Women’s Agency and the Fallacy of Autonomy: The Example of Rape and Sexual Consent

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Introduction

Concepts are more important for what they do than for what they mean. Their value lies in the way in which they are able to provide a purchase for critical thought upon particular problems of the present. (Rose 1999, 9)

Whether demonized or diminished, one central contention on the nature of women’s capacity and ability to choose in their sexual conduct is that it is – or it should be – rooted in their individual, personal autonomy. This is a relatively recent development in the context of historically patriarchal and patrilineal descriptions of women. It is conceived as being progressive because it involves recognition of women’s freedom of choice and self-governance, dissembling patriarchal characterizations of women as adjuncts or dependents – of ‘Adam’s rib’ – and respecting women’s dignity and equality as individuals alongside men. Seeing women ‘in their own right’ is a foundation to rejecting objectification and oppression.

It creates a problem, however, in how we conceive women’s relationships in contemporary society: to social and cultural structures, institutions, processes, orthodoxies, ideologies, contexts, conjunctures and other – male and female – agents. If these social and cultural ensembles are infused with heteropatriarchal or heteronormative discourses, and so have lineages, tendencies and determinations that reinforce and normalize male power and centrality in social and sexual life, to what extent can women enjoy choice and self-governance and how can that
be enhanced? Yet a focus on the limits and constraints to women's choice within social contexts can then lead to a diminishment of any appreciation of the choices women do exercise. This problem has been central to feminist and post-feminist debates – balancing the political and ideological recognition of women's empowerment against the continuing impact of those constraining contexts.¹

The problem is represented in the characterization of women as autonomous – from the Greek auto nomos, or self-governance (the literal translation is ‘self-rule’).² What might apparently seem a semantic consideration – whether autonomy or another characterization best describes women's self-governance and freedom to choose under heteropatriarchy – is significant in understanding the gendered nature of modern and contemporary societies. What is at stake is represented in two trends in the way sexual violence against women is seen. The first is a demonization of women who are sexually expressive in dress, manner or conduct, when they report rape and violence. Here, their autonomy is regarded as being causal and responsible for the rape or violence they suffer. Their conduct – however much its construction by the rapist is untenable and incredible – becomes a central referent for understanding the episode of violence.

The second is the woman as a passive creature who is unable to protest clearly (which is often imagined only as physically fighting and screaming) when a man forces himself upon her, violently or otherwise. This produces a ‘victimology’ around her, seeing her as somehow less than autonomous, providing succour for the defence of the perpetrator, with appeals to mens rea and claims of legitimate belief that she consented in the absence of struggle (even if no credible explanation for such belief is offered). Both characterizations, and their diminution or exemplification of women's choice, create a dichotomy of parody that fails to accurately capture the power of contexts and the nature of women's agency within them.

This chapter argues that the concept of autonomy is at the root of a misconception about self-governance and choice that underpins these sorts of demonizations or victimologies. Autonomy is a ‘functional fiction’ that individuates, abstracts and decontextualizes the real conditions under which women are constrained in exercising free sexual choice. This is not to deny women can exercise choice and govern themselves, but it is to argue that there is a context and agent sensitivity to the circumstances of their choice that is more complex than any notion of autonomy allows. Whilst argued as a necessary means of attribution of causation and responsibility for human action, the