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A Genealogy of Rape through a Feminist Imaginary

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Abstract

The subject of gender violence is complex because our conceptions of what constitutes violence have historically evolved. Therefore, I propose that we should try to understand gender violence neither in abstract nor in essentialist ways, but within historical frameworks and through concrete examples. In this essay I will focus on a historical genealogy of our moral views about gender violence, and, in particular, on the figure of what we call today “rape.” The question of rape is but one example of the long history of gender violence. However, this example is important to understand how violence and gender violence are related to specific conceptions of political and sexual sovereignty. My claim is that we need to pay attention to how is it possible to understand the role of imagination to interpret gender violence nowadays. My conclusion is that the moral filters that configure our “feminist imaginary” have changed our views about rape.

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A Genealogy of Rape through a Feminist Imaginary

I used to read the Spanish newspaper *El País* on a daily basis. In addition to its coverage of international and national politics and culture, during the former government of José Luis Rodríguez Zapatero, a social democrat primer minister, there was always news about women being subjected to violence at the hands of husbands, ex-boyfriends, or partners. I've always wondered whether Spain is a society where violence against women is more persistent than in other countries, or whether we should interpret that this kind of information in newspapers has to do with something else, like a wider public concern about violence against women which has become an important problem about justice that needs to be solved institutionally in Spain. Indeed, during Zapatero's government, Spain created a Ministry for women's affairs, which considered violence against women to be a crime that should be penalized by the Constitution. Most of the ministeries during Zapatero's government were handled by women, making his first period as prime minister an exceptional one in the history of European democracy. This is why they paid so much attention to cases in which women are killed, burned, stabbed, or murdered by their male partners. Thus, I have arrived to the conclusion that the real difference between Spain and other countries lies in the fact that the Spanish government made gender violence a priority concern and built up policies by women that have fostered an awareness about this problem since violence is most apparent in the asymmetries of gender is relations even in modern democracies. Women of today still suffer at the hands of their partners, former boyfriends, or male relatives. Unfortunately, this period of exceptional concern for women in Spain is gone since the conservative party (PP) won the last general elections and the progressive votes were absent due to the civil society's lack of trust in professional politicians and parties. I can only conclude that Spain owes a great deal to those feminist activists who were leading such an initiative, made a huge impact in the Spanish society, and forced its citizens to acknowledge how these kinds of crimes connect violence to power in ways that go back to the most traditional patriarchal past. As Kwame Anthony Appiah claims, even today "Masculinity in this world is defined by the capacity for violence."¹

The subject of gender violence is complicated because our conceptions of what constitutes violence have historically evolved. Violence has been given a great deal of attention recently, if only because we have gained some awareness of the historicity of the meaning of violence and its relationship with power in gender violence. This connection is not natural but its meanings have changed as much as the rationality behind the uses of

¹ Kwame Anthony Appiah, *The Honor Code: How Moral Revolutions Happen* (New York and London: Norton & Company, 2010), 141.

gender violence in history. Indeed, Johanna Oksala claims that “violence is constitutive of meaning, its constitutive function must always be understood through concrete practices of violence, not in terms of pure or original violence as such.”² Thus, the relation between gender violence and power and violence should be framed historically and with concrete examples related to specific sources (tradition, culture, patriarchal structures, capitalist ways of understanding paid, and unpaid labor, etc.). However, my claim is that gender violence is one of those problems that has changed our perceptions about the meaning of violence in contemporary democracies, and we need to look to other places as well since gender crime is widespread. In my book *Narrating Evil*, I claimed that our notions of evil are all historically constructed.³ They are the product of specific stories that have allowed us to analyze what we mean when we say that something needs to be considered to be an act of evil. I also argued that problems related to evil actions are not entirely defined by previous definitions of justice, though justice plays an important role when typifying them as specific gender crimes. Nothing exemplifies our efforts to understand gender violence against abstractions and essentialist ways than offering stories that depict gender violence in particular contexts and within a historical frame. In the first part of this chapter, I will focus on a historical genealogy of our moral views about gender violence, and, in particular, on the figure of what we call today “rape.” As Estelle Freedman rightly argues “*rape* is a word in flux, and how we understand violence ...helps determine who is entitled to sexual and political sovereignty.”⁴ Thus, in the first part of this chapter, I will focus on how ancient literature and the constructions of mythical tales dealt with the violation of women. In the second part, I will argue that feminism became an important force in an effort to address the problem of gender violence only in the twentieth century. This was because organized work took place to understand gender violence in a broader context as a form of violence that involves different dimensions of gender crimes that simultaneously relate or intersect between gender, class, race, and age. However, a great deal of how these crimes have occupied a space of the social imaginary is where we should focus in order to understand what or how we have articulated our moral, legal, and political views, and norms articulating the collective imagination and the conceptualization of rape as a legal, moral, and political crime. In the third part, I will also show that the category of representation, or what Chiara

² Johanna Oksala, *Foucault, Politics, and Violence* (Evanston, Illinois: Northwestern University Press, 2012), 38.

³ María Pía Lara, *Narrating Evil: A Postmetaphysical Theory of Reflective Judgment* (New York: Columbia University Press, 2007).

⁴ Estelle B. Freedman, *Redefining Rape. Sexual Violence in the Era of Suffrage and Segregation*. (Cambridge, Massachusetts, and London, England: Harvard University Press, 2013), 10-11.

Bottici has called “the imaginal”⁵ in literature, films, and news, since it has provided an important scenario to conceptualize the interrelationship between power and gender violence. My claim is that this is not only a philosophical or theoretical question, but it is largely a practical question that concerns all our current social and political practices. In the third part, I will propose my theoretical way⁶ to address the historical problem of conceptualizing rape as a concrete example of gender violence, a matter inscribed within the rules of sovereignty in political terms (of the body and of the mind) and as the axis of the intersections of the “relations of ruling.” Chandra Mohanty has argued that we should be inspired by Dorothy Smith’s original definition of the term because it relies on hegemonic constructions that permeate gender inequality in all dimensions of life.⁷ Such a definition presupposes differences between classes, race, gender, but we must add now age. Here I claim that intersections are dimensions to be added since we are constantly reassessing our views and understanding exclusion, domination, and violence. The conclusion will show that our moral filters that configure our “feminist imaginary” have changed our views about rape and why we need to pay attention to how is it possible to use the imagination to interpret gender violence nowadays. The question of rape is but one example of the long history of gender violence. All cultures, as Robert Pippin claims:

being the subjects of deeds that are categorically distinctive events, being subjects whom others hold accountable for their deeds—is much more like a variable social status instituted and sustained by the relevant social attitudes shared in a community at a time than it is like being a unique sort of entity, one either exempt from the causal laws of the spatio-temporal universe or possessed of a distinct psychological structure and mode of causation that requires a distinct logical form of explanation. (Robert B. Pippin, *Fatalism in American Film Noir. Some Cinematic Philosophy* (Charlottesville and London: University of Virginia Press, 2012), 101.)

⁵ “The Imaginal,” says Bottici, “is made by images in the most radical sense of the term, that is images as (re) presentations that are also presences in themselves.” Chiara Bottici, “Bodies in Plural: Towards an Anarcha-Feminist Manifesto” (manuscript from a given lecture delivered at the New School for Social Research, September 2015), 11.

⁶ María Pía Lara, *Narrating Evil*.

⁷ Mohanty argues: “All forms of ruling operate by constructing, and consolidating as well as transforming, already existing inequalities. In addition to the construction of hegemonic masculinities of state rule, the colonial state also transformed existing patriarchies and caste/classes hierarchies.” Chandra T. Mohanty, *Feminism Without Borders. Decolonizing Theory, Practicing Solidarity* (Durham and London: Duke University Press, 2004), 61.

A Genealogy about Gender Violence

Both Plato and Hobbes articulated the connection of violence to the law. The historical genealogy of these contributions made violence appear as naturally connected as it was constructed with specific purposes of the founding the laws (Plato) and the role of the state (Hobbes) while instituting the white-male dimension of “the rules of ruling” through practices that defined the norms of historical societies. By ascribing the new forms of state government as the authorship of the rules of ruling in terms of sovereignty in gender relations as well, we will grasp how the importance of the notion of gender violence was clearly attached to the conception of male sovereignty and the meaning of private property.⁸ I agree with Johanna Oksala who claims:

Rather than understanding political violence uniformly as an instrumental means of consolidating various forms of power—whether male domination, the penal system, or the hegemony of liberalism—I argue that we have to understand the specific and distinct rationality that practices of violence attain in different power networks in order to effectively criticize them. It is precisely the *meaning* and *rationality* of violence that are the crucial interconnections for its possible [political] contestation. (Johanna Oksala, *Foucault, Politics, and Violence* [Evanston, Illinois: Northwestern University Press, 2012], 9)

Thus, rape relates to the sovereignty of the body in the construction of the asymmetries of human relations, but it also relates to how class and the notion of property made women’s status appear as visible or as invisible crimes against them.

In our times we are more aware of contingencies of violence rather than the necessity first proclaimed by certain views of the political. However, gender violence seems to be a persistent trait of gender relationships. Therefore, capturing these historical experiences has been key in changing our present understanding of the ways in which violence articulates norms, customs, class, and status. The idea that violence is only instrumental and has no “meaning,” as Arendt thought, other than to facilitate a specific goal which was also a product of our misunderstanding of the concept if we focus on the asymmetries of gender relationships.⁹ Again, I agree with Oksala when she reiterates Foucault’s views about violence as having its own “rationality” and is historically embedded in certain practices that correlate power with violence and violence to the

⁸ See: Carol Pateman, *The Sexual Contract* (Stanford, California: Stanford University Press, 1988).

⁹ Hannah Arendt, *On Violence* (San Diego, New York, and London: Harcourt Brace & Company, 1970), 46.

political male sovereignty. Gender violence is most apparent than in the fact that there is a “rationality” behind such practices. Therefore, we should begin to frame these stories of gender violence in their particular and contextual structures in order to understand how the original meaning was constructed through several different historical examples from different historical societies. Gender violence from all cultures and societies has been widely discussed in many of the multicultural debates of recent years,¹⁰ and it has been thematized again and again when the discussions have focused on religions and on cases that defend human rights. The second wave of feminism—the one that is known to be influenced by the cultural turn—seems to have complicated the issue of gender violence. This is because many of the multicultural perspectives of feminists who wanted to defend the symbolic meanings and weight of cultures were not critical enough of gender relationships through the “rules of ruling” within the structures of class and property rights. Therefore, the best approach to articulate these different dimensions should be the concept of intersectionality coined first by Kimberlé W. Crenshaw.¹¹ While I follow Chiara Bottici’s proposal to consider intersections as open and disaggregated,¹² it is quite clear that we need to consider identities not as essentialist, but as political positions taken by actors when they want to highlight a particular dimension where domination is made possible or when they want to impose exclusions due to race, gender, class, or status. I also agree with Georgia Warnke about how those identities cannot help but be considered in terms of historical interpretations that can change by the ways we interpret particular historical and political conflicts.¹³ Thus, the claim of using this kind of paradigm to offer a way of understanding the crisscrossing of different dimensions where class, race, gender, and other identities encounter have a significant way of overlapping. This allows us to visualize gender violence as it appears as political construct that helps us articulate or analyze specific rationalities behind certain violence exercised against women. The question for us should be how to elucidate why so many different societies and cultures share this perspective of gender violence, and if it is possible to trace some of these general traits to the intersections of concrete cases of rape through a feminist imaginary.

¹⁰ A key book exploring this problem is: Susan Moller Okin, *Is Multiculturalism Bad for Women?* (Princeton, New Jersey: Princeton University Press, 1999).

¹¹ See: Kimberlé W. Crenshaw, “Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory, and Anti-Racist Politics,” in *Framing Intersectionality: Debates on a Multi-Faceted Concept of Gender Studies*, edited by Helma Lutz, María Teresa Herrera Vivar, and Linda Supik (Burlington Vermont: Ashgate, 2011), 25-42.

¹² Chiara Bottici, “Bodies in Plural: Towards an Anarcha-Feminist Manifesto,” *Thesis 11* 142, no. 1: 4.

¹³ See: Georgia Warnke, *Debating Sex and Gender* (New York and Oxford, England: Oxford University Press, 2011).

However, recently we have become more aware about certain kind of crimes that can be related to women in spite of their differences of social, racial, and economical status in countries like Afghanistan, India, or Mexico. I claim that these ways of thematizing the problem of gender violence have been clearer—less obscured by theoretical and ideological positions—precisely because they have been explored through concrete stories in films and in the uses of collective imagination through the concrete representation of rapes and of ethnic cleansing that happened in a systematic scale in the former Yugoslavia, Darfur, and Rwanda, and which was later publicized by many international newspapers and later on in films. These stories have made us reconsider what we once saw only as consequences of a more general frame behind gender violence which is so typical of wars and of ethnic conflicts.

Reassessing the Historicity of Gender Violence: Rape as an Example

Ancient Greek and Roman literature offered us many stories about violations, but they were always related to the foundation of their cities. The first time that a concept of *violence* (S. XIII) appears against women in Europe came from the Latin word *violentia* and *violentus* which was meant to describe acts that were vehement and forcible. But the the Latin word *violentus* was used in France for the first time as *violation* and was meant to describe “an injury, irreverence, profanation” (it relates also to the Latin word *violationem*), and ended up coining the verb *violare* which meant specifically “to treat [others] with violence, outrage, and dishonor.” The French revolutionaries often used this term against the absolutist state and civil society described then as the State—*abusive* practices.

On the other hand, the legal term “*raptus*” originated in Roman law and was used to refer to the forcible abduction of a woman from her legal domicile. It was considered a property crime committed not against the woman herself, but against her husband or father. The English word “rape” derives from this Latin coinage (Italian and Spanish use the term *raptio* to describe abduction), but the full semantic transformation to the specific connection to violence was a rather long and disturbing process over the course of centuries.

The Latin origins of “*raptus*” comes from “*rapiō*” which means to “seize.” That is how it was used in Roman mythology when the men of Rome committed a mass “abduction” of young women from other cities in the region. The story was known as The Rape of the Sabine Women. The Roman historian Livy¹⁴ used the term “*raptio*” to describe how, after

¹⁴ Livy, *Ab Urbe Condita*, Book 1. Ch. 9.

Romulus founded Rome, he ordered Romans to abduct the Sabine women. However, Livy did not include sexual violence in the story. The Romans obeyed Romulus and married the Sabines after raping them.

The rape of Lucretia is another story from the founding of Rome.¹⁵ Lucius Tarquinius Superbus, the last king of Rome, sent his son, Sextus Tarquinius Collatinus, on a military errand to Collatia. He was received with great hospitality. Supposedly, in one of the versions of this story, Sextus Collatinus debated about the virtues of wives. At night, Sextus entered Lucretia's bedroom. He identified himself and gave her two choices: she could submit to him and become his wife, or he would kill her. Both Livy and the Greek historian Dionysius of Halicarnassus agreed that Lucretia had existed and that she committed suicide after being raped by the Etruscan king's son, but they interpreted the story as the cause of the rebellion that overthrew the monarchy in favor of the Roman Republic. The next day Lucretia dressed in black and went to her father's house in Rome. She disclosed her rape, called for vengeance, and killed herself.

Both The Rape of the Sabine Women and The Rape of Lucretia made a huge impact on artists from the Renaissance, Baroque, and even modern times. However, their artistic representations indicate they had more concern about the challenge of capturing the beautiful naked bodies of women and their abductors struggling with them. They portrayed the warriors's violence in anachronistic ways, and the scenes were created to display the female bodies and the great warriors in battle. The interest of many artists who depicted The Rape of the Sabine Women was extraordinary because of how many of them were fascinated by the story of the foundation of Rome. Women there were represented as a whole political project: The foundation of Rome as a Republic and its greatness. There is no doubt that their real interest was aesthetic and not moral. We find sculptures and paintings by Giambologna, Nicolas Poussin, Jacques Louis-David, Peter Paul Rubens, John Leech, Edgar Degas, and even Pablo Picasso. They all focused on how to capture the violent struggles of these warriors abducting women, including the depiction of their naked bodies while trying to resist. The same can be said about the many paintings of the rape of Lucretia, though the actual rape is not portrayed in most

¹⁵ See: Livy. *Ab Urbe Condita*. In there, Livy contrast the virtue of Roman Lucretia to the woman who feasted with friends. See, also: Ovid, *Fasti*, Book 1. Augustine used the figure of Lucretia in his *City of God*. Dante referred to Lucretia in the section of the Limbo in his Chant IV of the *Inferno*. Christine de Pizan use Lucretia to construct her *City of Ladies* and portrayed her as a saint. The story was also recounted by Geoffrey Chaucer *The Legend of Good Women*, and John Gower's *Confessio Amantis* (Book VII). And even William Shakespeare wrote a long poem *The Rape of Lucrece* (1594), which draws extensively on Ovid's treatment of the story. Machiavelli wrote *La Mandragora* loosely based on the Lucretia's story. Thomas Heywood play *The Rape of Lucretia* was written on 1607.

of the paintings,¹⁶ the struggles of The Rape of the Sabine Women are part of that sexual violence. However, in paintings that feature Lucretia, she is most often shown committing suicide. Paintings of Lucretia by Lucas Cranach, Titian, Boticelli, Dürer, Rembrandt, Jörg Breu the Elder, Plama Vecchio, Veronese, Godfrey Kellner, and Artemisia Gentileschi all capture this moment. Artemisia Gentileschi had been raped by Tassi, which is possibly one of the reasons why she made many different portraits of Lucretia. In most of these paintings we can see the dagger on Lucretia's hand, and in many of them she appears half naked, while in the story she is described as wearing a black dress. The artists preferred to portray her naked immediately after she had been raped. She takes the dagger, which a symbol of the violence and of penetration, and plunges it into her bare breast.

Thus, the concept of “rape” as we know it today, did not exist in antiquity, the Renaissance, or the Modern times. During the Medieval time period, theologians discussed rape, but they were not concerned with women's bodies, just their souls. In the mid-twelfth century, the canon law underwent a major revision, which was Gratian's *Decretum*, written in 1140. He made a number of distinctions that greatly affected the way raptus was understood. For instance, he distinguished between raptus and seduction. He also focused on female consent and the property crimes and deeds of violence. Thus, the term transformed itself into “*rapina*,” where the act was described as the usurpation of the virginity of women when they resisted (*puella renitenti*). However, for Gratian, the woman was still considered the property of her father or husband, even though she was now considered as the proprietor of her own virginity and could be tested by seducers.

On the other hand, the term *violence* was coined first in France, and it referred to the State with the word *viol* (and the German used the word *Vergewaltigung*). Thus, such a word was not specifically related to describe actions of violence against women's bodies. All throughout the history, men portrayed the use of force to enact bodily penetration as a specific way of constructing “political messages” either of foundation, invasion, punishment, or revenge.

Thus, in spite of considerable depictions of women being forced and penetrated by men, these descriptions focused more on the idea of the injury and of the profanation to the male's honor or dignity. For example, the story of Helene of Troy being kidnapped by Paris (remnants of this semantic are still alive in some Muslim and ethnic communitarian cultures of today). The offense against Menelao was to *his property and to his rights of ownership*. Achilles' anger toward Agammenon for kidnapping Criseida (Aquiles' sexual slave) was also a dishonor to his “rights of property,” never a case of “rape” (entering

¹⁶ Titian's might be one of the very few who portrayed the rape in his painting (1571).

into the body of Criseida was not a crime against her, but against him). Reading those stories from antiquity can only clarify how long it took us to define rape the way we do today. Changes were so slow and difficult because of the political rationality used by the perpetrators of rape that were behind different cultures. Women were property, not persons. And once they could be regarded as persons, they were immediately disposed off their right to their bodies or to their political opinions. Just as they were second rate citizens, women were second rate persons as well. Thus, it is an anachronism if we want to find a correlation between gender violence and the laws that could protect their rights, because stories about males penetrating women's vaginas against their will were really about "pillage," defeat, *rapina*, and about constructed ways of dishonoring men. The relationships that they described were not about consensual or non-consensual sex, but about one form of non-consensual penetration against another they represented women as a kind of profit, property, or sovereignty; and by denying them even the consideration of their bodies as being their own, the focus was to describe actions where the male's properties (and their rights as citizens of a polis) were in question. Women in antiquity were not the owners of their bodies, neither were they taken as *sexualized bodies* because the female bodies and its features were not even considered independently of male patriarchal power. So, imagination played an important role in building up this kind of rationality. For example, consider the Greek tragedy *Trojan Women* written by Euripides. The action begins by focusing in the Trojan women who were taken as pillage during the sack of Troy in the tenth year of the Trojan war. The Trojan women knew that they were considered a part of the plunder because they were on the side of the defeated. Women were portrayed here as victims of war, but this play was also about the burden of grief and the meaning of "loss" after the war against Achaeans. Martha Nussbaum's interest in choosing this play for an ethical interpretation, for example, focuses on Hecuba's speech to the Achaeans and Nussbaum highlights only the sorrows of the defeated queen (Hecuba), while she mentions her ordeals (the loss of her son Hector and her husband Priamus) after citing an entire paragraph from Euripides's play. It says nothing, however, about the moral and physical damage infringed on these women who were going to endure becoming the sexual slaves of the Achaeans. Indeed, Nussbaum argues, "it seems peculiar to select this speech as an example of deliberation and choice (sic), since Hecuba appears to have no room for choice. What can she do? She is a slave, she has lost this last hope for the restoration of her city and her family."¹⁷ Was Nussbaum aware that she could read the play with an anachronist view rejecting today's conception of this imaginary?—which would help her explain why the Trojan women felt anger and outrage toward Helen?—or she missed the point that Helen was considered guilty on the eyes of the same Trojan

¹⁷ Martha Nussbaum, *The Fragility of Goodness. Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge, New York, Melbourne, and Sidney: Cambridge University Press, 1986), 313-314.

women? The “defeated” city is the focus and content of the play even if Euripides was not saying that Helen was indeed guilty, for we can read her own defense against such accusation. Winning a war entailed that those men who had to construct rape as a sign of power will be the ones who instilled this archaic meaning of raping women as their demonstration of becoming the winners of a war (which still prevails today in many different cultures).

The Greek stories about sexual acts were actually focused on how each male citizen asserted legitimacy and their citizen status in relation to their *properties*. Sexual offences were called *hubris*, even if they appear to refer to non-consensual sex, and were articulated within a wider meaning associated with the sacking of cities. Indeed, as Rosanna Omitowaju claims, “the purpose of the perpetrator was to dishonour the victim,”¹⁸ but our question should be, “who is the real victim in these Greek examples? Was it Menelao or was it Helen—who in the eyes of Trojan women—was always suspected as being the original guilty party?” The answer for the Greeks was, of course, the former.

Even though the mention of rape has always been associated with warfare, as can be traced to Herodotus’s *The Histories*,¹⁹ it was how the patriarchal collective imagination used and represented the rape of women in literature as well as images from Greek vases that helps us now to reconstruct the semantics of rape and its history.

In other Greek stories rape appears through mythical tales which can also be illuminating about how important was to articulate in the social imaginary such cases like the rape of Europa by the Greeks, which is one of the most extraordinary examples of the rationality behind the concept of “foundation”²⁰ in Rome too. After all, an entire continent was going to be named after this woman, who represented a particular kind of victim. The case of Medea is similar, for example, because she helped Jason conquer riches and acquired power so great that he could leave her after many ordeals to marry a princess.

¹⁸ Rosanna Omitowaju, “Regulating Rape. Soap Operas and Self-Interest in the Athenian Courts,” in *Rape in Antiquity. Sexual Violence in the Greek and Roman Worlds*, edited by Susan Deacy and Karen F. Pierce (London: The Classical Press of Wales and Duckworth, 2002), 124.

¹⁹ Herodotus discusses the abduction and rape of Io, daughter of Inachus, and other women by the Phoenicians.

²⁰ Chiara Bottici, and Benoît Challand, *Imagining Europe: Myth, Memory, and Identity* (New York: Cambridge University Press, 2013).

The rape of Helen²¹ by Paris, the son of Priam²² was also describes the emerging power of the Achaeans. Readers and spectators have been trained in their social imaginary by these tales. Their minds were educated by this rationality of gender violence attached to power. So it was in the collective imagination where the space of norms was constructed and the patriarchal social imaginary which semanticized “rape” as a *natural* consequence of war.

Greek myths give us a more proper account of how this rationality developed the ways in which the act of rape was normatively constructed to build up the identities of males, their citizens’ status, and the original place that rape still occupies in politics and war in many cultures. As Estelle B. Freedman writes:

Depictions of the rape of the Sabine women treated assault as nation-building episode in the establishment of Rome. Myths and tales conflated rape with the abduction or seduction of young women by powerful men, as it was exemplified with the myth of the rape of Europa by the Greek god Zeus. [(Estelle B. Freedman, *Redefining Rape* (Cambridge: Harvard University Press, 2015), 5]

Indeed, Greek myths played such a powerful role in the ancient literature because it was there where the Greeks articulated the patriarchal imaginary with their ideas about the rationality of the construction of the *polis* and its relation to gender violence. Most myths in such stories about gods depict young girls being raped by gods and the gods having themselves metamorphosed into animals who later become powerful symbols of force and strength. These rituals were always extraordinary tales of lonely women who could not defend themselves against the powers of the male gods. They (the gods) possessed them while configuring an image of “power” rather than attempting to exercise what we today would call a pure act of cruelty or violence performed on women (they were blind to these dimensions). This is the reason why thematizing rape in myth helps us build up our feminist imaginary: we learn to understand that these men dealt with building up power schemas rather than only being associated to concepts such as property or dignity in Greek epics and tragedies which we first find rape being depicted. Gods were the symbols of civilization and they designed their foundational connection to violence

²¹ Daniel Ogden claims that “Helen is defended against the charge that she abandoned Paris... [but] Helen was always an ambivalent figure in the Greek tradition, and the problem of her guilt or innocence in going to Troy is itself resident in the tradition.” David Ogden, “Rape, adultery and the protection of bloodlines in classical Athens,” in *Rape in Antiquity. Sexual Violence in the Greek and Roman World*, edited by Susan Deacy and Karen F. Pierce (London: The Classical Press of Wales and Duckworth, 2002), 31.

²² This is the beginning of Homer’s narrative *The Iliad*.

and power as the ways of constructing male identity: “Rape can be viewed as a mythical embodiment of the male’s capacity for the defense of the city-state. A man effects this defense in real life in the form of war against another people.”²³

For example, in “The vulnerability of Athena” Susan Deacy’s interpretation of the myth of the rape of Athena by Hephaistos demonstrates how Athena was cast as a singular rape victim. Why? Because even being a female goddess did not mean that you could escape being the object of an attempt of rape that possessed a particular *rational* meaning. In the myth, Athena ended up being impregnated by Hephaistos’ semen even though she succeeded in escaping rape. However, Athena bore a child, Erichthonios, who was born after such an encounter²⁴ and later became the king of the city of Athens. Here again we see how the foundation of a city entails the rationality of the “violence” attached to rape. She is used as a representation of a unique example where a female can have access to power because she wanted to be a warrior and protectress rather than a mother.²⁵ And even while she gets impregnated with a child, the semen does not go directly to her vagina, because entering would mean that she could lose her male warrior power. As Deacy clarifies, “her [Athena] experiences bear striking resemblances to those of mortal *parthenoi* [women who do not wish to marry], “marriageable but unmarried females” who are typically represented as incapable of resisting sex through her own initiative and as subject to some degree of violent coercion.”²⁶

On the other side, J.E. Robson focuses on myths as “moral stories” which were held as educational and valuable for the construction of the polis. In the essay “Bestiality and bestial rape in Greek myth,” Robson claims that these stories highlighted their divine status and enhance the “girl’s value to the community” because they became impregnated by the gods.²⁷ And if we go back to Deacy’s interpretation of the rape of Athena, we can

²³ James Robson, “Bestiality and Bestial Rape in Greek Myth,” in *Rape in Antiquity. Sexual Violence in the Greek and Roman Worlds* edited by Susan Deacy and Karen F. Pierce (London: The Classical Press of Wales and Duckworth, 2002), 81.

²⁴ “In Apollodoros’ account of the event occurring after Hephaistos’ ejaculation, Athena wiped the semen from her leg to the ground with a wool and Erichthonios was fertilized.” Deacy, Susan. “The vulnerability of Athena,” in *Rape in Antiquity. Sexual Violence in the Greek and Roman World*, edited by Susan Deacy and Karen F. Pierce (London: The Classical Press of Wales and Duckworth, 2002), 55.

²⁵ There are different variations on the this story by Herodotus, Apollodorus, and even Aristotle.

²⁶ Susan Deacy, “The Vulnerability of Athena: *Parthenoi* and Rape in Greek Myth,” in *Rape in Antiquity. Sexual Violence in the Greek and Roman Worlds* edited by Susan Deacy and Karen F. Pierce (London: The Classical Press of Wales and Duckworth, 2002), 43.

²⁷ James Robson, “Bestiality and Bestial Rape in Greek Myth,” 65-96.

find how she draws nuances from different myths as they depicted what Deacy considers three different categories of the representations of rape in Greek mythical tales:

1. *Parthenoi* as an example of a woman who rejects normal female activities and wishes to remain unmarried like *Daphne*. This relates to how power reconfigures those who wish to be outside of norms and rape is the action that makes them go back into submission within the “rules of ruling.”
2. *Parthenoi* are the women who are lured away from the paternal *oikos*, they are raped and give birth to remarkable offsprings like Europa. Here it is apparent the connection between the foundations of great cities and new cultures constructed by men as male-power and their acts of rape.
3. And rape as representation of marriage linked to the idea of women as property.

A Literary Description of Rape as Cruelty by William Shakespeare

We know that Shakespeare was very interested in violence. In his book *Shakespeare and Violence* ²⁸ R.A. Foakes argues that “Representations of violence in Shakespeare’s drama have been considered chiefly in relation to society and order in his age, that is to say, as ‘produced by a social code which valorizes order as social value.’” In other words, violence has been a product of patriarchal structures in society (the rules of ruling), and as deployed to “fulfill the imperatives of the political and ideological structures” within which the characters are created: “Acts of violence belong to patriarchy as surely as fathers do.”²⁹ But Shakespeare was very interested in violence with a specific connection to actions of revenge. Because violence is always a construction to a rationality, we can see how the Renaissance was the beginning of the second stage of a conceptual transformation about what rape meant. The paintings that I have mentioned here serve also as examples of the “imaginal” being constructed in this genealogy of rape.

It is well known that many of the Shakespearan chroniclers perpetuated the legend that Britain was named after Brutus, the nephew of Aeneas, who became one of the Troians who founded the city of Rome. This might be one of the reasons why Shakespeare was drawn to recover the story of Troy and of Rome as we can see with his early poem *The Rape of Lucrece*. His protagonist, Lucrece, meditated on her condition after her violation by Tarquin, but Foakes connects the poem to Troy’s fall because “she identifies especially

²⁸ Reginald Foakes, *Shakespeare and Violence* (New York: Cambridge University Press, 2003).

²⁹ *Ibid.*, 15.

with the distress of Hecuba staring at her husband Priam, slaughtered by Pyrrus.”³⁰ Foakes considers Shakespeare’s connection to Greek and Roman themes to the idea that violence in ancient times reigned supreme. Britain’s violence and the idea of death seemed to have also been a larger part of his interest on the subject.

Shakespeare was familiar as well with the work of Ovid’s *Metamorphoses*,³¹ where he found inspiration to attempt his own take on what violence meant. If we focus on a polemical play, *Titus Andronicus*, which is attributed to him,³² we will find ourselves surprised by the shifting emphasis of a changing semantics as this play describes actions of terrible violence through the rape of Lavinia, who is the target of a horrible revengful action. We find that in this play there is a shifting semantics in the representation of the rape of Lavinia because it fully discloses the violence attached to the act of rape itself, though it is still revenge, but it extends its previous meaning to the relation of men’s dignity because the rapists (brothers) decide to cut Lavinia’s tongue and her arms after the deed is done. Both of these parts of the human body enable humans to communicate, attempt to defend themselves, or to name their rapists.

Michael D. Friedman and Alan Dessen argue that if Shakespeare was its author,³³ this play must have been one of the earliest he had written (previously written than *Romeo and Juliet* or to *Julius Cesar*³⁴). What interests us is rather that it is historically situated during the times where plays by Thomas Kyd and Christopher Marlowe were in fashion, and the plot of revenge follows many of the conventions of this particular time and style. Some experts claim that this is also a play that can be considered to be one of the most “Elizabethan” plays.³⁵ Therefore, we find ourselves with many difficulties in trying to grasp its meaning beyond the limitations of our own historical time. This is the reason why I find that it is a good example of an exception as the play manages to be singled out as a rupture within the traditional meanings. At the same time, it follows certain rules and canons of its own particular time and the charge of being an excess in cruelty and savagery should be considered as what people were used to in those historical times. Yet

³⁰ Ibid., 21.

³¹ It was translated by Arthur Golding in 1567.

³² Michael D. Friedman with Alan Dessen argued that “For centuries, bardolaters have either ignored the play or denied “their” Shakespeare could have written it.” Michael D. Friedman, and Alan Dessen, *Shakespeare in Performance* (Manchester and New York: Manchester University Press, 2013), 3.

³³ Many experts insist that this play was not written by Shakespeare.

³⁴ Michael D. Friedman, and Alan Dessen, *Shakespeare in Performance*, 4.

³⁵ Ibid., 6.

the particular representation of the rape is what should be our considered new emphasis of a connection of rape to violence since they are explicitly interrelated.

This tragedy portrays the successful Roman general, Titus Andronicus, as he returns home after the long war with the Goths, in which he lost many sons. As he arrives, he is asked to elect a new emperor, and he chooses Saturninus as his successor, who is unfit for the throne and was his former enemy. Tamora, the queen of the Goths, who is also chosen by Titus to become his wife will be the plotter of those deeds. Notice here the first anomaly. The Goths have lost the war, but Titus—who defeated the Goths will take Tamora (who is a Goth) as his wife, and not as his sexual slave. After Titus executes Tamora's son (a revenge-appeasement of his children because they were slain during the war), Tamora plots to have her own sons to rape Titus' daughter Lavinia. Notice the second anomaly: the wife of Titus will now have a chance to exercise her own plot of revenge against the winner with what is supposed to be the worst action of revenge to Titus: the rape of her daughter which will be executed in a horrifying manner.³⁶ The most important scene for us, however, is when Lavinia's tongue and arms are cut in order to keep her from telling her own story and make her incapable of pointing out who the perpetrators were. Thus, arms and tongue, as features of a human body now occupy a new significant role associated with the previous action of rape by the two Goths' brothers. For the first time the victim will be represented in a scene after the deed is done, and her body parts are missing. This can become a metaphor for us in our feminist imaginary since women who have suffered rape often cannot tell their story for various reasons. While it is true that her rape was directed toward Titus Andronicus, as other examples from antiquity portrayed the rape of women, and women in the age of Shakespeare still did not possess a social status of their own (they were still considered the property of fathers or husbands), the novelty is that violence is enhanced by Titus Andronicus's need to kill the rapist in order to find a resolution to a crime that has been committed against him.

How the play was taken in its time of the first performances is telling about the kind of difficulty we have now in grasping the contextual and historical understanding because

³⁶ Friedman and Dessen show a drawing by Peacham where Tamora is kneeling in front of Titus to plea for the life of Aaron, they both are placed as if they were with the same height even though Tamora is kneeling. The artist creates a drawing where both the plea and Titus' reaction become powerful. And, "the artist, in defiance of the play as we know it, includes Aaron as a sword-wielding guard of two Goth prisoners [whom] may attest to the ability of that villainous figure to catch the imagination of a reader or playgoer." Michael D. Friedman, and Alan Dessen, *Shakespeare in Performance*, 9.

we lack the background where the first performances took place.³⁷ This is the reason why Friedman and Dessen have occupied themselves instead—their whole book—to deal with these historical reconstruction of such performances through different representations of the play at different historical moments. It is no wonder that the play has been sparsely represented, only few times in our last century, memorably once staged by Peter Brook (1955)³⁸—with Lawrence Olivier as Titus and Vivien Leigh as Tamora. Peter Brook was already considered a major theatrical director, and he understood how the play could be taken both as “an austere and grim Roman tragedy achieving barbaric dignity”³⁹ as well as a new disclosing contemporary echo of cruelty and barbarity. Brook’s interpretation strips off the gratuitous material and found its own complexity linked to the darkest horrors of violence and cruelty building up his interpretation as a reminder of historical events such as the Second World War. Every other representation after Brook’s owes something to this contemporary interpretation where we find the clearest connection of rape to cruelty, power, and violence.

The Crime of Seduction in the Eighteenth Century

On the other hand, one could imagine that on the transition from the *Ancien Regime* in France. For example, the route to Enlightenment would bring about some changes associated with the literary representations of rape or in how the perspective of law could begin to be associated to rape as violence. However, neither the raping of women, nor the violence associated with rape was hardly registered in treatments of law or in philosophical treatises and literary works in the France of this time. Rather, the crimes that occupied the interest of jurists and philosophers and of men of letters were those associated with seduction. Even if the word “seduction” possessed many different meanings, the prevalent origin of the word was related to the meaning of “leading astray” or to “corruption.” Paradoxically, such a crime was not attributed to the man, who was the seducer, but to the woman who would be the seduced. It is no wonder then that during the transition from the *Ancien régime* to the Enlightenment, many writers were interested in representing the great adventures of mythical figures and seducers such as Giacomo Casanova, or in Mozart’s opera *Don Giovanni*, or the famous character—the Viscompte de Valmont—in Choderlos de Laclos’ *Les Liaisons Dangereuse*. These characters were

³⁷ “A selective account of the fortunes of this play on stage between the 1590s and the 1950s can be revealing. According to the accepted chronology, the first performances of *Titus* took place in the early 1590s, perhaps the late 1580s. The play was first published in a 1594 quarto (that survives in a unique copy not discovered until 1904).” Michael D. Friedman, and Alan Dessen, *Shakespeare in Performance*, 7.

³⁸ A birthday anniversary of the play.

³⁹ Michael D. Friedman, and Alan Dessen, *Shakespeare in Performance*, 17.

represented as possessing the extraordinary powers of seduction which demonstrated how female weakness was a flaw in “women’s nature” (sic). Therefore, what we can say about this historical transition in terms of the literary and the *imaginal* representations of femininity is that even the most philosophical works testified about the prevailing belief (patriarchal ideology) that women were not to be trusted and should not be granted equal status with men. As a jurist of the *Ancien régime*—Jean-François Fournel⁴⁰—formulated his legal statement that women should be the ones held responsible for not being able to defend themselves properly⁴¹(sic).

Voltaire and Diderot were convinced that women could defend themselves with different strategies, and if they could not, it was because they had tacitly accepted the male’s initiative to seduce them and allowed themselves to engage in sexual intercourse, which was the definitive conquest of the seducer. Sexual intercourse (whether consented or not) was not a crime but a success. The most expressive scene in *Les Liaisons Dangereuses* by Choderlos de Laclos was when the Viscompte de Valmont refuses to finish his seduction of Madame de Tourvel at the house of Valmont’s aunt. This scene is depicted with full force in the film by Stephen Frears about this novel.⁴² The key to his refusal was that she was so weak that penetrating her then would not amount to a conquest because she could not refuse to be seduced. Rather, a true conquest entailed that she would consciously accept him and allowed him to penetrate her since this was the real achievement. Madame de Tourvel should give herself willingly to Valmont as a “prize,” as it was agreed in the pact made by him previously with the Marquise de Merteuil.⁴³

If the Declaration of the Rights of Man (1789) were supposed to define that every man was the sole owner of his person and that such a right was inalienable, men did not see women as “real individuals.”⁴⁴ As George Vigarello claimed, “A rampart in Diderot, a sword in Voltaire, a different analogy but an identical conviction: it was impossible for one man by himself to commit rape.”⁴⁵ Women should have strategies to repel those who

⁴⁰ Jean-François Fournel, *Traité de l’adultère: considéré dans l’ordre judiciaire* (Paris: Bastien, 1778), 82-83.

⁴¹ George Vigarello, *A History of Rape. Sexual Violence in France from the 16th to the 20th Century*, translated by Jean Birrell (Cambridge, England: Polity Press, 2001), 42.

⁴² See: Stephen Frears, “Les liaisons dangereuses” (1988) with Glenn Close (Marquise de Merteuil), John Malkovich (Viscompte de Valmont) and Michelle Pfeiffer (Madame de Tourvel).

⁴³ See: Roger Vailland, *Laclos par lui-même* (Paris: Editions du Seuil, 1965).

⁴⁴ Pierre Ronsanvallon, *Le Sacre du Citoyen. Histoire du suffrage universel en France* (Paris: Gallimard: 1992), 162.

⁴⁵ George Vigarello, *A History of Rape*, 43.

attempted to rape them. Rousseau went along with this predominant assumption which made him trivialize the violence between men and women in his work *Emile*. So, if the philosophers tended to see the woman not as the victim but as a “fictive victim” who had to be taught how to resist, the myth of the seducer enlarged its *imaginal powers* from the perspective of making the myth of Casanova filled the patriarchal social imaginary completely. As it turned out, the seducers’ actions were the ones who made up the whole theory about seduction which provided the space for the patriarchal imaginary with this new semantic meaning in many of the literary representations. In other places such as England, for example, works such as those written by Henry Fielding who also focused on this dimension of the seducer/seduced as represented in his famous novel *Clarissa*. The patriarchal social imaginary provided these literary works of art with the justification and the prevalent semantic that has not been entirely transformed even in our days, for women are always suspected of wanting something out of an accusation of having being raped. The jurisprudence of this transitional time proves that the lack of juridical status of women masked the violence that we now attached to those actions. Those enlightened theories helped shaped the prejudice that women’s consent is always a given.

More interestingly, however, is the fact that women were always regarded as property, so ownership applied to the spaces and territories as much as to the persons included in men’s ownership were articulated in the norms of those times and carried its long genealogical semantic origins from ancient times to capitalism. It is not a coincidence that women symbolized cities, countries, and entire continents. The sovereignty of them was the key connection to the violence of their bodies. Male-ownership was still a universal feature of modern societies. This rationale changed but not for moral reasons since, by then, women who were immersed in violent deeds were used to represent the new political projects of the nation-states. As Georges Vigarello claims:

it was constantly and widely emphasized, present in the choice of words and phrases, of images and analogies. One word recurs under the *ancien régime*, fostering [semantic] confusion between theft and rape, treating the rape of a woman as equivalent to stealing her away: abduction (*rapt*).” (George Vigarello, *A History of Rape*, translated by Jean Birrell [Cambridge, England: Polity Press, 2001], 47)

The gravity of the crime related mostly to the principles of rank and theft; thus, qualifying only as crimes those that could be punished because they were done to the upper classes. The semantics conflated raped with territorial ownership. And the rationality behind rape in this historical transition from the *ancien régime* to the *Enlightenment* only reinforced the old connection of property to status, to class, to race, and gender. But the emerging

power of the new bourgeoisie would be expressed in the reordering of rules by preserving intact those male privileges on their route to building up the nascent capitalist project: the nation-states.⁴⁶

Another Example of this Legacy: Slavery

We have to focus now on how women slaves were used in other ways to “construct the nation” in places like the United States. Estelle Freedman claims:

neither enslaved men nor enslaved women had legal ownerships of their own bodies, so masters who controlled slave labor could exercise their sexual prerogatives without facing legal consequences... This belief fueled the notion that enslaved women were little more than prostitutes, trading sex for better treatment of their masters. (Estelle, B. Freedman, *Redefining Rape*, 75)

As I have said before, the Americans were one of the first nations to define rape as a crime in their laws. However, those crimes were not often prosecuted because the authorities hesitated about the proofs of such crimes. There were differences (if subtle) between the North and the South in the seventeenth and eighteenth centuries. First, British law was adopted by colonies and rape was defined then as “unlawful and carnal knowledge of a woman, by force against her will.”⁴⁷ Yet representations in popular culture often, often referred to “deflowering,” which indicates that there was as a common understanding that women had to be virtuous and keep her virginity intact until she were married—except slaves, of course.

The difficulties of proving the crime was one way of ensuring the immunity of the rapist because even in the Massachusetts statute two witnesses were required to testify that penetration had occurred. But it was quite evident that criminal convictions were constructing a distinctive social and class patterns that favored white women from upper classes and left black slaves or ethnic women (from native US populations

⁴⁶ Ann Laura Stoler claims that “This quest to define moral practices and invisible essences tied the bourgeois discourses of sexuality, racism, and certain kinds of nationalism in fundamental ways. Each hinged on the state’s moral authority to defend the social body against degeneration and abnormality [...]. Nationalist discourse staked out those sexual practices that were nation-building and race-affirming.” Ann Laura Stoler, *Race and Education of Desire. Foucault’s History of Sexuality and the Colonial Order of Things* (Durham and London: Duke University Press, 1995), 134.

⁴⁷ Estelle, B. Freedman, *Redefining Rape*, 12.

and Mexican⁴⁸) without any protection from being raped. The African women slaves who counted as property were considered mostly reproductive labor. White owners recognized their economic value and they regarded it as a plus if these women became pregnant. Examples about this specific rationality of capitalism proved that the colonial empire and the newborn country had profited from raping African women slaves for the purposes of building up a strong capitalist empire. Changes came slowly and during the eighteenth century. There were new transformations of the initial rationality behind rape. “Evidence of women’s sexual vulnerability during the Revolutionary War made rape a topic of public concern,” says Freedman, but these problems along with how British soldiers assaulted women and the rising rates of pregnancy and bastardy had an impact on what the “nation” was considering the new “social order.” Indeed, as Freedman argues, “new ideas about sexuality, gender, and citizenship helped strengthen the protections enjoyed by white men accused of rape, while social distinctions in colonial era prosecution of sexual assault increasingly took the form of racial, rather than class divide.”⁴⁹

The legacy of colonialism is clearly rooted on the patriarchal concept of women as the possessions of men and their reproductive capacities as their sources of value. Race, ethnicity, and class filled up the perspective where those women acquired identities only through property structures and how the institutionalized construction of their role in the ideology of capitalism, nation-state building, and empires was a long-lasting remanent. Castañeda argues:

Within this construct, women are placed in opposition to one another at two extremes of a social and moral spectrum defined by sexuality and accessibility. The good woman embodies all the sexual virtues or attributes essential to the maintenance of the patriarchal social structure: sexual purity, virginity, chastity, and fidelity. Historically, the norms of sexual morality and sexual conduct that patriarchal society established for women of patriarchal social imaginary strengthen the ruling norms against which all other women had to be judged. These norms are fundamentally rooted in questions of the acquisition and transference of economic and political power, and of women’s

⁴⁸ See: Antonia I. Castañeda, “Sexual Violence in the Politics and Policies of Conquest: Amerindian Women and the Spanish Conquest in California,” in *Sexual Violence in Conflict Zones. From the Ancient World to the Era of Human Rights*, edited by Elizabeth D. Heineman (Philadelphia and Oxford: University of Pennsylvania Press, 2011), 39-55.

⁴⁹ Estelle B. Freedman, *Redefining Rape*, 15.

relationship to that power base.⁵⁰

Of particular importance to the concept of the “imaginal” perspectives on rape and the conventions of how societies relate to women were constructed as sexualized beings in the iconography of the nineteenth century with the link “between two unrelated female images: the icon of the Hottentot female and the icon of the prostitute.”⁵¹ The female “Hottentot” represents the black female (used as slave) and the prostitute represents the white sexualized woman. These figures were also related to classes and races. The story unfolds from the eighteenth century where the sexuality of blacks, both female and male, was represented as deviant. Buffon was the first to relate this devious conduct of the blacks who were described by the “scientific” features that were supposedly embodiments of their specific differences. Sander L. Gilman explains:

Buffon’s view was based on a confusion of two applications of the great chain of being to the nature of the black. Such a scale was employed to indicate the innate difference between the races: in this view of mankind, the black occupied the antithetical position to the white on the scale of humanity. This polygenetic view was applied to all aspects of humankind, including sexuality and beauty. The antithesis of European sexual mores and beauty is embodied in the black, and the essential black, the lowest run on the great chain of being, is the Hottentot. (Antonia, I. Castañeda, “Sexual Violence and the Policies and Politics of Conquest,” 53)

Then, J.J. Virey⁵² (1819) recovered Georges Cuvier’s description of the anatomical features of the Hottentot woman as if she was the epitome of sexual lasciviousness and excesses which were clearly symbolized by her physical features. This was actually the underlying racism and gender constructions that are behind the actual story of Saartjie Baartman, also called Sarah Bartmann or Saat-Je, who was called “the Hottentot Venus.” Her exhibition on a circus caused a scandal in London because it inflamed the social imaginary then occupied with the theme of slavery. In France, she caused many scandals first when she was exhibited as if she was a woman-ape (the orangutan) in the circus, but she was present in the aristocratic salons of Paris where she was exhibited naked and could be touched by all curious attendants. Cuvier bought her to her earlier sexual

⁵⁰ Antonia, I. Castañeda, “Sexual Violence and the Policies and Politics of Conquest,” 53.

⁵¹ Sander L. Gilman, “Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late Nineteenth-Century Art, Medicine, and Literature,” in *Race, Writing, and Difference*, edited by Henry Louis Gates, Jr. (Chicago and London: The University of Chicago Press, 1985), 225.

⁵² Julien J. Virey, *Dictionary of Medical Sciences* (1819).

predator and owner. Then, Cuvier began his studies of her physiognomy to construct the “scientific” description of her body shape that embodied what he thought was the typical female black sexuality. After her death, Cuvier dissected her sexual parts which were on display at the Musée de l’homme in Paris. Mandela fought to bring her back to South-Africa after the long negotiations between South Africa and the government of Mitterrand. Only recently have we become aware of the tragedy of this woman. We owe this in part to the film director Abdellatif Kechiche who made a film about her story called *Vénus Noire* (2009). He narrated the story of Saartjie Baartman a black woman sold as a slave and who died when she was only 25 years old. She is shown as having been raped by her many predators/owners who also exploited her as an object. Her story has become the emblematic figure of the construction “the black a sexual slave” as a complete other. To our anachronistic eyes, her passivity toward the violence inflicted to her might seem horrifying to us today, but one needs to go back to the understanding of how the Europeans constructed “race” and gender through the prism of a description of sexual pathologies and how female genitalia operated as the radical construction of an imaginal kind due to how her predators used her to fulfill their own sexual fantasies.

Colonialism: The Sexual Slave as a Symbol of Rape

In *The Labyrinth of Solitude*,⁵³ Octavio Paz set himself to explain the difficulties and myths of Mexico’s colonial past and the present enduring⁵⁴ features related to it. Paz wanted to dispel the idea that, before the arrival of the Spanish, everything was only rivalries, some warrior ethnic group dominating others, and the spread of violence in a much greater scale than what the Spanish brought along with them. This was, of course, a myth of great magnitude built up by the conquerors. Paz was a very cultivated man and he sought to make comparisons with other great cultures from Europe and elsewhere (he was also an admirer of India and knew much about it). He then brings the first original part of his thesis which is that the Conquest of Mexico was “the suicide of the Aztec people.”⁵⁵ He claimed that it was this particular suicide that precipitated the rest of the fall of the other ethnic cultures at the hands of the Spanish. The Spaniards were not typically modern (Paz called them *medieval*), but a hybrid made out of their authoritarian tradition (against the Reformation) with an absolutist monarchy, and the conquerors

⁵³ Octavio Paz, *The Labyrinth of Solitude*, translated by Lysander Kemp, Yara Milos, and Rachel Phillips (Belash. New York: Grove Press, 1985).

⁵⁴ I am using the term “to endure” as Ann Laura Stoler uses it to coin a description of duress. See: Ann Laura Stoler, *Duress: Imperial Durabilities in Our Times* (Durham and London: Duke University Press), 2016.

⁵⁵ Octavio Paz, *The Labyrinth of Solitude*, 95.

who thought of themselves as the saviours and defenders of the Catholic Church (with an institution such as the Inquisition). Instead, a group of greedy people, who once here, found themselves in front of riches that they had not been even imagined, and whose ambitions made them sacked the continent rather than build up a “new place” (this was and has been called the imperial construction of Spain by Enrique Dussel).

On the other hand, the Aztecs were warriors, dominators, and a theocratic-military system. They, like the Europeans, had slaves. But make no mistake, the kind of slavery that the pre-Hispanic people had was not the juridical slavery institution that the Europeans had created in order to build up their empires at the beginning of capitalism. The slaves (*tlacatl* or *tlacotin*) in those pre-Hispanic places were sold mainly to pay debts or to use them as servants, but they could be freed and marry afterwards, depending on how their captors needed to exchange them as we will see with the case of La Malinche.⁵⁶

According to Paz, the country of Mexico was born out of a double-violence, the Spanish and the Aztec. But who was the symbol of this double-violence? The woman slave who is known to us as La Malinche. She came from an educated family, and after her father died, she was sold by her mother to slave traffickers once she remarried. She was given to Hernán Cortés among 19 other women slaves after the battle of Ceutla on the 14th of March of 1519. She spoke several languages and soon learned *castellano* (Spanish) which is why she was used as the interpreter by Cortés. Paz developed the thesis that she was the symbol of “rape” in a double sense: as a woman symbolizing the whole country, and as a slave symbolizing how Mexicans thought of their past in their historical reconstructions (consciously and unconsciously). This interpretation clarifies again the interconnection to the warriors’s political project (those of the invaders) and how the continent’s conquest was symbolized by the rape of a woman. Paz’s originality of connecting her to a genealogy related to the concept of la “chingada,” which means being forced to be opened, or being raped, and introduces us to a final stage of how colonialism also constructed their enterprise through the woman slave who had been given to the conqueror. La Malinche in Paz’s account is the portrayal of the “mother” in terms of the mythical figure. The concept as a verb *chingar* has many different meanings but it involves the semantic content that the person who suffers the violation is passive, inert, open and defenseless. The opposite of the semantics is the adjective “chingón,” which means to describe that the male (macho) as he uses all of his powers to fulfill his act of violence.

⁵⁶ See: Brigida Von Mentz, “Esclavitud y semi-esclavitud en el México y la Nueva España (con énfasis en el siglo XVI),” *Estudios Históricos. Historia Antigua*, no. 25 (2007), 543-558.

However, La Malinche had other connections that further allows one to understand that her story is of no difference from the ones that we have examined until now. Why? Because in the many stories that exist about her, all of them coincide that when she was given to the conquerors as a *slave*, she “voluntarily surrender[ed]”⁵⁷ (sic) and was considered by historians and the Mexicans to be a prostitute. The connection between being a slave and surrendering herself to help the conquerors is what has made her the image of the traitor captured by the adjective *malinchismo* (a perjorative) that describes how a person who is a slave, who serves another through power and violence, can still decide to betray her own people. To Mexicans, and this is what Paz wanted to highlight, this is the inner feeling that has remained in the minds of the colonized in their social imaginary. In spite of a consideration of her status as slave which also meant that she had been “raped” in the past (invaded and defeated), the colonized Mexicans admired and hated their conquerors (and the other imperial powers that acted violent as well such as the Americans and their wars to steal parts of the country). The myth of La Malinche is a powerful way of explaining what Franz Fanon would later called the colonizer inside the colonized, another form of rape, but this is a mental one. As a myth, the story of La Malinche has never had a final ending. The work on myth (as Hans Blumenberg called it)⁵⁸ first began as *a story of a slave*, then, as a symbol of a country, and last, as a symbol of women in Mexico. This myth relates to the symbols of patriarchal foundations, the conquest as a rape. Paz clarifies:

If the *Chingada* is a representation of the violated Mother, it is appropriate to associate her with the Conquest, which was also a violation, not only in the historical sense but also of an Indian women. The symbol of this violation is doña Malinche, mistress of Cortés. It is true that she gave herself [sic] voluntarily to the conquistador, but he forgot her as soon as her usefulness was over.

After this whole article has focused on how women are the representative figures or icons of sovereignty, conquest, or the symbol of the dignity of men, either in the representations of them as violated to articulate foundations, or invasions, we can realize that the historical figure of La Malinche has played a bigger role as a myth than as a pure example of the poor fate of a woman—a victim—who was a slave and whose life and decisions were hardly ever entirely hers. What choices did she have between two different kind of male predators?

⁵⁷ Octavio Paz, *The Labyrinth of Solitude*, 80.

⁵⁸ Hans Blumenberg, *The Work on Myth*, translated into English by Robert M. Wallace (Cambridge, Massachusetts and London, England: The MIT Press, 1990).

The unusual part of the unfolding of the myth—the working on myth as Blumenberg called it—becomes interesting for us when we learn that once the feminists started trying to recover her as a feminist myth, the interpretation of what happened to her were open to seeing her as a victim, and her acts as the “weapons of the weak” as well as their “hidden transcripts.” Both of these concepts were developed by James Scott in his works called *Domination and the Arts of Resistance*⁵⁹ and *Weapons of the Weak*.⁶⁰ Most of these feminist stories are strongly influenced by Paz’s original account of the myth. First it was the poem *La Malinche* written by the Mexican writer Rosario Castellanos. Then, Gloria Anzaldúa in her book *La Frontera*,⁶¹ considers her to be a feminist symbol of a mestiza and in need of being understood in a very different manner than as a traitor.⁶¹ Paz’s own interpretation has enough ambiguity about how she has become a symbol of many things besides being a slave, but this fact remained of a lesser importance to how she has been represented in history for centuries. In fact, her becoming the symbol of a the defeated and conquered was due to the very patriarchal legacy of two different countries (the Spanish and the Colonized Mexicans) and the stories that depicted her condition through her supposedly voluntary participation on the ruin of the Aztecs. The most interesting reworking of the myth has come in terms of actual fictions, most especially those written by Fanny del Río⁶² and Laura Esquivel.⁶³ They have preferred to envision the condition of this woman as such, as slave, as a having a kind of the Stockholm syndrome, and they portrayed her way as being used and disposed off once she was not needed by Cortés anymore. Then, Cortés gave her to marry who he chose as her husband to be, and later on, when she was needed again, Cortés took her to Honduras to be his interpreter again. Even though there is a questionable defense of how she has been associated with another myth, the *mestizaje*, we should not forget that the question of being born out of a raped woman is very much the way foundations were thought of by patriarchal traditions which in this case, seem to bear many similarities with other stories about violence and rape. But there is one big difference: the ethnic groups of pre-Colonial Mexico felt they were raped too by the conquerors and saw her as the “traitor.” The violence of a foundation is still imprinted in how history is thought, in how this myths has survived, and in how the

⁵⁹ Scott focused on how the anxiety of an individual faced with her powerlessness learn to devise strategies for creating their own social space. They create a “hidden transcript” as resistance as a critique of power. See: James Scott, *Domination and the Arts of Resistance Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).

⁶⁰ Gloria Anzaldúa, *Borderlands. La Frontera. The New Mestiza* (San Francisco: Aunt Lute Books, 1987).

⁶¹ Gloria Anzaldúa, *Borderlands*, 56.

⁶² Fanny Del Río, *La verdadera historia de la Malinche* (México: Grijalbo, 2009).

⁶³ Laura Esquivel, *La Malinche* (México: Atria, 2007).

figure of La Malinche still endures in the social imaginary of the conquered. Thus, the double-violence embodied in the way the Mexican patriarchal culture and the “bastards” who hate their own fate at the hand of the colonizers see the figure of the “mother” as defiled. Here, it is interesting to recover again Paz’s thoughts on the subject of machismo:

But whatever may be the origin of these attitudes, the fact is that the essential attribute of the *macho* –power—almost always reveals itself as a capacity for wounding, humiliating, annihilating. Nothing is more natural, therefore, than his indifference toward the offspring he engenders. He is not the founder of the people; he is not a patriarch who exercises *patria potestas*; he is not a king or a judge or the chieftan of a clan. He is power isolated in its own potency, without relationship or compromise with the outside world. (Octavio Paz, *The Labrynth of Solitude*, 82)

It is no wonder that rape and murder (combined) have been made into a concept coined in modern Mexico: the *feminicides*. Every two out of three Mexican women have suffered violence at the hands of men.⁶⁴

Feminist Taking a Stance in the Twentieth Century

Changes came slowly until the second half of the Twentieth Century, where we again we encounter stories of the rape of women civilians during the liberation from the German invasion by the allies in many cities in Europe. These facts have only began to be clarified by the accounts of the victims’ themselves. Such is the case with the book *A Woman in Berlin*,⁶⁵ in which the writer/victim narrates the way she and many other women civilians were raped in Berlin by the Russian soldiers.⁶⁶ The author remained anonymous—most likely because she was filled with shame, given that the rest of German society did not want to face the uncomfortable truth. Enzensberger, who wrote the introduction to the book, states that “the argument of rape has more to do with violence than sex, [it] is *a victim’s definition of the crime*, not a full explanation of male motive. Certainly, the

⁶⁴ Data published in the mexican newspaper *La Jornada* (17/10/17), 36.

⁶⁵ Anonymous, *A Woman in Berlin. Eight Weeks in the Conquered City*, translated by Philip Boehm, Foreword by Hans Magnus Enzenbeger, and with and Introduction by Antony Bevor (New York: Metropolitan Books, Henry Holt and Company, 2005).

⁶⁶ See: Atina Grossmann, “The “Big Rape”: Sex and Sexual Violence, War, and Occupation in Post-World War II Memory and Imagination,” in *Sexual Violence in Conflict Zones. From the Ancient World to the Era of Human Rights*, edited by Elizabeth Heinemann (Pennsylvania: University of Pennsylvania Press), 137-151.

rapes committed in 1945—against old women, young women, even barely pubescent girls—were acts of violence, an expression of revenge and hatred. But not all of the soldiers' anger came in response to atrocities committed by the Wehrmacht and the SS in the Soviet Union. Many soldiers had been so humiliated by their own officers and commissars during the four years of war that they felt driven to expiate their bitterness, *and German women presented the easiest target*" (italics are mine).⁶⁷ Enzensberger also claims that "women were forbidden to mention the subject of rape as if it somehow dishonored their men, who were supposed to have defended them."⁶⁸ This book was made into a film in 2008 by Max Färberbock.

More recently, a new movie by the film director Anne Fontane—"The Innocents" (2016)—has appeared representing the rape of Polish nuns by Soviet Soldiers without depicting the actual scenes of violence. It focuses on how all of them got pregnant and felt shamed as they renounced to have any help. This was actually a true story that happened in December of 1945 when the French Red Cross was still helping its allies. The woman doctor who is finally called by one of the nuns finds herself in the midst of this terrible situation and gradually helps them to deliver their babies. The trauma felt and the horrors of such violence are so well depicted that we can see these stories as giving us a new sense of what had happened in the aftermath of World War II. We can see that it is our *representations of these crimes today what has changed* although many centuries had gone by and both cases were made into films.

When did we shift our perception of rape and the rescue of stories of rape became new kinds of representations of this crime defined as a weapon of war? Debra B. Bergoffen has argued that "The legally visible crime of war time rape has been met with repeated efforts to deny its empirical reality. Some of these efforts are structural: gendered norms of epistemic credibility that established men's reading of events as objective and rational... and women's accounts as emotional and suspicious."⁶⁹

As we have seen before, in times of war, rape is still a disproportionate crime committed mostly against women. First the Bosnian-Serb rape campaign allowed many feminist to question the gender codes embedded in the Geneva Convention. For the first time the rapes of women were seen as exposing the unique vulnerability of them. But as we

⁶⁷ Hans Magnus Enzensbergen, "Introduction," in Anonymous, *A Woman in Berlin*, xix.

⁶⁸ Hans Magnus Enzensbergen, "Introduction," xxi.

⁶⁹ Debra B. Bergoffen, *Contesting the Politics of Genocidal Rape. Affirming Dignity of the Vulnerable Body* (New York and London: Routledge, 2012), 22.

have seen here too, the rape of women target shame and humiliation as parts of the rapist's political agenda. Military gang rape was constructed as a strategy to build up the "moral" of the platoons and to encourage male bonding. They were also constructed to impregnate Muslim women to build up their deed of having created an enemy inside the women. The body now extended its messages of sovereignty in this war. Finally, it became a part and parcel of an ethnic cleansing strategy. And as such, it became a true spectacle to use Bergoffen words to humiliate the Muslim men.⁷⁰

There have been many efforts by feminists who struggled to tackle the ways in which laws have been enacted to recognize rape as a war crime. We now have several examples at hand because feminists worked hard to make this possible, especially those legal scholars like Catherine McKinnon who got so involved with working with International Institutions of Law to create laws against these crimes. During the war in the ex-Yugoslavia, especially with the cases of Muslim women (but women from all fronts suffer), we have films that have been important since they have been shown around the world. Jasmila Zbanic made her debut film called *Grbavica: The Land of my Dreams* (2006) where she explores the legacy of this war through the story of a woman survivor during the siege of Sarajevo. Like *The Innocents*, the crime is not represented but the aftermath of her burden in post-war time. In the film "Grbavica," Esma has a daughter of twelve years old (the result of her rape) and the film focuses on her silence as she confront the past that never passes. Esma told her daughter that her father was a hero fallen in the siege of Sarajevo. She grows up believing that until she has a chance to learn what happened because she wanted to apply to an economical support for a trip and the children of heroes of war were considered as possible candidates for this economical help. We can also see how Esma (the mother) works as a waitress and feels that any close contact with a customer makes her horrified and disgusted. This film build up a tension in the lives of both women (mother and daughter) articulated through their past, the historical background and everyday life, the struggle to survive. Patricia White has analyzed this film's forceful representation and rightly concludes that: "Grbavica" is neither metaphor, as with [a] rape of a country, nor metonymy, one of the many aspects of violence, but *a woman's story, of "incommensurable difference"* in perspective from stories told from any other point of view" (italics are mine).⁷¹ I not only agree with this conclusion, but the main part of this forceful representations ties up with how agents and victims are always and forever related as the fractured victim cannot erase from her mind what has happened to her. Esma is not represented just as a victim though, she forcefully fights

⁷⁰ Debra B. Bergoffen, *Contesting the Politics of Genocidal Rape*, 63.

⁷¹ Patricia White, *Women's Cinema, World Cinema. Projecting Contemporary Feminisms* (Durham and London: Duke University Press, 2015), 184.

back and struggles with her therapist to end up cracking into laughter after gazing into the camera.

For example, on the other hand, consider the narrative of a well known human rights activist Aryeh Neier, who claims that “the war in Bosnia became virtually synonymous with rape.”⁷² The interesting thing about Neier’s narrative is that he has discovered the systematic way in which rape was used against women, and in particular, against Muslim women. Neier then proceeds to revise the public information about rape first issued by the Bosnian Government by acknowledging that more than 50,000 Muslim women had been raped. This news only became an international concern once *The New York Times* published an article by John Burns citing the statistic that showed that at least 20,000 women had been raped. The question became important for international law when several feminists, among them the lawyer and professor Catherine MacKinnon, who spoke about it on a panel sponsored by Neier himself at the Association of the Bar in the city of New York. MacKinnon cited the data of 30,000 women who had been raped and got impregnated as a consequence of those actions. The full disclosure of the ways in which symbolic violence and cruelty were ensured by the perpetrators’ boasting to their victims that these raped women were carrying “little Chetniks” were captured in the narratives collected by Neier and others human rights activists. Indeed, Neier clarifies, “prior to Bosnia, there was never an issue involving women in other countries that preoccupied American women. Overnight, however, it seemed that the plight of Bosnian women had become a domestic political issue to American feminists.”⁷³ Thus, the recognition that rape needed to be considered by itself as a *specific* crime was an important step into the feminist imaginary because it did not appear as such in the Geneva Conventions or in the Nuremberg and Tokyo trials. It was formulated as a specific crime in 1996 when the first indictments—solely for rape—against fourteen Muslim women and girls who were held at Camp Foca and systematically raped made this problem apparent. Raising public opinion, involving the victims in the endless task of recording their stories, and indicting criminals have all been major issues in the successful morally constructed understanding of rape as a crime against humanity. Feminists also played a major role in raising public awareness about rape and they forced us to acknowledge that these crimes must be considered evil actions. Now we need to make clear why these strategies have also been political through and through.

Meanwhile, stories narrated in films about these women in the former Yugoslavia have

⁷² Aryeh Neier, *War Crimes, Brutality, Genocide, Terror, and the Struggle for Justice* (New York: Random House, 1998), 172.

⁷³ Aryeh Neier, *War Crimes*, 178.

entered the public realm by giving us an even deeper texture in our understanding about the consequences of such crimes and the meaning of moral harms inflicted to them as a permanent part of their lives, the lives of their children, and the lives of their families. As seen in the case explored before with *Grbavica*⁷⁴ the legacy of having been raped confronts now film directors because of the challenge of telling stories that are not easy to depict since we have to construct such representations going beyond the dimension of victimhood while exploring what does it mean to be able to provide us with some experiential knowledge into the feminist imaginary. The crimes of rape fracture humans. Yet there is a new term: “women as weapons of war.” It has acquired its strength due to a wider articulation of the relationship between gender violence and power. It is defined by the fact that an evil action ties the perpetrator to the victim forever, and it can be grasped by the kind of moral harm inflicted upon the victim’s identity and self-esteem.⁷⁵ It also clarifies the objectification of women in wars of all kinds. Public attention is thus a sign of moral awareness.

To build up a counter-social imaginary, we need to go back to the structures of education, of coining new concepts about crimes related to rape, of understanding how the images in stories and myths have played an important role and need to be retold in a different manner. We must analyze the need to reinterpret what is the meaning of the sovereignty of the female body by separating it from the patriarchal axis of violence and power. The genealogy of rape should help us realize the need to fight for the right of our own bodies with no sexual contract as its device, nor as a symbol of the ills of nations and their wars. The feminist imaginary needs to extricate itself out of the capitalist version of women as property too. Fighting to dissolve the patriarchal social imaginary is also fighting against the male’s patriarchal uses of sovereignty, violence, and power.

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⁷⁴ Directed by Jasmila Zbavic, who won the Golden Bear prize for the best movie presented at the Berlin Film Festival the year of 2006.

⁷⁵ See: María Pía Lara, *Narrating Evil* (New York: Columbia University Press, 2007).

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