

Speaking of 'Violence'

by

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### **Author's Declaration**

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

## Abstract

In this project, I engineer a new concept, which I call a “violence figleaf”, in order to make sense of the many instances of gendered violence which are dismissed or characterized as some other kind of thing: a misunderstanding, a change of heart by the victim, a mischaracterization of the perpetrator, or any other number of things which are not “assault”, “rape”, or “violence”. Conceptual engineering promises to expand on the language and cognitive resources available to people in deciphering what, exactly, is going on when observations and moral judgements orthogonal to an instance of gendered violence are treated as relevant to the violent act. In some sense, violence figleaves are an application of Jennifer Saul’s work on racial and gender figleaves, as the underlying mechanics of the deceptive utterance track those of Saul’s figleaves. In other words, I am developing a species of the genus, *figleaf*. At the same time, violence figleaves are a concept of their own, and represent a new conceptual resource for the analyzing and understanding of gendered violence discourse. Insofar as this work enriches conceptual resources regarding deceptive speech in contexts of gendered violence, it is a meaningful work of conceptual engineering.

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## Introduction

In “Fragments,” an essay in Roxane Gay’s edited collection of rape essays, *Not that bad*, Aubrey Hirsch tells of her experience working as an adult creative writing instructor. Hirsch recalls receiving a rape story from a student as an assignment submission. The story, as Hirsch tells it, involves the sober ‘hero’ meeting a beautiful and intoxicated girl at a party. The girl becomes so drunk that she cannot walk, and so the ‘hero’ takes her to a nearby beach, undresses her, and has sex with her. Hirsch meets with the student about his story and highlights her concern that he is romanticizing a rape story. The student is surprised and horrified at it being described as a rape story, eventually revealing that his story recounts his first-time having sex with his girlfriend (Hirsch 2019, pp. 5-6). Hirsch writes,

It hadn’t occurred to you that the student might not have realized he was writing a rape story.

“All I can say,” you say, “is that a lot of people are going to read this as rape.”

“But it isn’t,” he says, weakly, sounding more like he’s trying to convince himself than you. “It wasn’t.” (2019, p. 6)

How is it that the nature of an instance of gendered violence, like the one Hirsch discusses, can be so hotly contested? After all, it is not difficult to imagine a world in which not only the student author rejects his story as a rape narrative, but one where his peers, community, and even girlfriend also reject this narrative. And yet, having sex with someone too intoxicated to walk is clearly not freely consensual sex. Operating in the background of the student’s (and others’) assumptions about his sexual relationship with his girlfriend are beliefs like “he is a good guy”, “he cares about her”, and “she is still with him”. These kinds of assertions, I will argue, play an

important role in making the nature of gendered violence acts ambiguous, with the success of these types of assertions stemming from deeply socially entrenched essentialized conceptions of perpetrators and victims of gendered violence.

This complexity in identifying instances of violence is further exemplified by a 2018 Fox News interview with then-Supreme-Court-Judge-nominee, Brett Kavanaugh, and his wife, Ashley Kavanaugh. Brett Kavanaugh, who was accused of sexual assault by three women, spanning his time as a high school student at Georgetown Preparatory School and a university student at Yale, testified that he was innocent, and had never committed the assaults in question (Hauser 2018). In response to the multiple allegations against Brett Kavanaugh of sexual assault, Ashley Kavanaugh claimed that her husband was not guilty of the assaults, saying, “He’s decent, he’s kind, he’s good, I know his heart” (*TODAY* 2018). Part of what is at issue in this project is making sense of statements like Ashley Kavanaugh’s; how are assertions like “He’s decent, he’s kind, he’s good, I know his heart” able to raise doubt regarding the likelihood that Brett Kavanaugh was violent towards his accusers?

Though not exhaustive, the following list outlines the kinds of utterances in which I am particularly interested. These utterances play a special role in severing the connection between violent acts and their violent status:

- “He is a good guy.”
- “He is a feminist.”
- “Most of his friends are women.”
- “He is a man of faith.”
- “He loves me/her.”
- “He is an upstanding community member.”
- “He supports anti-violence work.”
- “She seemed into it.”
- “He has a wife and/or daughter.”
- “She is still with him.”
- “She has always been dramatic.”

The focus of this project is to conceptually engineer a new concept, which I call a “violence figleaf”, in order to make sense of the many instances of gendered violence which are dismissed or characterized as some other kind of thing: a misunderstanding, a change of heart by the victim, a mischaracterization of the perpetrator, or any other number of things which are not “assault”, “rape”, or “violence”. This notion of ‘conceptual engineering’ is developed from Sally Haslanger’s work on “ameliorative projects”. In her efforts to identify the “legitimate purposes (if any) in categorizing people on the basis of race or gender” (2005, p. 11), Haslanger reviews the *concepts* of race and gender, exploring the work that they do, and potential alternatives and modifications to the concepts which might legitimize that work. Ameliorative projects, Haslanger argues, are valuable, as

allow[ing] that our everyday vocabularies serve both cognitive and practical purposes that might be well-served by our theorizing, then those pursuing an ameliorative approach might reasonably represent themselves as providing an account of our concept—or perhaps the concept we are reaching for—by enhancing our conceptual resources to serve our (critically examined) purposes. (2005, pp. 12-13)

The language that we use to discuss and understand events and agents, then, are limited by our conceptual resources. If I do not have a concept for X (or my concept of X is lacking), I am, in some sense, too ‘poor’ in resources to meaningfully examine X. I may be able to notice that something *Xish* is afoot, but not really get at the nature of X.

When Ashley Kavanaugh said, “He’s decent, he’s kind, he’s good, I know his heart” in response to accusations that her husband had sexually assaulted three women, something was happening. That utterance is clearly intended to *defend* Brett Kavanaugh against the violence accusations. However, it is not at all clear why such an utterance constitutes a (possibly



successful) defence. What is going on in utterances like Ashley's to make it a seemingly coherent and meaningful response to accusations of violence? After all, "He's decent, he's kind, he's good, I know his heart" never explicitly states that Brett did not assault his accusers, though this is somehow obviously what is being implied. The nagging sense that something weird and significant (*Xish*) is going on in gendered violence discourse like the Kavanaughs's Fox News interview is the motivation behind this project. Conceptual engineering promises to expand on the language and cognitive resources available to people in deciphering what, exactly, is going on when observations and moral judgements orthogonal to an instance of gendered violence are treated as relevant to the violent act.

In his paper "What is Conceptual Engineering and What Should It Be?," David Chalmers defines conceptual engineering as:

the design, implementation, and evaluation of concepts. Conceptual engineering includes or should include *de novo* conceptual engineering (designing a new concept) as well as conceptual re-engineering (fixing an old concept). It should also include heteronymous (different-word) as well as homonymous (same-word) conceptual engineering. (2020, p. 1)

So, on Chalmers's account, conceptual engineering has three broad types: design, implementation, and evaluation. These three types of conceptual engineering, though distinct, are practically intertwined, often making them difficult to fully tease apart (Chalmers 2020, p. 3). These three types (which might also be understood as 'stages') of conceptual engineering track elements of software engineering. Chalmers highlights how in software engineering, "[y]ou design a program, implement the program, evaluate the program, and so on in a continuing circle" (ibid). Similarly, engineering a concept means that 1) a concept is theorized/designed, 2)

the concept is put to use, and 3) the concept is evaluated for its elements which ‘work’, and those which do not (or which are missing).

I understand my project of developing a concept of *violence figleaves* as being a project of conceptual engineering types 1) and 2). In some sense, violence figleaves are an application of Jennifer Saul’s work on racial and gender figleaves (see Chapter 2), as the underlying mechanics of the deceptive utterance track those of Saul’s figleaves. In other words, I am developing a species of the genus, *figleaf*. At the same time, violence figleaves are a concept of their own, and represent a new conceptual resource for the analyzing and understanding of gendered violence discourse. I take it to be relatively unimportant for the purposes of this project whether one chooses to interpret my work as primarily conceptual engineering of the “design” variety or the “implementation” variety (though I expect it is an honest blend of both). In either case, insofar as this work enriches conceptual resources regarding deceptive speech in contexts of gendered violence, it is a meaningful work of conceptual engineering.

## Chapter 1

### The Puzzling Thing About Gendered Violence Utterances and Their Utterers

#### 1.1 What is ‘gendered violence’?

Gendered violence (also commonly referred to as “gender-based violence”, or “GBV”) encompasses sexual, physical, and psychological harms which are perpetrated against individuals on the basis of their gender<sup>1</sup>. The United Nations defines gendered violence as:

harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms.... [gendered violence] is a serious violation of human rights and a life-threatening health and protection issue. (UNHCR)

The Canadian Women’s Foundation outlines the multitude of forms that gendered violence can take, including (but not limited to): “name-calling, hitting, pushing, blocking, stalking/criminal harassment, rape, sexual assault, control, and manipulation” (2022). Moreover, gendered violence can occur regardless of the relationship between perpetrator and victim(s), which is to say that gendered violence “counts” as such whether the perpetrator and victim are romantic or sexual partners, family, friends, colleagues, complete strangers, or otherwise. In other words, relationship structures do not discount instances of violence as being *gendered* violence.

In their book, *Gender-Based Violence*, Terry and Hoare note that GBV occurs across societies, though how violence manifests itself differs depending on geography, culture, and other such considerations (2007, p. xv). Some forms of GBV are cross-cultural, others are unique to certain peoples, and what GBV looks like on both the global and regional scale

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<sup>1</sup> For the purposes of my project, “gender”, when referring to the basis used to discern targets of gendered violence, refers to the *perceived* gender of an individual, rather than to *real* gender. This is an important distinction, as individuals may be subjected to gendered violence due to incorrect assessments of their gender. So, the trans man who is read as a woman by a male perpetrator and subjected to violence on that basis experiences *gendered* violence. This is not intended to reinforce the perpetrator’s judgement of their victim’s gender; rather, the perpetrator makes a mistake regarding the gender of their victim but is still targeting them *because* of gender.

changes over time (ibid). Moreover, GBV is not restricted to any particular age (range) of women; though discussions of sexualized violence often centre young women, GBV can be (and is) perpetrated against women of all ages, even fetuses with biologically female sex characteristics (ibid).

Gendered violence is notably perpetrated against women, girls, and gender-diverse individuals (ibid). While members of these demographics can (and do) perpetrate violence against men and boys, such instances of violence do not fall within the parameters of gendered violence (just “violence” or “abuse” would describe these instances). To see why this is, return to the United Nation’s definition of gendered violence, which states that gendered violence “is rooted in gender inequality, the abuse of power and harmful norms” (UNHCR). In sociologist, Evan Stark’s, work on violence against women (VAW), Stark argues that

rather than ask ‘who uses violence,’ I believe our responsibility as feminist scholars is to identify how violence functions in relationships to preserve and extend gender inequalities. ...Feminist scholars need not deny the realities of women’s violence or posit essentialist qualities in women that make their assaults somehow less significant or harmful than men’s assaults. (2010, p. 209)

In other words, one need not dismiss or devalue the violence perpetrated against men and/or by women in order to treat gendered violence (read: against women) as distinctly problematic. This is because of the social and political role that gendered violence plays in establishing and maintaining patriarchal power structures. Men and boys *do* experience violence. And they experience violence at the hands of women. But, importantly, violence against men by women does not reinforce structures of gender-based domination like it does when the roles are reversed.

Stark notes that many use “violence to exercise “power and control”” (Stark 2010, p. 207), and so those already vulnerable to having others exercise power and control over them (in virtue of their race, gender, sexual orientation, for example) have more to lose in instances of violence. In light of this relationship between identity privilege and vulnerability to violence, Hilde Jakobsen suggests that

violence [is] intrinsically political.... when interventions against this gender–violence nexus are undertaken with the understanding that to challenge accepted violence is to challenge the enforcement of an exploitative structure, policymakers and practitioners are better equipped to handle resistance and backlash. (2014, p. 556)

So, gendered violence is violence which targets women, but it is also more than that; it is violence which sustains unequal gendered social structures. It is political. And it is very, very messy.

## 1.2 Focusing on *gendered* violence figleaves

Given the emphasis in the previous section on the connection between gendered violence and structural inequality, one might wonder why my project, and the account of “violence figleaves” which I develop in Chapter 2, is limited to gendered violence. After all, other social groups also experience violence as a mechanism for establishing and reinforcing group-based oppression. People of Colour (PoC), transgender people, non-heterosexual people, and poor people all also experience violence as more than just an instance of violence. Their experiences of violence, like gendered violence, are political, and reflect deficits in power and control.

My reasons for limiting my account of violence figleaves to *gendered* violence, then, are twofold, with the first being a matter of scope, and the second being a matter of fittingness. My concern for scope is not terribly remarkable: attempting to account for deceptive utterances in

contexts of all identity-related violence is a massive task, and one which overwhelms my resources and space in this project. In fact, even limiting the scope of this project to only deceptive utterances (specifically, figleaves) about *gendered* violence still does not allow me to provide an exhaustive account of gendered violence figleaves. There is a lot to say about how violence is talked about, and there is simply not room to say it all here.

Perhaps the more significant reason, though, for the limiting of my account of violence figleaves to matters of gendered violence is that attempts to extrapolate experiences of oppression across group-identities can drastically flatten and misrepresent the distinct ways in which each group is violated and oppressed. While patterns and similarities do certainly exist between, say, gendered violence and racial violence, treating these phenomena as a singular type of violence to be explored misses the meaningful ways in which these violences differ.

In her paper, “The Social Construction of Black Feminist Thought,” Patricia Hill Collins argues for the significance of Black feminist epistemologies, highlighting the ways in which the experiences of Black women are commonly obscured by common positivist epistemologies, and by White feminist scholarship. Collins notes that “as a result of colonialism, imperialism, slavery, apartheid, and other systems of racial domination, Blacks share a common experience of oppression” which are unique to them as a group (1989, p. 755). But, as women, Black women also experience oppression in its gendered dimensions. The result of this multi-dimensional experience of oppression is that “[o]n certain dimensions, Black women may more closely resemble Black men, on others, white women, and on still others, Black women may stand apart from both groups” (Collins 1989, 757). So, to treat Black women as victims of gendered violence obscures their experiences of racialized violence, and to treat them as targets of racialized violence obscures their experiences of gendered violence. Moreover, to treat Black

women as simply the experiencers of both gendered violence *and* racialized violence (the sort of convergence of a Venn diagram, so to speak) misses the ways in which there is something distinct about experiences of violence as a *Black woman*, quite apart from the experiences of racism by Black men, and the experiences of sexism by White women. Collins argues that White feminist scholarship has historically missed this point in their work. In discussions of gender-based oppression, White feminists

assert that women share a history of patriarchal oppression through the political economy of the material conditions of sexuality and reproduction. These shared material conditions are thought to transcend divisions among women created by race, social class, religion, sexual orientation, and ethnicity and to form the basis of a women's standpoint with its corresponding feminist consciousness and epistemology. (Collins 1989, p. 756)

Feminist work, on Collins' account, errs when it allows patriarchal oppression (or gender-based oppression) to overshadow other features of an individual's identity which shapes their experiences in the world, and informs their standing to control and hold power over their own lives.

Mariana Ortega expands on this general concern of the homogenizing of Black women's experiences of oppression (including group-based violence) in her paper, "Being Lovingly, Knowingly Ignorant: White Feminism and Women of Color". Ortega argues that White women (including White feminists) participate in a kind of ignorance which involves the exploitative use of famous Black women's work in lieu of engaging meaningfully with non-white scholarship, and the failure to adequately "check" their knowledge and work on the experiences of non-White women. According to Ortega,

the result of this ignorance is that women of color continue to be misunderstood, underrepresented, homogenized, disrespected, or subsumed under the experience of “universal sisterhood” while “knowledge” about them is being encouraged and disseminated and while feminism claims to be more concerned and more enlightened about the relations between white women and women of color. (2006, p. 62)

In some sense, then, my decision to limit my project to solely gendered violence utterances is an attempt to speak within my means; trying to give a single account of “violence” which encompasses the experiences of Black people, poor people, trans people, for example, seems like a good way to perpetuate the kind of “ignorance” and harmful homogenizing that Ortega discusses in her paper. That said, it remains important to note that as I give my account of gendered violence, it cannot be taken to be an account truly disconnected from these other kinds of group identities, since, as Collins and Ortega suggest, even an account of “gendered violence” must encapsulate the experiences of very different women.

One way to address this worry about accommodating the experiences of diverse women in my conceptual account of violence figleaves is to adopt what Kristie Dotson calls an “open conceptual structure” in my work. Though Dotson discusses open conceptual structures in the context of accounts of epistemic injustice, the idea extends nicely to other kinds of philosophical work. The premise of

[a]n open conceptual structure is a simple thing. The simple use of a well-placed indefinite article, *a*, can take one very far. An *a*, as opposed to the definite article, *the*, along with the corresponding shift in perspective that makes an indefinite article appropriate, may be all it takes to create an open-ended conceptual structure. (Dotson 2012, p. 42)



This point, then, is a methodological one; my account of violence figleaves is *an* account of deceptive discourse surrounding gendered violence. Just as women are diverse, and women's experiences are diverse, so too will be the ways in which discussions of gendered violence unfold. My project is not an exhaustive analysis of (gendered) violence figleaves, it is the beginning of a conversation about an area of philosophical importance that has thus far been underexplored in academic work. Future accounts of gendered violence discourse are able to modify and "stand side by side" (Dotson 2012, p. 42) my own and others, so long as our conceptual structures remain open.

### 1.3 Treating gendered violence as a problem of language

Understanding and combatting gendered violence is the focus of much current work across disciplines; sociologists, psychologists, Indigenous studies scholars, gender studies scholars, statisticians, economists, are all contributing to the project of anti-violence. Philosophers, particularly those working in the subdiscipline of feminist philosophy, also research and work in this area. Underdeveloped among the philosophical contributions to gendered violence research, though, are accounts of how the language which we use to describe instances of violence and the perpetrators of violence facilitate the ongoing epidemic of gendered violence that most societies are met with. This is what I aim to contribute to the anti-violence project: a work of feminist philosophy of language which analyzes gendered violence discourse and offers insight into how to change Western linguistic practices to reduce instances of gendered violence.

With this socio-linguistic lens in mind, it is important to clarify what I have in mind when I gesture to 'gendered violence discourse'. Such discourse is diverse, and (non-exhaustively) includes the conversations people have after experiencing, perpetrating, witnessing, or discussing

gendered violence (regardless of whether the violence is understood as violence at the time the discourse occurs). Gendered violence discourse, then, includes the young woman's conversation with her friends after an unsafe and unwelcome sexual encounter; it includes the media coverage of a high-profile sexual assault trial; it includes content in sex-ed classes and healthy relationship courses in school.

The way that gendered violence is talked about has significant impacts on the outcomes for both victims and perpetrators of violence. This is because our words *do* things; the way we discuss a scenario makes it reasonable to respond in certain ways, and not others. If I hand my colleague a pie, and say, "This pie is two weeks expired," then it is quite reasonable if my colleague proceeds to throw the pie in the garbage. If, however, I hand my colleague a pie and say, "I baked this pie to thank you for your support over the last several months," and my colleague proceeds to throw the pie in the garbage, it seems as though they have behaved inappropriately. What accounts for the difference in how their disposal of the pie is perceived? It is the context that I have established by discussing the pie; in one case, I have depicted the pie as rotten food, and in the other case, I have framed the pie as a sign of friendship and appreciation for a colleague.

Similarly, how I discuss an instance of gendered violence informs the kinds of actions that are subsequently acceptable (or even *possible*). In "Calling it Rape: Differences in experiences of women who do or do not label their sexual assault as rape," Arnold Kahn et al. note that "[l]abeling one's experience as rape is important: If a woman does not recognize [or label] her situation as such she will not report the incident and the assailant will not be identified or punished" (2003, p. 233). Classifying an incident as "violent", "rape", "assault", invites legal and protective responses in ways in which "disagreement", "misunderstanding",

“miscommunication” do not (or, at least, not to the same degree). This is, at least in part, because the former kinds of words make the use of what J.L. Austin calls “behabitives” appropriate (1962). Behabitives are “a kind of performative [verb] concerned roughly with reactions to behaviour and with behaviour towards others and designed to exhibit attitudes and feelings” (Austin 1962, p. 83). Among Austin’s list of example behabitives are “I criticize”, and “I blame” (ibid). “I accuse” might reasonably be added to this list as well. Austin explains that what makes these performatives noteworthy is that “the issuing of the utterance is the performing of an action – it is not normally thought of as just saying something” (1962, pp. 6-7). In other words, utterances like “I blame X” or “I accuse X” are more than just descriptions of my behaviour, they are actions in themselves. However, not all actions are the appropriate targets of blame, accusation, or criticism – this is where descriptive violence language becomes relevant. If I say of my partner, “he assaulted me,” not only does this allow for legal recourse, but it implicitly acts as an accusation (“he assaulted me” can be read as “I accuse him of assaulting me”). If, though, I were to say “there was a miscommunication in our sexual interaction,” it is less clear how such an utterance translates into actionable response.

It is not, however, a function of any logical rule that descriptions like “violent”, “rape”, and “assault” make speech acts like accusations and blaming more coherent. Rather, it is that “accusation” and “blame” carry anticipated moral valences which, though not logically mandatory, make the speech acts in question intelligible. By “moral valence”, I mean the positive or negative moral association that is attached to the term. So, for example, “murder” is widely understood as carrying a *negative* moral valence; when one hears of “murder”, they interpret it as a very bad thing, as a source of great displeasure. Similarly, a term like “celebrate” is positively valenced; “celebrate” is associated with goodness and pleasure. One way to

understand this notion of valancing is to consider why there seems to be a sort of tension between a statement like, “They had gathered for a grand celebration of his murder”. Though the sentence makes logical sense, it is bizarre. Very rarely is it taken to be appropriate to *celebrate* a murder. “Murder”, which is deeply evil, bad, undesirable, carries a negative valance, and “celebrate” oppositely involves goodness, joy, desirability – it is positively valanced. One might argue that there are cases where to celebrate a murder is taken as fitting (or easily ‘intelligible’). One such example might be the killing of Osama bin Laden, former leader and founder of the Islamic militant group, al-Qaeda, by the United States military. Following then-American President, Barrack Obama’s, announcement of bin Laden’s death, “crowds flocked to Ground Zero in New York to celebrate” (*BBC*, 2011). Important, though, is the contentious standing of bin Laden’s killing as “murder”. Across Western media outlets, the killing of bin Laden in the American military raid is described as “the killing of”, not as “the murdering of”. This, I think, reflects the power of moral valence in selecting terms and concepts. Since “celebrate” and “murder” are oppositely valanced and understood as in tension with one another, then it is inappropriate to “celebrate” a murder, and so, given that many people *did* openly and enthusiastically celebrate the death of bin Laden, it might not really be an instance of “murder” (or so one might argue).

In their paper, “Semantic Prosody and Judgment,” David Hauser and Norbert Schwarz discuss semantic associations and the impact of valence on judgement, arguing that

[l]anguage and thought are heavily intertwined, such that minor variations in wording can exact profound effects on judgments and memory. Asking people how they *feel* about themselves leads them to more negativity than asking how they *think* about themselves (Holtgraves, 2015); accidents in which cars were said to *smash* into one another are

recalled as more violent than accidents in which cars *hit* one another (Loftus & Palmer, 1974); and saying *Daniel helps X* elicits fewer dispositional attributions of Daniel's helpfulness than saying *Daniel is helpful* (Semin & Fiedler, 1991). Nearly synonymous ways to express the same information can lead the reader to very different inferences.... affecting evaluative inferences and creating disparate valence implications for similar sentences as illustrated in our opening example. (Hauser & Schwarz 2016, p. 882)

Similarly, depending on the description of an instance of gendered violence that is taken to represent the interaction, the standing of the instance as *violent* (or "*rape*") may differ (descriptions for actions are further explored in section 2.4). The term "*rape*" (or "*violent*"), like "*murder*", is negatively valenced, and as such is taken to be the appropriate target of accusations and blame. This, I have suggested, is different from terms and concepts like "*misunderstanding*", and "*miscommunication*", which are less clearly valenced. This is not to suggest that agents are never appropriately "*accused of*" or "*blamed for*" miscommunications and misunderstandings, but rather that there is a more obvious intuitive fit between actions of rape and violence and resulting actions like accusation and blame (and reporting).

"*Terrorist*", like "*rape*" (or "*rapist*") is a strongly negatively valenced term. In their research on valences in semantic contexts, Stephane Baele et al. explore the power that such heavily valenced terminology has on socio-political discussions. They highlight that the category of terrorism is no longer credible as a value- or interest-neutral descriptor of any given reality, but should rather be seen as a powerful instrument that shapes opinion in particular ways (Baele et al. 2019, p. 521)

In a similar vein to Baele et al., Camille Sanrey et al. also examine the socio-political impacts of differently valenced descriptions of agents, noting that

Augoustinos and Quinn (2003) found that a message in which migrants were labeled as “illegal immigrants” led receivers to express more negative attitudes toward migrant groups than two other messages in which migrants were described as *asylum seekers* or *refugees*. Similarly, Mange and Lepastourel (2011) reported that depicting a group as either “terrorists” or “resistance fighters” in a message describing a conflict between two fictitious countries affected attitudes toward the groups. Although both groups committed the same actions, attitudes toward the group labeled “resistance fighters” were more positive than attitudes toward the group labeled “terrorists.” (Sanrey et al. 2016, p. 472)

The words that one opts to use to describe an action, then, are political. This fact is largely a feature of moral valancing, which shapes the relationships between words, and which make certain words easily intelligible when given together (e.g. “rapist” and “criminal”), and other words intuitively incompatible (e.g. “rapist” and “hero”). As is discussed in section 2.4 of this project, not all descriptions of an action are created equal. Whether one opts for description A or description B of action X may largely determine *what* the action is taken to be, and what responses to X are accepted as reasonable.

#### 1.4 The socio-linguistic construction of the ‘rapist’ and ‘abuser’

In their paper, “Don’t Call People ‘Rapists’: On the Social Contribution Injustice of Punishment,” Kimberley Brownlee highlights the general social shift away from essentialist language use. Brownlee notes that it is increasingly socially unacceptable to define women only by their roles as mothers or wives, and people with disabilities only by their physical or cognitive impairment (2016, pp. 336-337). This social shift is in part because essentialist language is overly reductive, meaning it invisibilizes an individual’s complex and diverse personhood into a single ‘kind of person’, and this, Brownlee argues, is disrespectful to the individual (2016, p.

336). Moreover, Brownlee argues that essentialist language is often inaccurate, as such language attaches to historical stigma and connotations which then invite series of beliefs and assumptions about the individual which may very well not be true of the individual (ibid). Given the risk of inaccuracy, disrespect, and ignorance that accompany essentialist language use, Brownlee notes that it is odd that

in contrast with our conscientious shift away from essentialist language in other domains, we continue to use it in criminal justice practice to refer to people who have committed offences. In ordinary speech, we label these people as ‘criminals’, ‘crooks’, ‘felons’, and ‘common criminals’. All of these terms are essentialist status classifications. (ibid)

These “criminals” are then subdivided into narrower essential groups on the basis of their offense, such as “murderers’, ‘rapists’, ‘thieves’, ‘psychopaths’, ‘serial killers’, and so on” (Brownlee 2016, p. 337). These labels are widely taken to be exclusive of other labels or attributes (Brownlee 2016, pp. 342-342), so that the person labeled *a rapist* or *an abuser* takes on that descriptor at the expense of any other, such as “parent”, “friend”, “accountant”, “frisbee player”, and so on. This one-dimensional characterizing of perpetrators of violence does more than simply flatten individuals’ identities, it also bootstraps other kinds of undesirable identity traits to the individual.

Understanding how perpetrators of gendered violence are socially collapsed into oversimplified, and often morally uncomplex “monsters” is important in tracking modern discourse surrounding gendered violence. Part of understanding the nuance of such discourse is understanding why perpetrators of violence are so averse to being identified as such, and also why victims and their communities more generally can (and do) struggle to identify instances of violence *as violence*. While carceral and legal threats certainly disincentivize perpetrators of

gendered violence from identifying as such, I also argue that sexual subjectivity plays an important role in perpetrators of violence distancing themselves from labels of ‘rapist’, ‘perpetrator’, and ‘violent’.

Sexual subjectivity refers to the ‘sexual self’ that each person possesses and constantly develops. In her *Rape and Resistance*, Linda Martín Alcoff expands on Rebecca Plante’s work on sexual subjectivities, who

defines sexual subjectivities as “a person’s sense of herself as a sexual being” ...This involves more than our arousal patterns and our conduct or sexual choices. It also includes a complex constellation of beliefs, perceptions, and emotions that inform our intrapsychic sexual scripts and affect our very capacity for sexual agency. Because our sexual subjectivity is interactive with others and our social environments, it is always in process, changing in our relation to our experiences (2018, p. 111).

In other words, one’s experiences in the world, in sexual contexts and beyond, coalesce to create a sexual self which is unique. But, because people are all constantly interacting with the world around them, that sexual self is unfixed, and in a constant state of change. It is important to understand this ‘sexual self-making’ as an ongoing and changeable process. The touch of others, especially in the context of sexual violations, can have the effect of alienating one from oneself, by “reveal[ing] a structuring of the world beyond one’s own self” (Alcoff 2018, p. 71), highlighting a lack of control over one’s own sexual experiences. As I have argued elsewhere<sup>2</sup>, it is interesting to consider the self-alienating power of *perpetrating* sexual

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<sup>2</sup> This section of my project borrows from the argument in my paper, “Understanding Male Sexual Subjectivities in the Context of Violence,” which has been presented at the 2020 meeting of the Canadian Philosophical Association and at the 2022 Joint Session in St Andrews, Scotland.



violations. By this, I mean the ways in which one's conception of the self is made incoherent by being labelled 'rapist'.

Given the essentialist language that is often used to describe perpetrators of gendered violence, and the potential for such language and labels to impact the development of a healthy sexual subjectivity in perpetrators, it is unsurprising that notions of ideal victims and perpetrators gain traction in gendered violence discourse. Ideal victims, as described in Trudy Govier's *Victims and Victimhood*, are victims who are "ideal" insofar as they are morally uncomplex, and therefore easy to make judgements about in cases of moral wrongdoing (2015, pp. 19-20). Such a victim embodies the two key elements of victimhood: innocence and harm (Govier 2015, p. 19). Govier notes that cases of wrongdoing are often treated as "clear...contrasts [from which] we readily infer moral distinctions" (2015, p. 20). The perpetrator is guilty, bad, and the 'harmer'. The victim is "the passive and innocent object of a harmful action" and is therefore not morally responsible for their victimhood (ibid).

Unfortunately, Govier argues, many cases of victimhood are not like this. In many instances of wrongdoing, the victim is not clearly an "innocent object", and appraising the wrongdoing means weighing past wrongdoings and moral blights against current ones. Govier offers the example of the victim of sexual violence who has previously lied to gain entry into the United States; she is blameworthy in some respects, though a victim of violence and wrongdoing in others (2015, pp. 20-21). Though it is easier to make moral and legal evaluations about nondimensional victims, Govier highlights an important feature of victims of violence: "People who lie can, after all, be victims of sexual assault" (2015, p. 21).

Moreover, judgements about "innocence" in regard to victims (and, as will be explored later, perpetrators) of violence are deeply intertwined with racial and cultural stereotypes.

Naomi Murakawa and Katherine Beckett discuss the significance of racial biases in criminal justice, arguing that it is both legally and socially entrenched in the West that for

many whites, racism is waning, aberrant, and located in the bad intentions of individual actors. Yet in the lives of many people of color, criminal justice is expanding, commonplace, and located in systemwide penal policies and practices that are irreducible to bad individuals with evil intent. (2010, p. 696).

According to this position, then, black victims make poor victims of violence (and ideal perpetrators of violence) because they lack the presumption of innocence which is so commonly attributed to whites. Not only are many victims of violence complicated moral characters, making them non-contenders for “ideal victims”, but many victims are also judged as not “looking the part”. In other words, depending on social identity, it is easier for some victims to be perceived as innocent (or “ideal”) than others, and for reasons unrelated to moral character and *actual* innocence.

In her *Time* article and her book, *Aftermath*, Susan Brison explores the ways in which her own status as an ideal/non-ideal victim shifted between her two experiences of rape. Brison recalls being raped at age 20 by a young male acquaintance who knocked on her college dorm room door late at night, was let in by Brison, and proceeded to rape her (*Time* 2014). Brison notes that her rape caused her to stop attending college classes, worry that she may be pregnant, and ultimately become suicidal (ibid). Importantly, Brison never chose to report the rape. Then, at age 35, Brison was raped a second time, this time by a stranger along a country road in France. This rape was extremely violent. Brison describes the assault, saying “[he] jumped me from behind, beat, raped, repeatedly choked me into unconsciousness, hit me with a rock, and left me for dead at the bottom of a ravine” (ibid). Brison had been out on a peaceful walk in the middle

of the day, picking wild strawberries, when she was attacked (2003 p. 2). In this second case of rape, Brison highlights that she did report the rape and attempted murder, though her assailant would have been prosecuted regardless of whether she pressed charges, given the obviousness of the violence when Brison was discovered (dying) and brought to the nearby hospital (Brison 2003, *Time* 2014). The physical evidence available to medical examiners that Brison had been violently and sexually violated made the prosecution of the offender a public safety concern, and as such, Brison's testimony did not have to stand alone in the prosecution of her attacker.

Regarding her believability as a victim in this second rape, Brison notes,

Since I was assaulted by a stranger, in a "safe" place, and was so visibly injured when I encountered the police and medical personnel, I was, throughout my hospitalization and my dealings with the police, spared the insult, suffered by so many rape victims, of not being believed or of being said to have asked for the attack. (2003, p. 7).

Brison can be understood as highlighting the features of her second rape which made/make her an ideal victim. Brison was out for a midday walk and was partaking in a wholesome activity when attacked. She couldn't possibly have "asked for it" because she had absolutely no relationship with the offender. She was not even aware of his presence when he jumped her. Brison was discovered so promptly after the violent attack that she was literally covered in physical evidence; Brison recalls twigs being taken from her hair for evidence, and undergoing a series of oral swabs, fingernail scrapings, gynecological examinations, and x-rays in the hours following her admittance to Grenoble hospital's emergency room (2003, p. 2). This experience contrasts with Brison's first rape, where she knew her assailant, willingly let him into her room late at night, was a young female student, and had little (if any) way of *proving* that she was

raped. In other words, Brison was a non-ideal victim in her first rape, and an ideal victim in her second rape.

In discussing *why* she felt compelled to stay silent about her first rape, and even about her second rape with those unaware of the attack, Brison highlights how being a victim of sexualized violence can diminish one's sense of control over one's own life. After all,

[n]o one wants to accept that we live in a world where *even though you did nothing wrong* you can be brutally violated, whether by a trusted friend or a total stranger. Blaming yourself is far easier than letting go of the belief that nothing terrible, undeserved, and utterly unavoidable will happen to you. For, if you *weren't* to blame, then it could happen again and there's nothing you can do to prevent it. That's the scariest thought of all. (*Time* 2014, original emphasis)

It is important to focus on one particular thread of this passage: that it is scary for victims of violence to believe that the people they trust, those they love or at least consider good people, can (and do) brutally violate them. How can one find peace or comfort when “you live in a world where you can be attacked at any time, in any place, simply because you are a woman” (Brison 2003, p. 13)? And especially when there is no obvious way of predicting who will violate you? I take this point, though, to also extend to the experience of perpetrators of violence (and those evaluating them). It is disorienting, I imagine, to believe that even good people can perpetrate rape; that rape can happen accidentally or unknowingly. In *Aftermath*, Brison notes that

[e]ven those who are able to acknowledge the existence of violence try to protect themselves from the realization that the world in which it occurs is their world and so they find it hard to identify with the victim. (2003, p. 9)

Similarly, in the interests of preserving a sense of control over one's own life (and world), I argue that it is difficult for people to identify with the perpetrator of violence. After all, if one accepts that the perpetrator is "a normal guy like me", then one must also reconceptualize what it means to be a "normal guy like me" and the sorts of wrongs that one might oneself perpetrate. This, it seems, is a scary and significant self-conceptual undertaking.

Like Govier's notion of the "ideal victim", there are also "ideal rapists" (or "ideal perpetrators"). Again, these character-types are imagined to be morally uncomplicated; the ideal rapist is cruel, perverted, deviant. It is easy to hold the ideal rapist accountable for his act of violence because he is morally blameworthy in every domain of his life. It is, however, the social reality that few perpetrators of gendered violence are as easy to judge as the ideal rapist being depicted. Assaulters donate to charities; they pick their mothers up at the airport; they love and raise children. Amanda Aguilar Shank even discusses her experiences of harassment by the leader of a prominent immigrant rights coalition in the United States (2020, pp. 27-29). Even organizers of progressive, liberatory projects perpetrate gendered violence. In the wake of her second, brutally violent rape, Brison recalls being told to

think of [her attacker] as a wild beast—a lion. But he was someone's son, someone's neighbor. Every stranger who rapes is. The myth that only inhuman monsters rape keeps us from believing victims who've been raped by men who are widely admired. It also keeps us from asking what it is about our culture that creates and supports rapists. (*Time* 2014)

In their paper, "Credibility Excess and the Social Imaginary in Cases of Sexual Assault," Audrey Yap highlights the cognitive dissonance that many experience when trying to understand a person they perceive as deeply 'decent' as having perpetrated sexual assault. Yap roots this

tension in the internalized and widespread social belief that “our friends, relatives, and even acquaintances, are not monsters... [and] sexual assault is something only committed by moral monsters” (2017, p. 16). In other words, it is widely understood that certain kinds of offense, like rape and abuse, are only perpetrated by *rapists* and *abusers*, and these people are subsets of a general type of “moral monster”. This conception of perpetrators of (gendered) violence is problematized, though, when one reviews the empirical data regarding who actually perpetrates violence, as well as who can easily imagine themselves perpetrating violence. Men that perpetrate sexual violence are often portrayed as ‘perverts’ and ‘monsters’ by media (O’Hara 2012, p. 248). Moreover, “high sexual needs, uncontrolled sexual urges, an external locus of control, depression, emotional instability” are all often attributed to rapists (Lev-Wiesel 2004, p. 203). By obfuscating the diverse roles and traits of perpetrators, and by implying a broader moral failure on their part, perpetrators of sexualized violence are “imagined to be someone very different” from other, ‘normal’ men (Yap 2017, p. 12).

This chapter began by defining ‘gendered violence’ and explaining its distinctness as a form of group-based violence. After broadly defining the kind(s) of violence that I understand as constituting gendered violence, I explored reasons for treating gendered violence as an isolated violence-type from violence experienced by members of other oppressed social groups. Chapter One also highlighted the value of considering issues of gendered violence as (partly) issues of language, as language ‘does work’ in violence discourse, and shapes agents’ perceptions and actions. This discussion led into a review of literature on the widespread identity-essentializing of perpetrators of violence, who, like victims of violence, are often treated as sorts of caricatures. Specifically, notions of ideal victims and ideal rapists were explored, highlighting how certain

kinds and demographics of peoples are, in some sense, *easier* to talk about as victims and rapists than others.

## Chapter 2

### Violence Figleaves: What they are and how they work

#### 2.1 Figleaf mechanics and audiences

The remaining chapters of this project consider the concept of *violence figleaves*. In this chapter, I unpack what it is that Jennifer Saul calls a “figleaf” and discuss why the concept is a useful tool for analyzing the kinds of utterances that I highlighted in the first chapter pertaining to instances of sexualized violence. Saul’s primary focus in their work on figleaves is *racial* figleaves, and so I will begin by explaining this concept, and will then turn to Saul’s brief work on gender figleaves before elaborating on my own concept of a violence figleaf.

Articulated simply, a figleaf is something which “just barely covers a thing that you’re not supposed to show in public” (Saul 2021). On a statue, for example, the figleaf covers genitalia that is considered inappropriate for public display. In the linguistic context, a figleaf covers equally undesirable and/or inappropriate content. This covering is done through an attempt to sever the inference that because person X says U (where U is unacceptable in some way), that X is the *kind of person* to think and say similarly unacceptable things. Jennifer Saul, in her paper, “Racial Figleaves, the Shifting Boundaries of the Permissible, and the Rise of Donald Trump,” gives an account of this deceptive utterance mechanism. Saul explains figleaves in the context of racist speech, though, as I will highlight shortly, Saul then expands her account of figleaves to instances of sexist speech.

In her paper, Saul divides figleaves into two kinds: *synchronic* and *diachronic*, which are paired with the questionable utterance at the same time as the utterance, and significantly after the questionable utterance, respectively (Saul 2017, 103-107). An example of a synchronic racial figleaf is the (infamous) preface to a seemingly racist utterance, “I’m not racist, but...”. A



diachronic figleaf might look like the person who responds to accusations that a previous utterance was racist by saying, “I was being ironic!” In both of these cases, a racist utterance is coupled with a figleaf (either at the same time as the racist utterance or afterwards) and communicates that there is reason to interpret the utterance as not racist. So, a figleaf is an utterance that is given with another (in this context, racially charged) utterance to cast doubt upon the nature of the utterance.

In her 2019 paper, “What is Happening to our Norms Against Racist Speech?,” Saul adds context figleaves and collections of utterances figleaves to her account of the deceptive utterance framework (2019, 11). Saul argues that contexts can be leveraged in cases of figleaf use, since “convincing an audience that a context is not one in which normal inferences hold can provide a very effective figleaf (ibid). Take, for example, the person that makes a racist utterance as part of a role in a play. In this case, the utterer might respond to concerns about racism by saying, “It was in a theatrical script! I didn’t really say it!”. The idea behind a context figleaf is that there are certain contexts and social environments in which it does not make sense to look for a person’s *real* views and values.

As Saul argues in her account of racial figleaves, the success of figleaves can be generally attributed to two factors:

- (1) The Norm of Racial Equality—don’t be racist—is thin and subject to individual interpretation.
- (2) Widespread understandings of racism among white people are such that it is very easy to dodge worries about racism (Hill 2008). (2019, 9)

The first of these factors involves what Tali Mendelberg calls the Norm of Racial Equality (2001). Saul summarizes Mendelberg’s Norm as the “[forbidding of] explicit claims of racial

genetic inferiority, explicit support for legal discrimination or segregation, and explicit endorsement of white supremacy. It also made most white Americans dislike people whom they saw as racist” (2019, 2). Despite endorsing the Norm of Racial Equality, which problematizes *explicit* racism, many white Americans still “harboured high levels of what psychologists call ‘racial resentment’” (ibid), expressing racist attitudes in ways that (at least often) avoid violating the Norm of Racial Equality by carefully navigating the Norm’s emphasis on “explicit” racist claims and endorsements. The selective disapproval of explicit racist utterances and acts helps to explain how a white American could simultaneously be disgusted by the person who suggests that Black people as a social group are inherently lazy and poorly suited to positions of power and authority, but still endorses a more couched statement like “[i]t’s really a matter of some people not trying hard enough; if blacks would only try harder they could be just as well off as whites (Tesler and Sears 2010, 19). So, Saul argues, the Norm of Racial Equality is overly thin and permissive, since racism appears compatible with the endorsement of the Norm, so long as the racism is not overly explicit (Saul 2019, 2).

The second factor contributing to figleaf success, and the factor which is especially important for my account of violence figleaves, is that it is easy (worrisomely easy) for white people to dodge or otherwise evade concerns about racism (2019, 9). This is because

(a) only people—not utterances—can be racist; (b) one is only racist if one consciously endorses negative views based in biology about all members of a racial group; and (c) *non-racist people often say things that sound very racist because their head leads them astray, but the truth about them is to be found in their non-racist hearts* (ibid, emphasis is mine).

Saul draws (a)-(c) from Jane Hill's "white folk theory of race and racism" (2008, 6). On Hill's account, the problem is that many perceive racism as "entirely a matter of individual beliefs, intentions, and actions" (ibid). If this is true, then an utterance's standing as racist cannot be found in the content of the utterance; whether racism is afoot is a question of the utterer's heart, which can be misrepresented by a confused or misguided mind. The function of a racial figleaf is to block the inference that because some person *S* has said some apparently racist thing *R*, that *S* is a racist, and this is done by creating doubt about whether *R* reflects some inherently racist nature of *S*'s (Saul 2019, 9). When these deceptive utterances succeed, utterances that would otherwise be perceived as racist become acceptable, as they are taken to be the sort of thing that a non-racist might say (Saul 2019, p. 18).

Implicit in Hill's white folk theory of racism, which Saul roots her theory of racial figleaves in, is an understanding that people have essential qualities such as "racist" or "not racist". On an account of the kind that Hill is concerned with, it does not make sense to say that a person is, for example, committed to anti-racist work though guilty of occasional racist transgressions. Is the person *truly* committed to anti-racist work? If so, it reflects that they possess a "non-racist heart". Is the person *truly* guilty of occasional racist transgressions? If so, they cannot really have a non-racist heart; a "good" heart is incompatible with racism. If this kind of argument sounds familiar, it is because it is a parallel to the rapist-essentialist arguments highlighted in section 1.4 of this project. As previously discussed, the perpetrator (or rapist) identity is often treated as eclipsing all other elements of a person's identity, and as necessarily indicating a monstrous, bad, and/or perverted person (Brownlee 2016; Yap 2017). Hill suggests that those operating under the white folk theory of racism understand people to either be racist or not racist in their hearts, and it is this essentialist feature of the person that is relevant in a

perceived instance of racist speech. This argument can be extended to the realm of gendered violence. People are either rapists (or “violent”) in their hearts, or they are not. This essential fact about a person dictates what kind of actions they are able to perform. A non-rapist cannot rape; they might do something that appears, to the untrained eye, as rape, but this is a mistake. I will say more about the role that essentialist understandings of perpetrators play in the use of violence figleaves in the following sections.

It is worth briefly noting that while each of the examples that I have offered are figleaves which can be and are regularly employed in racist speech, these figleaves are not always effective. As I will discuss in more detail momentarily, figleaf success is largely dependent on audience, and so “I’m not racist, but...” might reassure some audiences and not others of the non-racist nature of an utterance. The same is true for the examples I gave of diachronic and context figleaves, and for contexts beyond racist speech. Importantly, some audiences might not follow the mechanistic direction of the figleaf; they might hold that saying something which seems racist *makes that utterer racist*, rather than that declaring one’s non-racism makes an utterance not racist. Similarly, one might think that even if it is true that an utterer was “being ironic” in making a seemingly racist utterance, such content is not the appropriate subject of irony (at least, not in the context it was uttered in). Again, the utterer of a racist line in a play might be challenged on their decision to participate in a play with a racist script: perhaps that utterer is accountable for the context they choose to operate within. Each of these considerations is important in understanding why figleaves can fail to convince interlocutors of an utterer’s non-racist intentions. That said, these figleaves *do succeed* in many cases, and this requires investigation.

It is *attentive* audiences that are likely to be struck by the tensions, inconsistencies, and implausibility of figleaves in many instances, as identifying figleaf use (be it in racist speech, sexist speech, or – for my own focus – speech about violence) requires noticing practices. This raises an interesting question regarding who the primary target(s) of figleaves are in any given case, as the success of the utterances rely on audiences not paying too close of attention to the deceptive utterance(s) at play.

Attentive audiences are hardly a homogenous group in terms of their responses to figleaves. For example, some audiences may closely track the deceptive figleaf use in person X's speech, and yet continue to support X and their testimony. Such cases, I think, highlight the subjective (and often harmful) judging of “dealbreakers”. For example, a group of a racist politician's constituency who have been very happy with his economic support for small business owners may notice that the politician tells impossible stories about his motivations behind sharing racist content to his social media, but not care because they see the politician's economic policy work as outweighing, in some sense, the racist behaviour. In other words, an attentive audience may not see a politician's deceptive use of racial figleaves as a “dealbreaker” for his remaining in power. Attentive audiences can of course be even more pernicious than “dealbreaker” audiences, such as those who notice the deceptive utterances, and support X *because* of their harmful (e.g. racist/sexist/violent) behaviour (for a discussion of this sort of audience's behaviour, see Kenyon and Saul's (2021) work on bald-faced bullshit). Other attentive audiences may sense that ‘something is off’ about X's figleaf use, but not know exactly what they think or feel about the deceptive utterances. And then, of course, there are attentive audiences who notice the deceptive figleaf use in X's speech and are concerned, angry, and/or vocal about the fishiness. While I do not argue for it here, I take this last audience-type to be

responding in the morally appropriate way to the use of (racial/gender/violence) figleaves, and (at least) the first two kinds of attentive audiences described to be behaving in a morally reprehensible manner. This is important to note, as I move into my discussion of *inattentive* audiences: I am not treating the attentive/inattentive distinction as a moral one. Clearly, attentive audiences can (and do) fall on different segments of the moral continuum.

An inattentive audience, for my purposes, is an audience who does not notice the deceptive and/or inconsistent nature of figleaves in an instance of (violent) speech. Audiences may be inattentive for a multitude of reasons, and these reasons may significantly alter moral culpability. Following and unpacking current events often requires time and access to economic resources (note that higher-quality and better-researched journalism tends to be behind paywalls or involve subscription fees). Consider parents and care-givers responsible for full-time care work, people working long hours and/or multiple jobs, people without the educational resources to discern reliable media from not-so-great journalism, among others; it seems at least somewhat understandable when these demographics fall into inattentive audiences in political contexts. It at least feels very different when one of these groups is inattentive to racist speech than when a university professor, with access to institutional media subscriptions, a comfortably liveable income, and post-secondary education, is inattentive. After all, it is time-consuming, emotionally draining, and often expensive to be attentive to political news, and so attentiveness is more easily achieved by demographics with greater levels of identity-related privilege. Groups under oppression must often divert their resources and attention to survival practices, as greater social and political change can only happen if peoples survive long and well enough to foster such change (an interesting discussion of interim survival practices can be found in Hilliard's (2008) work on the Black Panther Survival Programs).

Ultimately, then, what I am highlighting is that attentiveness to political happenings and current events intersects with identity and privilege in significant ways. Understanding the kinds of motivators behind being attentive/inattentive to figleaf use emphasizes an important feature of audiences: both attentive and inattentive audiences are comprised of diverse sub audiences, with distinct moral valences. Not all attentive audiences are attentive in ways which make the world better – in fact, being attentive to deceptive utterances is dangerous when the person noticing the figleaves is interested in maintaining the deceptive practice(s). Similarly, not all inattentive audiences fail to notice figleaf use because they are disinterested, lazy, or unintelligent. In many cases, noticing deceptive language use is an exercise of time and resource privilege. Audience types and moral standings are clearly not neat nor simple, but considering who is receiving figleaves is an important task for combatting deceptive speech, be it racist, sexist, or regarding violence.

## 2.2 Gender figleaves

In her paper, “Racist and Sexist Figleaves,” Jennifer Saul expands her account of figleaves from racist figleaves to what she calls “gender figleaves”. Gender figleaves, according to Saul, work by severing the inference that because person X said something sexist, that X *is* sexist (2020, p. 7). More formally, Saul defines a gender figleaf as “an utterance which (for some portion of the audience) blocks the conclusion that (a) some other utterance, R, is sexist; or (b) the person who uttered R is sexist” (2020, p. 8). Like how racist figleaves trade on the Norm of Racial Equality, which Saul summarizes as being “don’t be racist” (2019, p. 9), gender figleaves rely on a Norm of Gender Equality, which translates into “don’t be sexist” (Saul 2020, p. 8). Again, Saul argues, this norm is not terribly action-guiding, as “don’t be sexist” allows much room for personal interpretation regarding what counts as “sexist” (ibid). Saul notes that

while being “sexist” is generally negatively valenced, being a “*traditionalist about gender*” is more socially acceptable in many Western communities, and yet encompasses behaviour that might otherwise be branded as “sexist” (ibid, original emphasis).

Gender figleaves operate on the two kinds of sexism, as laid out by Peter Glick and Susan Fiske: Hostile and Benevolent (Saul 2020, p. 9). The former sexism is constituted by a kind of “antipathy towards women”, and aims to explicitly maintain male-dominated power structures, rooting them in depreciative characterizations of women (ibid). Benevolent Sexism, on the other hand, is the “kinder, gentler face of sexism,” which largely functions by offering protection and gallantry towards women, who are treated as a vulnerable group (ibid). Though less harsh and often more palatable than Hostile Sexism, Benevolent Sexism also aims to maintain an unequal and paternalistic status quo by reinforcing traditional beliefs about and roles of gender (ibid). Given the masking of Benevolent Sexism as caring for women, it is more often endorsed by women than Hostile Sexism, though both can certainly find purchase among women (Saul 2020, p. 10). Unsurprisingly, women who are more resistant to paternalistic “protection” and chivalry, such as feminists and “career women” are more commonly targeted by Hostile Sexism, while women living and working within more traditional gender roles are more likely to be met with Benevolent Sexism (ibid).

While the explicit endorsement of sexist assertions is not generally permitted under either type of sexism (as doing so would violate the, albeit highly subjective, Norm of Gender Equality), Saul does note that the Norm that governs sexist speech is relevantly different from its parallel Norm of Racial Equality; it seems as though the former is permissive of claims of biological inferiority/superiority and justifications for segregation on the basis of gender in ways that would not be socially permissible in contexts of race (2020, p. 11). To support this



assertion, Saul draws attention to the widespread tolerance that exists for claims about innate skills and interests by gender (for example, women make better parents, men make better philosophers), as well as the extremely common (and now highly politicized) practice of segregating washrooms by gender (ibid). While racism and sexism work in distinct, nuanced ways, these practices suggest that there are at least certain ways in which gender is more socially acceptable a means of categorizing people than race.

As will be made clear in the following sections of this project, violence figleaves, as I will explain them, interact with racist figleaves, as well as sexist figleaves of both the Hostile and the Benevolent varieties. However, while violence figleaves may stem from or reinforce these other kinds of figleaves, none of these are necessary for a violence figleaf to be used (or even used *effectively*).

### 2.3 Defining “violence figleaves”

Following the mechanics that I have highlighted for racial and gender figleaves, it is unsurprising that what I will call *violence figleaves* work to cast doubt on the violent nature of an act by pairing the act with an utterance which makes the intention behind the act ambiguous. Violence figleaves find traction in gendered stereotypes of both perpetrators and victims. To cast doubt on the violent nature of an act, one might offer an utterance (or a series of utterances) that undermines the victim’s ability to be trusted or to even be victimized. One might, alternatively, offer an utterance which undermines the perpetrator’s ability to be understood or believed as violent. Sometimes, violence figleaves may trade on both the social believability of the victim *qua* victim *and* on the intelligibility of the perpetrator as violent. In casting doubt on the victim’s status, one might say “She has always been dramatic,” or else point out that “She is still with him.” In casting doubt on the perpetrator’s status, one might say “He is a good guy,” or

“He is a feminist”, or “He loves her” (these example figleaves are nowhere near exhaustive, but rather represent commonly used violence figleaves). In each case, regardless of whether the utterance is attaching to some feature of the victim or some feature of the perpetrator, the utterance (violence figleaf) is being used to disrupt the inference that because A performed some seemingly violent action X, that A is violent (or a “rapist”). So, modelling on Saul’s definition of racial figleaves (2019, p. 11),

a violence figleaf is an utterance or a collection of utterances which serves to block the inference from an otherwise clearly violent action X to the conclusion that the actor is violent.

Reflecting on conceptions of ideal victims and ideal perpetrators (as outlined in 1.4) helps to make sense of deceptive utterances in contexts of gendered violence. Violence figleaves, though *about* an instance of violence, rely on essentialized caricatures of victims and perpetrators to function. Given the intuitive pull to understand oneself and those close to oneself as decent (or at least, not monstrous), and the widespread connotation of terms like “rapist” and “violent offender” as monstrous, perverted, *bad people* (O’Hara 2012, p. 248; Yap 2017, p. 16), it is clear that violence figleaves supervene on understandings of agents as either fitting or unfitting perpetrators of violence. Moreover, because labels like “rapist” are widely taken to be exclusive of other labels or attributes (Brownlee 2016, pp. 342-342), there is no such thing as the morally complex rapist; he cannot be described in positively valenced ways, or else he would not really be a rapist.

So, part of what facilitates the use of violence figleaves is the carving up of the world and of people into simplified “good” and “bad” types. The good men do not rape. If they are accused of rape, there has been a mistake. The bad men can rape. If you highlight their positive

attributes, you are deluded – possibly even a rapist-sympathizer. Violence figleaves capitalize on these unnuanced conceptualizations of the socio-political world; if the moral world is really as cut-and-dry as many appear to believe, then a single utterance (or a series of several utterances) which challenge the nature of an act as violent cannot simply leave the action, nor the perpetrator, in some middle moral grey-zone; if the figleaf gains uptake, then the moral standing of the accused goes from one extreme to another (from “monstrous” to “good guy”). In some sense, then, deploying a violence figleaf is a challenge to the utterance’s audience: choose which depiction of the agent in question is the *real* one, the figleaf version (“He’s a good guy! He’s a feminist!”) or the accused version (“He didn’t get consent; he raped me.”). Given the widespread understanding of what it means to be “a rapist” or “a sexual violator”, both cannot be true.

#### 2.4 Violence figleaves as figleaves for actions

Violence figleaves, unlike those that I have explored thus far, operate primarily by pairing utterances with a particular *event/act* whose nature is in question, rather than with another questionable utterance. Actions are sensitive to description, which we use intention to determine. This is partly because actions can be described (or ‘redescribed’) in multiple ways, and these descriptions often differ in the intention(s) prescribed to them. So, if I throw a marker at the wall out of frustration, but the marker happens to hit the light switch and turn off the lights, my action might be described as ‘turning off the lights’, but it seems more apt to describe it as an ‘act of frustration’, because I did not intend to turn off the lights when I threw the marker. The turning off of the lights was an unintentional consequence of the action I *did* intend: to throw the marker angrily at the wall.

In Donald Davidson's paper, "Actions, Reasons, and Causes," Davidson explores the nature of intentionality of action, asking about the relation between a reason and an action in instances where the reason *explains* the action (1963, p. 685). Davidson ultimately argues that rationalizations are "causal explanations", and makes this argument by way of two basic theses:

1. For us to understand how a reason of any kind rationalizes an action it is necessary and sufficient that we see, at least in essential outline, how to construct a primary reason.
2. The primary reason for an action is its cause. (1963, p. 686)

A "primary reason," on Davidson's account, is either/both the i) pro attitude or ii) the related belief which explains *why* the agent did the action in question (ibid). A "pro attitude" includes (though is not limited to):

desires, wantings, urges, promptings, and a great variety of moral views, aesthetic principles, economic prejudices, social conventions, and public and private goals and values in so far as these can be interpreted as attitudes of an agent directed toward actions of a certain kind (ibid).

These pro attitudes might be enduring or fleeting, as some pro attitudes may constitute a fixed feature of one's character, while another might just be a passing desire or urge. On Davidson's account, then, these pro attitudes and/or related beliefs about *why* an agent acted as they did constitute a primary reason for action, and the primary reason for action is the *cause* of the action.

Davidson offers the example of the person who 1) flips the light switch, 2) turns on the light, 3) illuminates the room, and in doing so, 4) unknowingly alerts a prowler that they are home (ibid). Though described in these four different ways, Davidson argues that only one action is performed. In this same vein, an act of violence may be described and redescribed in a

diversity of ways. An act of rape might be described *as rape*, but also possibly also as “consecrating a marriage”, “drunken sex”, “a misunderstanding”, among many other possible redescriptions. Important to which description is presented is which feature(s) of the action is taken to be most significant in explaining the action. So, for example, if I describe the action as “rape”, I am drawing attention to the fact that what defines the action is its non-consensual nature. However, if I describe the same action as “consecrating a marriage”, I am treating the primary reason for acting as participating in part of the institution of (establishing a) marriage. And again, “drunken sex” signals that more significant in explaining the cause of the act of sex than non-consensual force/pressure or desire to establish a marriage is the effect of drunkenness on the agent(s) acting. In each case, the same act is being described, but with different emphasis of features, reflecting different priorities of intention.

That each of these descriptions describes the same action does not, though, mean that each description is equally reflective of the primary reason for acting. In other words, an action may accurately be described in multiple ways, but there will (at least usually) be a single description which best highlights *why* the actor did what they did. So, a sexual encounter may be described as “rape”, “consecrating a marriage”, “drunken sex”, *and* “a misunderstanding”. All of these descriptions may be true. But, on the Davidsonian account, the action is caused by the primary reason for action, and this primary reason reveals meaningful elements of an agent’s attitudinal and belief sets.

So, *why* an agent acts as they do – or what the agent *intends* – matters; it explains the action. How does this discussion of descriptions of actions and their according intentions inform the larger project of defining and understanding violence figleaves? A violence figleaf, like racial and gender figleaves, relies on the kind of essentialist position reflected in Jane Hill’s

white folk theory of race and racism (see section 2.1). This general position is that whether a person is racist/sexist/violent (or a ‘rapist’) is a fact to be found in their hearts, not in particular words or behaviours. So, as previously noted, a seemingly racist utterance, when spoken by someone with a “non-racist” heart becomes the sort of thing that a non-racist might say, and in this way may be treated as a non-racist utterance. Similarly, the non-violent (or non-rapist) individual cannot perpetrate violence or rape, because based on who they are at their ‘moral core’, they could never have intended to behave in such a manner. It is not, then, that a non-violent person might unintentionally perpetrate rape, it is that whatever the action of the non-violent person is, it *cannot be rape because they are a non-violent person*. There is a priority of ordering at work which makes it impossible for a non-violent person to accidentally perpetrate rape. If they did so, they would not really, in their heart, be non-violent.

Davidson explains the motivation behind obtaining reason(s) for others’ actions. In some sense, asking someone why they acted as they did is an attempt to locate the action within one’s broader understanding of that person. It seems odd to ask, for example, why my friend, who drinks coffee every morning, is drinking coffee on a particular morning; I take it as an unremarkable event, and probing for their reason(s) for drinking coffee seems unreasonable. However, if my friend is extremely caffeine-adverse, and *never* drinks coffee, and I spot them drinking a cup of coffee one morning, it seems quite understandable for me to ask, “why are you drinking coffee?” The thought here is that,

[w]hen we ask why someone acted as he did, we want to be provided with an interpretation. His behavior seems strange, alien, outré, pointless, out of character, disconnected; or perhaps we cannot even recognize an action in it. When we learn his reason, we have an interpretation, a new description of what he did which fits it into a

familiar picture. The picture certainly includes some of the agent's beliefs and attitudes; perhaps also goals, ends, principles, general character traits, virtues or vices. Beyond this, the redescription of an action afforded by a reason may place the action in a wider social, economic, linguistic, or evaluative context. (1963, p. 691)

What about when the person we consider good, decent, kind, is accused of rape (or is positioned as a perpetrator of gendered violence)? How does one make sense of such a thing; after all, if rape is an evil thing to do, and only moral monsters rape (see section 1.4), then the person is either not actually decent, or didn't actually rape. In such an instance, one might be disposed to provide a reason for action which redescribes the agent's action – he actually *did* attain consent, and she is retroactively changing the story.

This is all, as Saul has highlighted in her work on racial and gender figleaves, important in instances of figleaves for utterances. In the case of figleaves for actions, though, which I argue is largely the nature of violence figleaves, the action being manipulated by the deceptive utterance is especially vulnerable to figleaf use. This is because of the close relationship between actions and intentions that I have just explored. Because the “primary reason” which explains an action is related to the agent's subjective motivational set (for more on what this set involves and how it relates to action, see Williams 1979), the intention behind an action, and therefore the optimal description of the action, is often obscured to anyone besides the agent. It is often believed that people have a sort of “privileged access” to, or superior knowledge of, their own mental states and activity, including their desires, beliefs, and intentions (Davidson 1987; Heil 1988). As Davidson notes in his paper, “Knowing One's Own Mind,”

It is seldom the case that I need or appeal to evidence or observation in order to find out what I believe; normally I know what I think before I speak or act. Even when I

have evidence, I seldom make use of it. I can be wrong about my own thoughts, and so the appeal to what can be publicly determined is not irrelevant. But the possibility that one may be mistaken about one's own thoughts cannot defeat the overriding presumption that a person knows what he or she believes; in general, the belief that one has a thought is enough to justify that belief. (1987, p. 441)

Though unconscious bias complicates strong versions of this position, such as René Descartes's view that one's access to one's own mental states is "immediate", "infallible", and "incorrigible" (Bettcher 2009, p. 99; Heil 1988, p. 386), it seems generally unobjectionable to think that I know what I think, feel, and intend in a way that is truer and different from the knowledge that others have of my thoughts, feelings, and intentions. This special nature of my self-knowledge is reflected in accounts of "first-person authority" (FPA). As Talia Mae Bettcher highlights in her paper, "Trans Identities and First-Person Authority," assuming that I *do* have some special access to my mental states – phenomenal ones (like pains and fleeting thoughts) and attitudinal ones (like beliefs and enduring desires) – it seems fitting that I should also have a special authority in dictating my epistemic state (2009, pp. 99-100). She similarly notes, echoing Davidson, that FPA often does not rely on the offering of evidence; Bettcher gives the example of the therapy patient who has an especially identity-shaking session, and when asked by their therapist afterwards if they'd like to go home, responds, "Yes. Based on all all the evidence, it's my contention that I do want to go home" (2009, p. 101). Bettcher argues that such a response is, in some sense, the wrong *kind* of answer to a question like, "do you want to go home?" (ibid). One need not appeal to evidence in making such an avowal about their desire(s).

If intentions are the kind of thing which one has (albeit defeasible) first-person authority over, then violence figleaves, which are figleaves for actions, are especially closely related to



first-person testimony about one's own actions, since actions are largely sensitive to description, descriptions of actions tend to centre on intention for action, and people have privileged access to their own mental states, like intentions. Proving that someone *intended* an act as violent (or as an exercise of power, or a threat) is, of course, sometimes possible to do through appeals to external evidence, but it is extremely difficult because of the way in which FPA must be overridden. This concern, especially in relation to *whose* FPA is respected, will be explored in more detail in Chapter 3.

## 2.5 Violence figleaves in action

Having now explained the conceptual framework for violence figleaves, in this section, I analyze three instances of violence figleaf use, and treat these examples as case studies. The first of these cases is the Fox News interview with now Supreme Court Justice, Brett Kavanaugh, and his wife, Ashley Kavanaugh referenced in the introduction of this project. The second case study is the letter that the father of the convicted rapist, Brock Turner, wrote and read to the judge presiding over his son's high-profile trial. The third case study which I examine is the short story author from Aubrey Hirsch's essay, also included in the introduction of this project. This final case, I will argue, suggests that violence figleaves are sometimes implicit in other utterances, which adds an additional layer of complexity to unpacking gendered violence discourse.

### 2.5.1 Fox News interviews Brett and Ashley Kavanaugh

In 2018, in the wake of his confirmation hearings to the American Supreme Court, now-Supreme-Court-Justice, Brett Kavanaugh, was accused of sexual assault by three women: Christine Blasey Ford, Deborah Ramirez, and Julie Swetnick. These accusations spanned Kavanaugh's time at Georgetown Preparatory School as a high school student, and at Yale

University (Hauser 2018). Blasey Ford, the first victim to publicly accuse Kavanaugh of assault, testified that attack, which took place in the early 1980s, was perpetrated by a drunken Kavanaugh, who was so forceful in his attempt to silence 15-year-old Blasey Ford's screams while undressing her that she thought he might inadvertently kill her in the process (ibid). Ramirez added to the public accusations against Kavanaugh, reporting that in her first year at Yale University, Kavanaugh unconsensually exposed himself, showing Ramirez his penis during a drinking game in her dormitory (ibid). Swetnick, the last of the three to publicly accuse Kavanaugh of sexual misconduct, reported that the Supreme Court nominee had attended parties in high school where women were verbally and physically abused, including gang raped, and that she had witnessed Kavanaugh participate in this abusive behaviour, "lining up outside a bedroom where "numerous boys" were "waiting for their 'turn' with a girl inside the room.'" (ibid). Kavanaugh explicitly, aggressively, and angrily denied these allegations (Chokshi & Jacobs 2018), testifying in the hearing on Blasey Ford's accusation that he was innocent (Hauser 2018).

Following the first two public accusations of sexual misconduct against Brett Kavanaugh, Fox News interviewed the judge and his wife, Ashley Kavanaugh. In response to the allegations, Brett Kavanaugh told Fox News that "the truth is, I've never sexually assaulted anyone, in high school or otherwise" (*TODAY* 2018). More interesting for the purposes of this project, though, is what Brett's wife, Ashley, said about her husband in the interview. In proclaiming her husband's innocence of the sexual misconducts levied against him, Ashley Kavanaugh said, "He's decent, he's kind, he's good, I know his heart" (*TODAY* 2018).

Ashley Kavanaugh's utterance, while a clear show of devotion and kindness to her husband, is not an explicit comment on his guilt regarding the accusations against him. What is interesting, though, is that despite the content of her utterance being technically peripheral to the

matter of Brett Kavanaugh's guilt, her utterance is quite clearly taken as a comment on the issue. "He's decent, he's kind, he's good, I know his heart", in this context, can reasonably be understood as an avowal that Brett did not – could never – perpetrate sexual misconducts. As I have previously discussed in sections 1.4 and 2.3 of this project, "decent" and "perpetrator" are often portrayed as foils (O'Hara 2012, p. 248). Moreover, identities like "rapist" and "perpetrator" eclipse other features of a person's character (Brownlee 2016, pp. 342-342), so that if a man is a "rapist", he is defined by this trait in lieu of descriptors like "father", "friend", "academic", "husband", "volunteer soccer coach". For these reasons, when Brett Kavanaugh was accused of sexual assault and misconduct, those evaluating the accusations had to make an implicit decision: is Brett a bad man, or a good one? Is he a judge, father, husband, community member, or is he a sexual violator? Within this limited moral framework, Ashley Kavanaugh's statement can be understood as an endorsement that Brett is one of the 'good ones'. By saying "He's decent, he's kind, he's good, I know his heart," Ashley is implicitly stating "He is not a sexual violator".

Ashley Kavanaugh's utterance can thus be understood as a violence figleaf. Her utterance, coupled with alleged actions which would otherwise be understood as obvious sexual misconduct, works to cast doubt on the violent nature of her husband and his actions. Moreover, the utterance in question, "He's decent, he's kind, he's good, I know his heart," is rooted in the exact kind of folk theory that Saul draws on in Jane Hill's work; when Ashley comments on the moral nature of Brett's heart, she is making an assertion about what kinds of actions he can perform. Recall that on Hill's theory,

- (a) only people—not utterances—can be racist; (b) one is only racist if one consciously endorses negative views based in biology about all members of a racial group; and (c)

*non-racist people often say things that sound very racist because their head leads them astray, but the truth about them is to be found in their non-racist hearts* (Saul 2019, p. 9, emphasis mine).

Also recall that in section 2.3, I extended this account of racism to the realm of gendered violence. People are either violent (or “rapists”) in their hearts or they are not (according to (c)). People’s utterances and actions are not “violent” or “rape”, *people* are “violent” or “rapists”. Ashley Kavanaugh, in saying that she knows her husband’s heart, is making an essentialist claim about Brett: he is not violent, not an assaulter. And so, the violence figleaf implies, it is simply not apt to direct accusations about violent utterances or actions towards Brett Kavanaugh.

#### 2.5.2 Dan Turner’s letter to Judge Aaron Persky

A second case of violence figleaves can be found in the letter written by Dan Turner, and read aloud to Judge Aaron Persky, in the sexual assault trial of Dan’s son, Brock Turner. In January of 2015, Brock Turner, a student and competitive swimmer at Stanford University, was found having sex with an unconscious woman behind a dumpster (Koren 2016). The woman, Chanel Miller, and Brock were later determined to have blood alcohol levels over twice the legal limit, explaining Miller’s unresponsive state (ibid). Brock Turner subsequently claimed that Miller had consented to the sexual contact (ibid).

Prior to the making of Judge Aaron Persky’s sentencing decision, Brock Turner, Chanel Miller, and Brock’s father, Dan Turner, each read statements to the court (Xu 2016). These statements have since been published online for the public to read. In his statement to Judge Persky and the court, Dan Turner highlights the damage that the sexual contact between Miller and his son, as well as the trial (which received widespread media coverage) had done to Brock. Dan Turner tells of his son’s character, both as a child and as an adult. Turner describes his son

as “humble”, non-judgemental, “easygoing”, possessing an incredible “inner strength and fortitude”, naturally talented in both athletics and academics, “dedicated” to his work and friends, a “contributor to society”, a “pleasure to be around”, respectful (ibid). The list goes on. Turner also discusses his son’s interests in detail: Brock loves (and is talented at) baseball, basketball, swimming (*especially* swimming). He enjoys good food (a “big ribeye steak to grill”) and cooking (ibid). Brock Turner, as his father depicts him in his letter, is a deeply good, admirable, and multidimensional young man.

What, one might wonder, do these facts have to do with whether or not Brock Turner raped Chanel Miller? Brock’s interest and talent in sports and activities, his favourite foods, his participation in Cub Scouts as a child, his social demeanor in school growing up, are all discussed in Dan’s letter. Never though, does Dan Turner explicitly make an assertion about his son’s guilt in the matter of the rape allegation. Turner closes his letter by saying that

Brock can do so many positive things as a contributor to society and is totally committed to educating other college age students about the dangers of alcohol consumption and sexual promiscuity. By having people like Brock educate others on college campuses is how society can begin to break the cycle of binge drinking and its unfortunate results. Probation is the best answer for Brock in this situation and allows him to give back to society in a net positive way. (ibid)

It is true that Dan Turner ultimately recommends that his son be given probation. This, however, should not be taken as an acknowledgement of Brock’s actions as “rape”. Rather, given the events of the assault and the trial, it seems significantly more likely that Dan realized that his son would not receive *zero* punishment, and so called for the most lenient form. Acknowledging that an outcome is likely is not the same thing as believing that the outcome is fair nor tracks the

truth. Moreover, notice how Dan Turner shifts the problem at issue from rape to drinking culture and promiscuity in the final section of the letter. It is alcohol consumption and irresponsible sexual looseness that resulted in the harm experienced by Miller, not some fact about his son. The sexual contact between Brock Turner and Chanel Miller was simply the “unfortunate result” of binge drinking culture on campus.

This case, much like the Kavanaugh case, exemplifies the use of violence figleaves. Unlike the previous case, though, where I was focused on a single utterance, Dan Turner offers an extraordinary collection of violence figleaves in an attempt to cast doubt on his son’s standing as a rapist, and his behaviour as “rape”. Similar to Ashley Kavanaugh’s use of violence figleaves, Dan begins by highlighting the (many) wonderful qualities that his son possesses. At work is the essentialist understanding that rapists are “moral monsters”; they are bad people. But, could a bad person be described as “humble”, non-judgemental, “easygoing”, possessing an incredible “inner strength and fortitude”, naturally talented in both athletics and academics, “dedicated” to his work and friends, a “contributor to society”, a “pleasure to be around”, and respectful (Xu 2016)? No. If Brock was really all of these things, he would not be a “bad person”, and so if these facts about Brock are true, then he cannot really be a rapist.

On top of this emphasis of Brock’s positive character, however, there is also another vein of violence figleaf at work; Dan wants to portray his son as not only good, but as multidimensional. Sections of Dan’s letter are dedicated to describing Brock’s lonely and challenging adjustment to Stanford University. Brock was too far from his home, his family, his entire support system (ibid). Dan recounts Brock’s visit home for Christmas break, when he broke down and told us how much he was struggling to fit in socially and the fact that he did not like being so far from home. Brock was nearly distraught knowing that he had to

return early from Christmas break for swimming training camp. We even questioned whether it was the right move to send him back to Stanford for the winter quarter. In hindsight, it's clear that Brock was desperately trying to fit in at Stanford and fell into the culture of alcohol consumption and partying. (ibid)

Recall that in sections 1.4 and 2.3 of this project, I highlighted that rapists and violent offenders are taken to be simple characters. The “ideal perpetrator” that I discussed is a convenient concept for many to apply to cases of gendered violence, because it eliminates the unpleasantness of navigating moral grey-zones. A perpetrator, on this ideal account, is morally and characteristically uncomplex; he is cruel, perverted, unkind. But Dan suggests that Brock *is* morally complex. Brock is not only multifaceted in terms of his interests (an athlete! A scholar! A ribeye steak enthusiast!) but he is also morally complicated. Dan tells the story of a young man who struggles with mental wellness, acclimatization to a new community, and ultimately, substance abuse (which Dan is quick to mention was learned from Brock's upperclassmen at Stanford) (ibid). This is not the story of an unnuanced, cruel, perverted man. And the fact that Brock *is* morally and characteristically multidimensional, Dan implies, means that he does not fit the bill of ‘rapist’.

### 2.5.3 Aubrey Hirsch's ‘accidental rape story’

My third and final case study of violence figleaf use comes from “Fragments,” an essay in Roxane Gay's edited collection of rape essays, *Not that bad*. The essay, written by Aubrey Hirsch, outlines Hirsch's experience working as an adult creative writing instructor. Hirsch recalls reading an assignment submission from one of her students depicting an instance of rape. The story, as Hirsch tells it, involves the sober ‘hero’ meeting a beautiful and intoxicated girl at a

party. The girl becomes so drunk that she cannot walk, and so the ‘hero’ takes her to a nearby beach, undresses her, and has sex with her (Hirsch 2019, p. 5).

Hirsch discusses the story with her student during a teacher-student conference and highlights her concern that he is romanticizing a rape story. Hirsch notes that the tone of the story is confusing, asking the student, “Are we supposed to feel sympathy for this character, even as he’s raping her?” (ibid). The student is initially surprised by Hirsch’s reading of the story, and responds that she has misunderstood, the hero is “not raping her. They’re having sex” (ibid). His surprise at his story being described as a rape story turns to upset, though, as he eventually reveals that his story is autobiographical, and recounts his first time having sex with his current girlfriend (Hirsch 2019, p. 6). Hirsch writes,

It hadn’t occurred to you that the student might not have realized he was writing a rape story.

“All I can say,” you say, “is that a lot of people are going to read this as rape.”

“But it isn’t,” he says, weakly, sounding more like he’s trying to convince himself than you. “It wasn’t.” (ibid)

This example offers an interesting insight into the practice of using violence figleaves: that figleaves, which already couch the violent nature of an act/agent in some seemingly violence-neutral utterance, can be further couched. Reading Hirsch’s account, it is clear that her student is attempting to refute Hirsch’s claim that his story describes a rape. The central feature of the narrative which motivates the student’s belief that his sexual encounter with his girlfriend is not a rape story *and* his defence against Hirsch’s accusation that the encounter *was* rape is the fact that the “victim” is his current girlfriend. One way of interpreting the student’s emphasis of this



point is that he does not believe one can rape their partner (spousal rape, for reference, was not legally recognized as “assault” in Canada until the passing of Bill C-127 in 1983 (Alphonso & Farahbaksh 2009)). However, given that this essay was published in 2019, nearly four decades after Canadian law recognized partner rape as a real form of assault, it seems far more likely that the student’s highlighting of his victim’s relationship with him is intended to communicate claims like “She is still with me” and “I love her”.

Utterances like “She is still with me” and “I love her”, in this context, would function as violence figleaves; after all, given what I have highlighted as being central to the widely accepted essentialized rapist-identity, a real rapist is not a good candidate for a loving romantic relationship, especially with the victim of their rape. The rapist is supposed to be cruel, perverted, violent, generally “monstrous”; how could such a person love and care for the woman he raped. Moreover, how could the victim of his rape love him back and remain committed to him (as the student implies in his noting that his “victim” is his girlfriend). The student’s use of “first time” (ibid) to describe the sexual encounter is also meaningful – it suggests that there has been more sex since the event in the story. Overall, statements like “I love her” and “She is still with me” appear incompatible with “I raped her” (read: “I’m a rapist”) under the current concept of “rapist”.

But interestingly, the student never explicitly uses these violence figleaves. All that the student says is that the story is about his first time “hooking up” with his girlfriend (ibid). This utterance manages to carry these other figleaves (among possible others) into the conversation, communicating their messages without ever actually *saying* “She is still with me” (“so it wasn’t rape”), or “I love her” (“so it wasn’t rape”). This suggests that violence figleaves are able to be couched in even more apparently neutral utterances. Though not the primary focus of this

project, these cases of bootstrapped violence figleaves are an important site for further research, as they present an additionally ambiguous and difficult-to-discern type of deceptive utterance in gendered violence contexts.

## Chapter 3

### Problems for an Account of Violence Figleaves

#### 3.1 Why care about violence figleaves?

Having now offered my account of violence figleaves and provided several real-life applications of the concept, I will now turn to addressing two key potential concerns for a critic of my project. The first worry is, bluntly put, “why care about violence figleaves?” Flushing out this objection, it is worth considering whether the phenomenon of deceptive utterances in gendered violence contexts that I am highlighting, and the conceptual tool of “violence figleaf” which I offer to make sense of these utterances, adds anything meaningful to the already significant scholarship on gendered violence. In other words, what does the developing of “violence figleaves” as a concept accomplish?

My response to this kind of worry is, broadly, that “violence figleaves” draw attention to the political ends of certain utterances in contexts of gendered violence. To see why this is, recall the letter that Dan Turner read to Judge Aaron Persky in his son’s rape trial, and which I discussed in the previous chapter. The letter, I argued, is riddled with violence figleaves which act to cast doubt on the violent nature of the rape that Brock Turner committed in 2015. These figleaves involved seemingly irrelevant information about Brock’s childhood demeanor, athletic ability, and general interest (Xu 2016). A feature of the Brock Turner case which I did not discuss in section 2.5 was the outcome of the trial. Turner was ultimately convicted of multiple felonies, and was sentenced to six months in county jail and three years’ probation (Levin 2016). This ruling drew serious backlash, as it is extremely light for the charges on which Turner was convicted. Given his convictions, Turner faced a maximum sentencing of 14 years in prison, and even the prosecution’s significantly more lenient request for a six-year sentence was ten times

the length of sentence which Turner was handed (and twenty times the length which Turner actually served in county jail) (Chappell 2016, Levin 2016).

It is worth considering why it is that Brock Turner received so little jail time for convictions which usually carry much heavier sentences. It has already been widely discussed in media and in academic literature the role that Turner's race played in his sentencing; it is very unlikely that a non-White man would have gotten off so easily with a conviction of assault with intent to rape. However, I want to suggest that the violence figleaves employed by Dan Turner and other character witnesses of Brock Turner's were also potentially contributing factors to Turner's light sentence. This is not to suggest that there is no connection between violence figleaf use/uptake and racial identity. This connection is real and concerning, and will be addressed in the following section of this project. Rather, I would like to begin by isolating the use of violence figleaves from the social politics of their users and targets.

Essentialist conceptions of rapists and violent offenders are widespread, I have argued already. Importantly, judges, politicians, and other types of authorities are not impervious to these beliefs and socio-political narratives. So, one reason to think that violence figleaves constitute a meaningful conceptual tool for gaining political insight in instances of gendered violence discourse is that extremely powerful people can be audiences of violence figleaves. Judge Aaron Persky, the authority in Brock Turner's rape trial, was subjected to deceptive utterances in Dan Turner's letter, utterances which capitalized on overly simplified and inaccurate social constructions of rapists. If contextually irrelevant and manipulative utterances like those Dan Turner included in his letter are permitted to stand as character witnesses, evidence, reliable testimony in legal and political contexts, the prospect for just and responsible outcomes in violence contexts is bleak.

The general point, then, is that violence figleaves are useful because they enable one to identify and articulate wrongdoings in important political discourse. When targeting the right audience, violence figleaves have the power to drastically alter social outcomes. But, having the knowledge and tools to call out deceptive speech has the potential to change outcomes. As Sally Haslanger notes in her paper, “What are we talking about? The semantics and politics of social kinds,” “Justice requires that we undermine these systems, and in order to do so, we need conceptual categories that enable us to describe them and their effects” (2005, p. 11). Maybe (optimistically), if Dan Turner’s letter had been understood and explained as relying on violence figleaves, Judge Persky would not have treated it as relevant in his judgement. At the very least, the concept of “violence figleaves” allow audiences to better understand, and make better-informed judgements about, gendered violence discourse.

### 3.2 Privilege, identity, and figleaf uptake

Violence figleaves, I have argued, operate by casting doubt on the nature of an act and its agent as “violent” (or “rape”, “assault”). I have also highlighted the relationship between intentions for action and how actions are described (see section 2.4). *Why* a person acts as they did, in some sense, defines the action that they performed, insofar as the primary reason for action offers the best description of the action. And recall that it often matters to us to know *why* a person acted as they did because it provides an interpretation of their behaviour (Davidson 1963, p. 691).

His behavior seems strange, alien, outré, pointless, out of character, disconnected; or perhaps we cannot even recognize an action in it. When we learn his reason, we have an interpretation, a new description of what he did which fits it into a familiar picture. The

picture certainly includes some of the agent's beliefs and attitudes; perhaps also goals, ends, principles, general character traits, virtues or vices. (ibid)

Also consider the discussion in section 2.4 of privileged access to one's own mental states, and the first-person authority that people are often thought to possess. Though not indefeasible, people are often taken to have a special kind of knowledge of their own beliefs, desires, intentions, and feelings (Davidson 1987; Heil 1988).

Moreover, though again defeasible, there is an authority that is commonly attributed to avowals about one's own mental states (Bettcher 2009, p. 100). The defeasibility condition in both matters of privileged access and in first-person authority is a condition on what it is reasonable to accept without external evidence given the context. If I say in passing that I believe astrology to be total hogwash, complete pseudoscience, you may have good reason to hold that I really do think this; after all, I told you I believe it, and I am, generally speaking, the best acquainted with my own beliefs. If, however, I proceed to plan my life around my daily horoscope, only acting in ways that my astrological intel tells me is safe for a Cancer, then there appears to be some tension between what *I say* about my mental state (in this case, a belief about astrology), and what my *actions say* about my mental state. In light of this tension, you might be right to push me on my avowal that I consider astrology total hogwash; you might say "you actually *do* believe in astrology!" and if I insist that I do not, you might challenge me to prove it with some evidence.

Importantly, there seems to be a need for some reasonable doubt regarding my avowals of my own mental states for my first-person authority to be challenged. If violence figure leaves attach to acts of violence, actions are (at least largely) defined by their actors' intentions, and intentions are the sort of thing which people are generally taken to have first-person authority

over, then it seems to matter for the success of a violence figleaf whether an agent's first-person authority is respected. In other words, is the agent trusted in their avowals of their intentions for acting as they did?

This is where the worry about one's identity-related privilege finds footing in my account of violence figleaves. People of Colour, poor people, trans people, non-heterosexual people, fat people; the testimony of all of these social groups is systematically disbelieved, discredited, or simply denied uptake on the basis of their membership in their oppressed group(s) (Dotson 2011; Fricker 2007; Fricker and Jenkins 2017; Williams 2003). Moreover, stereotypes about members of these social groups have the potential to influence evaluations of behaviour which is, to borrow Davidson's language, "strange, alien, outré, pointless, out of character, disconnected". Rape may be judged to be less "alien" and more compatible with the "familiar picture" (Davidson 1963, p. 691) of a Black man than a middle-class White man like Brock Turner. For this reason, the defeasibility condition for the first-person authority of different agents may be very different for reasons unrelated to the reliability of the agent making the avowal.

If this is right, then violence figleaves are far likelier to succeed for people of certain privileged identities (white, male, cis, het) than for others, as people of privileged group identities have more authority and control over how their violent actions are described and interpreted. The result of this difference in perceived first-person authority is that violence figleaves in contexts of gendered violence discourse where the perpetrator belongs to a marginalized social group will receive less uptake from their audiences when compared with more privileged (both literally and figuratively) knowers. Violence figleaves like "He's a good person," and "He's an upstanding member of his community," might find more uptake when their subject is, say, white, than when he is black, given racist stereotyping.

To some extent, my response to this general concern is that it is indeed very bad. However, I do not take this worry to undermine my own project. Rather, this kind of concern highlights a feature which must be discussed and developed in future works on violence figleaves and deceptive speech: violence figleaves, like most things in the West, are not treated nor experienced equally among their users and targets. Explaining how the function and uptake of violence figleaves track identity will help to create a more robust conceptual tool – one which can better identify deceptive utterances in a diversity of gendered violence contexts.



## Conclusion

This project explores features of gendered violence discourse and semantic practices, highlighting how these practices in the context of gendered violence impact socio-political landscapes. The first chapter of this thesis focused on defining ‘gendered violence’ and explaining its distinctness as a form of group-based violence. Chapter One also highlighted the value of considering issues of gendered violence as (partly) issues of language, noting the ways in which language ‘does work’, and shapes agents’ perceptions and actions. This discussion led into a review of literature on the widespread identity-essentializing of perpetrators of violence, who, like victims of violence, are often treated as sorts of caricatures.

The second chapter of this project then turned to my own contribution to the philosophical literature: a new conceptual tool for understanding the ambiguous nature of many gendered violence utterances. This conceptual tool, which I call a *violence figleaf*, is modelled after Jennifer Saul’s racial and gender figleaves. Given the similar mechanical structure of the violence figleaf to Saul’s figleaves, Chapter Two of my thesis explains Saul’s work on figleaves, highlighting the general premise of a figleaf as a means of disrupting interferences between racist/sexist(/violent) utterances (or actions), and judgements about the racist/sexist(/violent) nature of an agent. Once Saul’s figleaf framework was established, and my own concept of *violence figleaf* defined, I explained the significance of figleafing an action instead of another utterance, noting the special role that intention plays in defining actions. Chapter Two concluded with a look at three case studies of violence figleaves: Fox News’s interview with Brett and Ashley Kavanaugh, the letter that Brock Turner’s father wrote to his son’s rape-trial judge, and the story of the rape-story author in Aubrey Hirsch’s essay, “Fragments”. These examples were

used to demonstrate violence figleaves at work, and to show how such figleaves can sometimes be implicit in the things said about an instance of violence.

The third and final chapter of this thesis addressed some potential worries for my account of violence figleaves. These two concerns can broadly be understood as criticizing the utility of violence figleaves as a concept, and of the practical applicability of violence figleaves, given the way that testimony and first-person authority attach to privilege and group-identity. In addressing these potential worries, I highlighted the political insight that “violence figleaves”, as a conceptual tool, offer to audiences of gendered violence discourse. The concern regarding the uneven success of violence figleaves for people of different identities and demographics remains a real concern for picking out uses of violence figleaves. However, I argued that the problematic relationship between privilege and figleaf success simply highlights the need for further research on the phenomenon, and does not undermine the utility of “violence figleaves” as a concept.

This project does not constitute an exhaustive account of violence figleaves (see section 1.2). Further work on the phenomenon, with an emphasis on how figleaf use and uptake tracks racial and class identities, is needed to fully understand how the deceptive utterances work and how to combat them in a wide array of cultures and communities. Moreover, a more robust account of violence figleaves will offer guidance on how to spot figleaves in action – a challenging prospect, given the extremely messy nature of much gendered violence discourse. Rather, I understand this project as a meaningful, but mere starting point for future work on deceptive speech in contexts of violence.

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