one gets. However, Zuma used the

distinction to justify his actions toward Khwezi (Gqola 2015, 27). According to the literature, it is customary within traditional Zulu culture for respect to be given to those who are older. Although not a direct line of inquiry within the Zuma rape trial, it does provide an analysis of aspects of the events that occurred during the trial. Specifically, regarding interest displayed by Zuma's supporters, it can shed light on the beliefs that seemed to justify and explain some of the actions and attitudes pertinent to the trial and its outcome (Adeniji 2015). Most importantly, that the trial was in some sense premised on the notion of consent, which is a contested notion (Gqola 2015, 21). This in some sense implies that any attempt to understand rape and sexual violence within the Western symbolic order further problematises and obscures the nature of the investigation (Gqola 2015, 121).

A womxn's agency and sexual subjectivity are often denied in what is defined as 'normal sex' yet required in order to prove that she has been raped (Reitan 2001). The nature of consent implies a social contract that theoretically renders individuals equal and voluntarily entering the social contract. However, womxn are positioned below men within the socially constructed hierarchy of the sexes and can therefore not be understood as equal as the notion of consent implies (Reitan 2001). Consent signifies an act of agency that is often beyond the possibility of experience for womxn, in virtue of the systemic patriarchal order in which they exist (MacKinnon 1998). Consent discourse often draws a picture where sex is an activity that men want, and womxn can choose to engage in (Gqola 2015, 81). Part of the nature of consent is that it implies a form of social contract between the participants. Consequently, consent carries gendered baggage that "has the potential to empower and/or disempower womxn" (Cowan 2007, 92, 31). Patriarchy and the Western symbolic order seem to render the notion of consent nonsensical for power imbalances give rise to coercive conditions rendering the term nonsensical (Cahill 2001, 111).

Patriarchy has within it firmly embedded sex-based norms that have established and perpetrate a conception of men and womxn that feed into all spheres of human life (Butler, 2016, 18). These socially constructed power imbalances create an artificial hierarchy of the sexes that positions men above womxn (Cahill 2001, 119). The hierarchy of sexes paradigmatically defines rape, since it is seen as expression of the oppression of womxn (Cahill 2001,115). The notion of involuntary consent describes instances of

manipulation, coercion and physical intimidation, which might cause a womxn to 'give up' or 'give in' when confronted with unwanted sexual propositions (Reitan 2001, 49). Involuntary consent is in fact not consent at all, but rather occurs when sexual actions have been imposed on a womxn without her feeling like she is able to reject them (Reitan 2001, 44). The fact that 'normal sex' renders womxn without agency, yet in rape cases, her agency is assumed insofar as the burden of proof rests on her to prove that she has been raped against her will and without her consent points to a contradiction (Reitan 2001, 41). The inherent contradiction within the legal definition of rape and the social conception of 'normal sex' denies womxn sexual subjectivity and promotes male agency through male dominated conceptions of sex and by that virtue, what counts as sexual assault (Cahill 2001, 124).

The rape trial of Jacob Zuma was premised on the notion of non-consensual or involuntary consent as the claim was that Jacob Zuma "had sexual intercourse with her (Khwezi's) without her (Khwezi's) consent" (Moloi 2006, 3). Zuma is himself a proud Zulu man, and although his interpretation ought not to be representative of every Zulu person, the version he appeals to during the trial was aligned with the traditional belief that respect is ordered along ageist lines (Evans 2006). Zuma, who was 64 years old at the time was older than Khwezi (31 years old). Analysed through the lens of age-based hierarchical cultural structures, this fact means that Khwezi would have been expected to show 'respect' toward Zuma. 'Respect' in this sense is characterised by power relations, based on age and sex, where it is culturally acceptable for men to expect particular behaviors from womxn and girls (as well as boy children) that serve as justification for the mistreatment of these submissive groups (Jewkes, Penn-Kekana and Rose-Junius 2005).

Social hierarchies within some traditional settings create an environment where violence against those constructed as subordinate occurs and frequently goes unchecked. That Khwezi was younger than her accused rapist means that it stands to reason that the power relations holding between them were based on more than Zuma's position of power within the broader social sphere (Fricker 2006, 98). The age difference suggests that Zuma might have expected Khwezi to act in accordance with this notion of respect, which rendered her consent or non-consent irrelevant anyway (Reitan 2001). It is not uncommon for womxn and girls to be subjected to forms of violence of a sexual nature as they are

often expected to perform these sexual 'duties' (Weir 2013). This feeds into the rape myth which was also brought up within the rape trial that it is expected of a Zulu man to follow through with any sexual advances for if he fails to do so he will be seen as being 'less of a man' (Butler 2016, 17). His masculinity is premised on the notion of sexual fulfillment, and his age determines his access to power and control with which he can justify his actions.

Zuma, who claimed to be acting as a *real Zulu man*, appears to demonstrate his belief in both (a) that his age determines his access to power and (b) his sexual urges ought to be satisfied (Gqola 2015, 148). Consent is in fact not a factor within such circumstances, as according to this thinking, it seems rather that it is an expectated behavior, which has been normalised and justified through misuse of cultural beliefs and in accordance with social hierarchies (Cahill 2001, 126). Further, as the trial evidence showed that Khwezi was accustomed to calling Zuma by the name 'malume' which means uncle, it seems reasonable to suppose that their relationship was characterised by what Khwezi thought of as safety and trust, for she had known Zuma for a long time and considered him family (Gqola 2015, 108).

Given that she had lost her father and Zuma had in fact been very close to her father, it is easy to see how she might have formed a bond with Zuma as a father figure (Gqola 2015, 109). Consider again, that the version of Zulu culture to which Zuma seemed to appeal is one in which the older man can ordinarily exert his culturally approved power over womxn and children implies that Zuma was likely to abuse this role of father-figure and in doing so remained faithful to his cultural heritage (Gqola 2015, 113). The case also brings up notions of the private and public realms, insofar as many instances of rape or sexual violence that occur between or within families are considered to be of relevance to family members only and are therefore dealt with privately (Weir 2013). For instance, Zuma attempted to bribe Khwezi and asked her to marry him rather than pursuing the charges against him. This seems to indicate that again Zuma felt it culturally acceptable to 'fix' what he had done by making Khwezi his wife (Gqola 2015, 121).

Further, it is evident that notions of womxn and property are once again revealed and adopted with what can only be considered as Zuma's idea of culturally acceptable norms and actions (Gqola 2015, 82). Looking at Zuma's status and constructed version of

masculinity that he based primarily on his own interpretation of Zulu culture, it can be argued that his action was in fact an overt abuse of power (Weir 2013). It was also an abuse of Khwezi's trust, for she saw him as a father figure with whom she felt safe (Gqola 2015, 35). Many incidents of rape and sexual violence occur between subjects known to each other. Yet, for this reason it becomes seemingly more difficult to prosecute as many cases do not even end up being reported (Brownmiller 1975, 175). The reasons for this are varied and multiple, but to name a few, it includes economic dependency, lack of family support, a general disbelief of the claim and a belief that the action is within the rights of the perpetrator as he is older and powerful (Jewkes, Penn-Kekana and Rose-Junius 2005).

During the trial Khwezi claimed to have 'frozen' when Zuma, who was naked climbed on top of her while she was trying to sleep. Zuma's defense team agreed that if Khwezi had not wanted to engage in sexual intercourse with Zuma that she would have screamed or fought him off (Gqola 2015, 145). However, this is a man who she had long trusted and considered a father figure. The court failed to take seriously how terrifying and utterly unexpected these actions would have been for Khwezi, for she had no interest in this man sexually nor did she even have a sexual interest in men. However, the court instead ruled that her behavior was an indication of having consented to the sexual advances made by Zuma that night (Gqola 2015, 143). It was not considering that she was scared, shocked and horrified at what was happening, and that was what caused her to freeze (Gqola 2015, 145). It seems that rape is something where one is believed to act in accordance with the fight theory. Thus, in instances where the survivor is said to have frozen, which can be characterised in terms of flight (an avoidance of what is happening), she is deemed unworthy of public and legal belief in her claim (Fricker 2006, 103).

Khwezi identified herself as a lesbian, a sexual orientation which is historically susceptible to forms of corrective rape which is believed by the perpetrator to be a 'cure' for her otherwise obscure interest in same-sex sex (Collins 2006). The belief that sexual orientations such as lesbianism is something that can be cured not only indicates that it is interpreted as an ailment but also that it is wrong insofar as corrective rape is also a form of punishment (Gqola 2015, 151). This was not a feature of the Zuma rape trial, and although Khwezi's sexual orientation was mentioned, it was immediately disregarded because she had engaged in sex with men before (Gqola 2015, 36). This was seen to show

that her claim did not cohere with the general public's notion of a lesbian. The disregard for her sexual orientation and refusal to believe she was lesbian suggest that her claims were hermeneutically marginalised (Fricker 2006, 100). She was rendered 'un-rapeable' insofar as she was an unmarried womxn at a powerful older male's house who chose to spend the night even though she was not engaged in a romantic relationship with the man (Gqola 2015, 32). That indicated to the court that Khwezi must have wanted to have sex that night with the man in question, as otherwise her reason for being there at all was unintelligible to the court it seems (Collins 2006, 161).

Khwezi had laid charges of rape against two other men prior to her charge against Zuma. This for Zuma's defense team constituted an evidence in the courtroom for her false accusations both in the past and in the case she brought against Zuma (Reddy and Potgieter 2006). Her testimony was discredited insofar as she was shown to have lied in the past and therefore the court was given no reason to believe her claims now (Fricker 2007, 161). It seemed as if it were also a ploy used in order to show that Khwezi has in fact been engaged sexually with men in the past, as indicated by the cross-examination whereby her past sexual history was given as *evidence* (Reddy and Potgieter 2006). The social and political construction of the 'un-rapeable' is constituted by discursive social interpretations through which the subject's testimonial credibility is undermined in virtue of the social category to which the subject is identified as belonging to (Fricker 2006, 103).

The discursive function of these interpretations is to undermine and obscure the subject's communicative abilities to both herself and the broader community. The normativity of black womxn who are raped by black men (and white men) is established through the current collective hermeneutical resources (Fricker 2007, 14). This creates a social and legal environment whereby the claims of these subjects are interpreted as lacking in seriousness (Collins 2006, 131). The desensitisation caused by pervasive discourses thereof suggests that when cases are brought forward, the emphasis, as it was in the case brought against Jacob Zuma, is on gender politics rather than on rape itself (Waetjen and Maré 2009, 32). The discourses and interpretations offered in the most normative sense establish an attitude whereby one tends generally to accept that black womxn get raped, and that the rape of a black womxn is somehow less shocking and more tolerated by society (Cahill 2001, 127). This is the case because the collective hermeneutical resources which

are readily available perpetuate the interpretive views of those in power as we see throughout history.

Conclusion

The West is organised according to a hierarchy that is based on sex (de Beauvoir 1949, 28). This outlook privileges men over womxn and implies that it is men who experience a greater sense of social power and have more opportunities to exert such power over those weaker or with less power, namely, womxn (Cahill 2001, 121). The experience of oneself as sexually vulnerable, in virtue of one's socially and politically constructed ontological fragility, I claim, means that one experiences oneself as 'rapeable' (Gqola 2015, 80). The consideration here of the construction of bodies as 'rapeable relies on the interpretation of 'rapeability' as fundamentally conceptual and linguistic (Butler 2016, 16). This means rapeability is necessarily affected and in turn affects the experiential interpretations of experiencing oneself. The construction of 'rapeable' bodies is therefore best understood when analysed in terms of its conceptual power that comes about because of the ways in which forms of embodiment are interpreted within and through Western academic discourses (Cahill 2001, 120).

Western collective imagination structurally oppresses and disadvantage particular kinds of embodiment (Cahill 2001, 121). This affects the ways in which expressions of embodiment are experienced and interpreted. As womxn's social experiences are consistent with oppressive structures that interpret womxn as sexually irrelevant, it is no surprise that womxn experience the threat of rape to a larger degree than men qua men (Brownmiller 1975, 16/17). The argument presented concludes therefore that the collective hermeneutic resources obscure the experiences and interrelated triad of womxn qua womxn and specifically black womxn (Brownmiller 1975, 131). This served as the foundational argument upon which the rest of my consideration unfolded. The justification for this should be apparent if one accepts that the intelligibility and communicability of oneself to others and ones understanding of the world draw on available collective hermeneutical resources (du Toit 2009, 59). These collective resources constitute the available discursive narratives that give rise to and sustain the unequal distribution of power through which the hierarchical framework that privileges men over womxn are formed (Cahill 2001, 122).

The available collective hermeneutical resources that fail to adequately describe the social experiences of femxle embodied subjectivities are therefore unable to support the construction of a coherent self-narrative (Fricker 2007, 161). The available discourse as a result perpetuates prejudicial bias that serves to maintain current status quo historically constituted by means of sexed hierarchy (Cahill 2001, 127). Although this claim supports my fundamental argument, it should not be confused with the main argument I propose, which is that the construction of 'rapeable' bodies is an instance of hermeneutic injustice (Fricker 2007, 159). I argue that currently available collective hermeneutical resources deliberately obscure the social experiences of embodied femxle subjectivities and render their self-world-other interpretations unintelligible and incommunicable to both themselves and to others (du Toit 2009, 76). This is because the epistemological and hermeneutical paradigms are structured according to a hierarchisation of sexual difference, which is a function of patriarchy aimed at total disempowerment and institutional subjugation of embodied femxle subjectivities (Cahill 2001, 123). Stereotypic generalisations, biases and prejudices are inherent in the Western collective imagination within which rape myths and the discursive meanings of rape are constitutively produced (French 1992, 17). Subsequently, social discourses and narratives fail to describe embodied femxle subjectivities for whom communicative intelligibility of self-world-other is thwarted by the rendering of her social experiences as obscure (Fricker 2007, 114).

Narratives of difference distinguish those that are ontologically vulnerable because of identity and the construction of femxle embodiment as 'rapeable' (Cahill 2001, 120). This destroys femxle sexual subjectivity both symbolically and individually (du Toit 2009, 66). The consequence is the thought that the discursive and social construction of 'rapeable' bodies is an instance of hermeneutical injustice, a specific form of epistemic injustice (Fricker 2007, 115). Available collective hermeneutic resources of the Western epistemological order deliberately obscure social experiences and self-interpretations of the embodied femxle subject. Moreover, femxle subjectivity is rendered sexually irrelevant as a result, meaning the symbolic destruction of her sexual subjectivity. Against this background, she is constitutively interpreted as sexually vulnerable which she experiences as the constant threat of rape (Cahill 2001, 121).

The constitutive relation of self-world-other interprets mutually her embodied

vulnerability, and furthermore her social experiences as communicatively unintelligible. This occurs through a collective hermeneutical omission of discursive narratives able to interpret her social experiences (du Toit 2009, 56). She is thus constructed within Western collective imaginations as 'rapeable' on a symbolic and individual level (Cahill 2001, 123). The hermeneutical obscuring that occurs constitutes an instance of hermeneutical injustice (Fricker 2007, 115). This is demonstrated by communicative unintelligibility that prohibits coherent social and self-interpretations rendering the subject incapable of communicating social experiences to herself or to others (Fricker 2007, 162). She is denied an essential feature of constructing a coherent self, namely, affirmation in the form of available descriptions and narratives that interpret her social experiences successfully (Fricker 2007, 161).

References

Adeniji, L. (2015). *The Unrapeable Black Woman: How the Lack of Legal Protection Through the Centuries Promoted the Tradition of Unreported Sexual Assaults*. Social Research Network. Available at: SSRN: https://ssrn.com/abstract=2702861

Alcoff, L. (2006). *Visible identities*. London: Oxford University Press.

Battersby, C. (1998). *The Phenomenal Woman: Feminist Metaphysics and the Patterns of Identity.* Cambridge: Polity Press.

Bogart, J. (1995). *Reconsidering Rape: Rethinking the Conceptual Foundations of Rape Law*. The Canadian Journal of Law and Jurisprudence. 8(1): 159-82.

Braidotti, R. (1994). *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory*. New York: Columbia University Press.

Brison, S.J. (2002). *Aftermath: Violence and the Rethinking of a Self*. Princeton University Press.

Brownmiller, S. (1975). *Against Our Will: Men, Women and Rape*. Ney York: Simon & Schuster, Pelican Books edition.

Brownmiller, S. (1990). *In Our Time: Memoir of a Revolution.* New York: Dial Press.

Buiten, D., Naidoo, K. (2016). *Framing the problem of rape in South Africa: Gender, race, class and state histories.* Current Sociology Monograph, 64(4), 535-550.

Burgess-Jackson, K. (1993). *The Problem with Contemporary Moral Theory*. Hypati 8(3):160-166.

Butler, J. (2004). *Precarious Life: The Powers of Mourning and Violence.* London: Verso.

Butler, J. (2016). *Rethinking Vulnerability and Resistance*. Duke University Press.

Cahill, A. (2001). *Rethinking Rape.* Ithaca: Cornell University Press.

Carver, T., Chambers, S. (2008). *Judith Butler's precarious politics*. London: Routledge.

Ceruti, C. (2008). *African National Congress change in leadership: what really won it for Zuma?* Review of African Political Economy 35(115):107-114.

Collins, P. (2006). *Black sexual politics*. New York: Routledge.

Core, L. (2009). *A New Epistemology of Rape.* Philosophical Papers, 38(3):327-345.

De Beauvoir, S. (1949). *The Second Sex*, trans. and ed. H. M. Parshley, London: Vintage.

Dolezal, L. (2009). *Self‐Transformations: Foucault, Ethics and Normalized Bodies*. International Journal of Philosophical Studies, 17(2): 345-358.

Duff, R. (2001). *A Most Detestable Crime: New Philosophical Essays on Rape*. Mind 110(439):729-732.

Du Mont, J., Miller, K. & Myhr, T. (2003). *The Role of "Real Rape" and "Real Victim" Stereotypes in the Police Reporting Practices of Sexually Assaulted Women.* Violence Against Women 9(4):466-486.

Du Toit, L. (2009). *Introduction: Meaning/s of Rape in War and Peace.* Philosophical Papers 38(3):285-305.

Du Toit, L. (2009). *A Philosophical Investigation of Rap*e: *The Making and Unmaking of the Feminine Self*. New York: Routledge.

Evans, J., Wolmarans, R. (2006). *Timeline of the Jacob Zuma Rape Ttial*. The Mail and Guardian. Available at: https://mg.co.za?article?2006-03-21-timeline-of-the-jacob-zuma-rape-trial?

Fineman, M. (2008). *The Vulnerable Subject: Anchoring Equality in the Human Condition.* Yale Journal of Law & Feminism, 20(1):8-40.

French, M. (1993). *The War Against Women*. New York: Ballantine Books.

Fricker, M. (2007). *Epistemic Injustice: The Power and Ethics of Knowing*. Oxford: Oxford University Press.

Fricker, M. (2006). *Powerlessness and Social Interpretation*. Episteme: A Journal of Social Epistemology, 3(1):96-108.

George, W., Martínez, L. (2002). *Victim Blaming in Rape: Effects of Victim and Perpetrator Race, Type of Rape, and Participant Racism.* Psychology of Women Quarterly, 26(2):110-119.

Gordin, J. (2008). *Zuma: A Biography,* Johannesburg and Cape Town: Jonathan Ball.

Gqola. P.D. (2015). *Rape: A South African Nightmare.* Auckland Park: MFBooks. Joburg, Jacana Media Imprint.

Gunner, L. (2008). *Jacob Zuma, The Social Body and the Unruly Power of Song*. African Affairs 108(430):27-48.

Habermas, J. (1990). *Moral Consciousness and Communicative Action*. Cambridge, Mass.: MIT Press.

Hassim, S. (2013). *Violent Modernity: Gender, Race and Bodies in Contemporary South African Politics*. Politikon: South African Journal of Political Studies, 41(2): 167-182.

Hassim, S. (2009). *Democracy's Shadows: Sexual Rights and Gender Politics in the Rape Trial of Jacob Zuma*. African Studies, *68*(1): 57-62.

Heberle, R., Grace, V. (2011). *Theorizing Sexual Violence*. New York: Routledge.

Heidegger, M (1927). *Being and Time*, trans. J. Macquarrie and E. Robinson, Oxford: Basil Blackwell.

Hengehold, L. (1993). *Rape and Communicative Agency: Reflections in the Lake at L.* Hypatia, *8*(4): 58-60.

Hutchings, K. (2007). *Feminist Ethics and Political Violence*. International Politics 44:90-106.

Jenkins, K. (2016). *Rape Myths and Domestic Abuse Myths as Hermeneutical Injustices.* Journal of Applied Philosophy, 34(2): 195-205.

Jewkes, R., Sikweyiya, Y., Morrell, R. & Dunkle, K. (2016). *Why, When and How Men Rape: Understanding Rape Perpetration in South Africa.* South African Crime Quarterly, 34(10): 171-195.

Lloyd, G. (1993). *Man of Reason: Male and Female in Western Philosophy*. 1st ed. Methuen Publishing.

Lonsway, K. A., Fitzgerald, L.F. (1994). *Rape Myths: In Review*. Psychology of Women Quarterly, 18(2):133-164.

MacKinnon, C. (1991). *Reflections on Sex Equality Under Law.* The Yale Law Journal, 100(5): 1281-1328.

MacKinnon, C. (2007). *Women's Lives, Men's Laws*. Cambridge, Mass.: Belknap Press of Harvard University Press.

Merleau-Ponty, M. (1962). *Phenomenology of Perception*. New York, Humanities Press.

Mills, C (2000). *Efficacy and Vulnerability: Judith Butler on Reiteration and Resistance*. Australian Feminist Studies, 15 (32): 265–271.

Mills, C. (1998). *Blackness Visible: Essays on Philosophy and Race.* Ithaca: Cornell University Press, 1998, Project MUSE.

Morrell, R., Jewkes, R., & Lindegger, G. (2012). *Hegemonic Masculinity/Masculinities in South Africa*. Men and Masculinities, *15*(1), 12-25.

Moloi, J. (2006). *The Case of Zuma vs. The State: Implications of Allowing Evidence of Sexual History in Rape Trials*. South African Crime Quarterly, 18:2413-3108.

Oyewumi, O. (2016). *Gender Epistemologies in Africa*. New York: Palgrave Macmillan.

Oyewumi, O. (1997). *African Women and Feminism*. Trenton: Africa World Press.

Phatlane, S. (2013). *The ANC Youth League: A Jacana Pocket History.* African Historical Review, 45(1), 75-76.

Reddy, V., Potgieter, C. (2006). *'Real Men Stand up for the Truth': Discursive Meanings in the Jacob Zuma Rape Trial*. Southern African Linguistics and Applied Language Studies, 24(4): 511-519.

Rosenstein, J., Carroll, M. (2015*). Male Rape Myths, Female Rape Myths, and Intent to Intervene as a Bystander*. Violence and Gender, 2(4): 204-208.

Robins, S. (2006). *Sexual Rights and Sexual Cultures: Reflections on "The Zuma Affair" and "New Masculinities" in South Africa.* Horizontes Antropológicos, 12(26): 149-183.

Motsei, M. (2007). *The Kanga and The Kangaroo Court: Reflections on The Rape Trial Of Jacob Zuma.* Jacana.

Sheth, F. (2015). *Framing Rape: Patriarchy, Wartime, and the Spectacle of Genocidal Rape*. Philosophy Today, 59(2): 337-343.

Southall, R. (2011). *Family and Favour at the Court of Jacob Zuma*. Review of African Political Economy, 38(130): 617-626.

Stoljar, N. (2012). *The Metaphysics of Gender.* Oxford: Oxford University Press.

Suttner, R. (2009). *The Jacob Zuma Rape Trial: Power and African National Congress (ANC) Masculinities.* Nordic Journal of Feminist and Gender Research, 17(3): 222-236.

Tan, H., Wilson, A, & Olver, I. (2009). *Ricoeur's Theory of Interpretation: An Instrument for Data Interpretation in Hermeneutic Phenomenology*. International Journal of Qualitative Methods, 8(4): 1-15.

Waetjen, T. and Maré, G. (2009). *Tradition's Desire: The Politics of Culture in the Rape Trial of Jacob Zuma.* Theoria, 56(118) 63-81.

Weir, A. (2017). *Identities and Freedom*. Johannebsurg: MTM.

Winkler, R. (2016). *Identity and Difference*. Cham: Springer International Publishing.

Young-Bruehl, E. (1998). *The Anatomy of Prejudices*. Cambridge, Mass: Harvard University Press.