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'Would You Say You Had Sex If...' Rhetorical Meaning-Making Within Intimate Encounters and Their Discourses at the Macro, Meso, and Micro Levels

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‘WOULD YOU SAY YOU HAD SEX IF…’

RHETORICAL MEANING-MAKING WITHIN INTIMATE ENCOUNTERS AND THEIR DISCOURSES AT THE MACRO, MESO, AND MICRO LEVELS.

by
Megan Orcholski

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ABSTRACT

'WOULD YOU SAY YOU HAD SEX IF…'
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Under the Supervision of Professor Dr. Leslie Harris, Ph.D.

This dissertation advances a deeper understanding of the rhetoric of intimate encounters by analyzing meaning-making practices at the intersections of sex, sexuality, and sexualized violence at the macro, meso, and micro levels. The object of my analysis is discourse about sex, sexuality, and sexualized violence, but this analysis also has implications on understandings of how corporeal rhetorics, or communicative meaning within bodies, are operating in moments of intimate encounters. Throughout my chapters, I interrogate how normative scripts around sex are constructed, disseminated, and perpetuated, how these normative assumptions impact intimate encounters and their connected public discourses, and how these normative assumptions are problematized by the existence of practices outside of these norms, such as queer sexuality. Woven throughout all of the chapters is the exploration of the connection between normative discourses and violence. Ultimately, this research further explores how power operates across the macro, meso, and micro levels, highlighting how meaning-making is connected across these levels, and argues to further recognize intimate encounters as a place of rhetorical significance.

Dedication

To anyone who may need these words, these thoughts, this work.

You and your experiences matter.

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ACKNOWLEDGEMENTS

You've been so kind and generous
I don't know how you keep on giving
For your kindness I'm in debt to you
And I never could have come this far without you
For everything you've done, you know I'm bound
I'm bound to thank you for it
-Natalie Merchant

Writing a dissertation is hard. Sure, this experience has also been worthy, educational, enjoyable, and rewarding. But these benefits exist alongside the difficulty of trying to produce something of this magnitude. This process—the entire graduate program, including writing the dissertation—has required so much support from others. This is the place I get to acknowledge that support and celebrate the amazing network that has helped me make this dissertation and degree a reality. Translating gratitude onto the static page often involves a grieving process for me, as there is a loss of the expectations and possibilities that exist in my imagination. I know my words will not do these folks justice, and I am worried I will leave people out. But the attempt is necessary. Please know that my words can only do so much, and for those of you who have had any impact on me at any point in this journey, you are important and mean so much to me.

Before I begin thanking the numerous people who helped make this dissertation possible, I want to hold space for how this dissertation came to be. Before being accepted to Milwaukee, I was rejected 12 times from 11 different schools (one rejected me twice!). There were times that it was tempting to wonder if getting a PhD was the right choice for me. But in reality, I am very grateful for those places recognizing that they were not a good fit for me. As with everything I do, I wanted to enjoy graduate school. I am proud of myself for cultivating the necessary energy and people around me to be able to find this program, get in, and finish it. I want to honor how much I have grown and fought for this achievement. I'm proud of myself for developing coping mechanisms when things got very hard. I'm proud of myself for going to therapy when graduate school became

too much for me. I am proud of all the times I stood up for myself. I am proud of myself for all of the times I turned to others when I needed help. I recognize myself as a person to be acknowledged, not as a way to glorify myself, but rather to contextualize myself as one of the many people who made this possible.

The person who has had to be the most supportive because of physical and emotional proxemics is Matthew Collie. When you ask Matthew to do something for you, he will often respond with the phrase, "Of course." This simple response is a beautiful metaphor for how Matthew willingly gives his support, which manifests in both large and small ways. While he has cooked food, done dishes, rubbed my back, and reminded me frequently that I am smart and pretty, he has also moved twice for my career, both times having to find new jobs. He is openly proud of me, never intimidated by the social characteristics of our relationship that cause problems for others. For as straight and logical as he is, he does such an amazing job of fostering my loud queerness. He holds my shoes while I race off to do something he wouldn't do. He has so much faith in me that sometimes it's even difficult to explain to him that things are hard. He believes I am capable. He knows I will get things done. He knows I will achieve what I set out to. There have been times in this process that I have seen more belief in his eyes than I felt in my own body and that is an amazing feeling—to have a partner that so believes and supports you that you are able to turn to them to reinvigorate your faith in yourself.

Matthew, thank you for the endless amount of time you have listened to me talk about this research. Thanks for always being willing to process ideas and listen. Thanks for years of understanding when this work took me away from chores, from responsibilities, from us. Thank you for the family we have created (the cats have been good moral support, but they were terrible editors). Thank you for being there and supporting me in your strong, quiet way.

I have often made the joke that Dr. Leslie Harris is the reason I was rejected from so many doctoral programs because she is the only person who could possibly mentor me through a PhD program. Leslie defies what an advisor is. Her door was always open to me, and she was always there when I needed her. She has never torn me down in order to make me stronger—I honestly don't think she's capable of doing so. Leslie is a humble supporter who underestimates her own brilliance. Whenever she couldn't understand my ideas, she would tell me her ideas for how to change them, but then she would also tell me it was okay to keep trying to articulate what I saw. Many professors and mentors were quick to think I didn't understand or get a theory if what I wanted to do didn't work yet. But Leslie always believed in me and my ideas. And that has done more for me as a learner and researcher than I could've imagined. Her trust in me has enabled me to produce work beyond my expectations.

Leslie, thank you for being here with me through this whole process, uplifting me at every opportunity, and enabling me to be the beautiful person I am. You are an incredible person, and I have been so privileged to benefit from your time, energy, intelligence, and kindness.

Doctoral students are supposed to have their committee picked by the spring of their second year, but I postponed my decision so I could ensure that the remarkable Dr. Sara VanderHaagen would be on my committee. When she came for her interview, I attended her research talk and kept thinking, "Wow, I hope they hire her so I can work with her." We talked that day and already I felt as though she respected me as a peer and not "just" a graduate student. Sara and I are very different people and researchers, which she celebrates. She has never made me feel different or inadequate but rather works to see how I am approaching things and then figures out how she can enhance my research as a mentor.

Sara, you create such a beautiful balance of being understanding while holding me to your high standards. Your comments on my dissertation were so helpful, as if you were in conversation

with me as I edited. Thank you for giving necessary feedback while making me feel completely capable. I am so lucky to have been able to benefit from your mentorship.

Dr. Sarah Riforgiate is the breath of fresh air every committee needs. She joined our department at exactly the time I needed her, and she has been such a comforting presence for me. I am always so relieved to connect with people like Sarah, who understand that friendship and personal connection can be present in a mentor/mentee relationship. Sara was the first person to jump up and hug me when I passed my comps—she was just as excited as I was! While not everyone wants and needs a person like this on their committee, I absolutely do. Sarah has brought such joy to this process while being such valuable support for me to do the mixed methods in the way I wanted to. She kept reminding me that she was not a rhetorician, and I kept reminding her that's why I wanted her on my committee. She is a brilliant scholar who is able to talk through different options and ideas without telling you what to do. When I thought I was going to be doing some autoethnography, Sarah emailed me dozens of articles to help me start thinking about how to approach my project.

Sarah, I am so grateful for you—not only for your contributions as a thinker and a scholar, but your genuine support as a kindred and a friend.

I am very grateful I met Dr. Catherine H. Palczewski before I really dove into the field of rhetorical studies because I saw her as a friend long before I realized what a big deal she was. When I did realize her unbelievable, trailblazing accomplishments as a scholar, it was too late to fangirl or be intimidated because Cate was already a kind and welcoming force in my life. When Wade Davis asked me years ago who I wanted to study with, I replied, "Well, Cate Palczewski, but there isn't a PhD program at her school," which is why it is so poetic she was be able to be on my committee. In subtle ways, Cate has been part of this journey all along. Cate took the time to talk and hang out with me when I came to her college for an interview for a job I ended up not getting. Cate is the one

I called after my second round of rejections to ask what I should do. Cate talked me through what I wanted and where I had been applying and then suggested looking at generalist programs like Milwaukee. Cate is one of the authors of the gender book I have taught out of for years, demonstrating how to do quality gender and sexuality research. Cate's article, "The 1919 Prison Special: Constituting white women's citizenship," was one of the first pieces that helped me understand how I might craft rhetorical analysis. When I reached out to Cate with the hypothetical idea of her being on my committee as a professor from another school, she adamantly said yes. Cate is the ideal person to help me with this work because of her specific background. But beyond her specialties, Cate is incredible because she is so open with her time, energy, and talents. I feel like whenever I would get stuck and start to doubt that my ideas would work, Cate could literally translate them into something viable for me.

Cate, you hear and understand me in a way that few are able to. Thank you for lending your incomparable talents to me and this project. I am so grateful to have been able to have you on this journey and look forward to how our personal and professional paths may intersect in the future!

It is such a luxury to have such a kind and capable committee. I did not have to deal with the fears that many of my peers have had to. I was not nervous for the defense. I trust these individuals wholeheartedly, and I know they would never embarrass me or make my life purposely difficult, as I know some faculty still do. They have been such amazing support. This is the type of experience I was seeking, and I was told it would be very hard to find within academia. Thank you so much to these four people for making this experience possible.

Dr. Kathryn Olson was not officially on my committee but deserves an enormous amount of credit for helping me become the scholar I am. KO, as many of us call her, gave me a high-level, rigorous graduate school experience. Preparing for her classes, which usually took place in the basement of Merrill at 9:00 a.m. on Friday mornings, felt similar to getting ready to run a race: you

had to train, you had to put in the work, and you had to be ready. But instead of "racing" against your classmates, you were racing *with* your classmates. You were expected to push yourself to achieve your highest intellectual capabilities to help enable others to reach their highest level. KO is the best of the best; she has very high standards and will push you to achieve writing and thinking beyond your expectations. The difference between KO and other scholars of her caliber is that KO is able to hold her students and advisees to the highest academic standards while having humility and understanding. The high expectations that KO upholds can often create spaces of bitter competition and hostility among students, but KO is also able to foster a space of supportive education. The main way she does this is by modeling. Most people do not realize the absolute care in which she does all of her teaching, editing, and mentoring. The time and energy alone she spent on giving feedback on all of my papers, especially the really rough ones, communicated to me how much she cared about my progress as a scholar.

KO, as you know, I am not a fully dedicated rhetorician like many of my peers here are. I do many other things and am open about how my teaching comes before my research. Other scholars would not have invested as much in me, as I would not have been as worth their time. But you have given me so much and never made me feel like less of a scholar for being differently motivated. Thank you for always taking time for me. Your teaching and guidance have been invaluable on this journey.

Thank you to all of the people here at Milwaukee who have worked to create a space for me. It was odd to go to a PhD program that does not have any type of performance focus, as that is one of my main interests, but this is where I felt the most welcome. This is where I needed to be. I had been advised by friends to keep my head down and not make noise in order to get through my program quickly. As everyone knows, that is definitely not my style. When I have a question, I ask. When I see a problem, I say something. I was warned by others who had been through PhD

programs that I could be punished for my loud voice, struck down for my ideas, bullied for knowing who I was. But I received nothing but gracious support here at this program. Thank you to Ashia and Mari in the office for always answering my questions and helping me with logistics. Thank you to Dr. Erin Rupple for always answering my questions and eating candy with me. Thank you to Dr. John Jordan for the intellectual conversations. Thank you to Dr. Erin Parcell for enabling me to do such a cool project that turned into one of the best parts of my dissertation. Thank you to Dr. Lindsay Timmerman for your kindness and mentorship. Thank you to Ali Gattoni, Stacey Mirviss-Jossart, and Evelyn Ang for being my hilarious teaching buddies. Additionally, I'd like to thank Dr. Allen, Dr. Tae-Seop Lim, and Dr. Sang-Yeon Kim for their administrative leadership in the years I've been here. I have felt very seen in this department. Thank you for allowing me to be who I am and grow as a teacher, scholar, and person.

One of the most important aspects of graduate school is the people in your cohort, and you have absolutely no control over who that will be. I knew I needed to be surrounded by supportive, kind, loving people, and I also knew I had no control over who would be my peers in my program.

To say I lucked out is an understatement.

To Riley and Tosin, there is no one I'd rather have by my side!
Tosin, thanks for the baby love and deep conversations.
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To all of my peers who asked for help and trusted me with your passions.
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To all of the people who discussed with me in class, challenged me, complimented me, asked me questions, or just talked to me on a busy day.
Your energy was so important to me.
Thanks for connecting with me.

There are two people who need special shout outs for the amount of time and energy they have poured into me over these years. Josh Miller, you are the rare, mythical type of person I hope everyone gets to experience in their graduate program. You are one of the smartest people I know, and your brain seems to be designed for rhetorical discourse. Most of the people like you who I know are too busy being smart and having unbelievable achievements to support others. But there have been numerous times where I have reached out and asked for a favor and you have magically made whatever I was working on significantly better while still honoring my ideas and phrasing. As you know, I'm always happy to read your work or talk through ideas, but it feels a little bit like cheating because of how incredibly talented you are. They say that some of the people you meet in graduate school will be in each other's lives for the rest of your careers, and I certainly hope that is true for us.

Finally, to my dear Kristy for teaching me the power of Jackie. I don't think most people would've predicted how close you and I have become, even ourselves. I loved writing with you, I loved bursting into your office to tell you all the things, I loved teaching you about public speaking, and I have loved texting you my every little thought since you finished a year ahead of me. Let's forever stay in each other's lives, baffling the other with our sleep schedules, laughing about how I want all the people near me and you do not, and celebrating our mutual appreciation for granola, our pets, gender, and sexuality. (P! I love you and you are great! Thanks for being in my life, Jackie).

It is necessary to thank all of my interview participants for sharing your stories and yourselves. You have been such a motivation for this research, and I so cherished the time we spent together. I want to thank all of the authors whose works were instrumental in building this

dissertation. Writing can be an incredibly isolating experience. I feed off the energy of others, so the singularity of academic writing is particularly challenging. For me, the best way to do this research was to find myself in community with the other great thinkers and scholars who have come before me. Additionally, thank you to all of the people who have challenged me, disagreed with me, and pushed me in some way to better articulate my ideas.

Beyond my incredible committee and graduate peers, many people have helped make this dissertation possible. Thank you to all the friends and family who have asked me about my work and listened to me excitedly talk about what I'm writing about. Thank you to all of my students who cheered me on and had patience with me. Thank you to all the people who read parts of this dissertation and gave me feedback. Your ideas and insight were so important for making this dissertation as inclusive and comprehensive as it could be. Thank you to all of the people in my network who I don't get to see often but send me love, energy, support, and GIFs on social media. There were days when that was what kept me going. A giant thank you to the 26 people who showed up online to watch me defend this work. What an honor to have you all there!

I was taught to value people and relationships above all else and consequently, I have some of the absolute, most wonderfully supportive people in my life. I have worked very hard to be the person I am, but I know that the great things I have achieved are happening because of the constant, loving support in my life. Beyond my parents, there are two people who have functionally "parented" me through the last 20 years and whenever I do anything successfully, I know it's because of how they have helped make me who I am.

Richard, thank you for being my "mom" in all ways. I'm not sure where I would be without you, and I know you are a big reason that I am a capable coach, teacher, researcher, mentor, and human. I have treasured our talks throughout the years about my graduate school journey. I appreciate all of your advice, even the pieces I don't take. (You were right all along; I needed a

PhD). Thanks for seeing in me the amazing things I could accomplish long before I could recognize them. Thanks for always loving me and having me as your "kiddo." It has meant the world to me.

Leah, I did it. I got in, I did the work, and I graduated. And I did so with significantly less crying than my master's program (not that that is saying much). Leah, I literally would not be here without you. The mountain of recommendation letters you have written for me over the years is a metaphor for how invested you have been in me as a scholar and a person. The time and energy (and Kleenex) you gave me in my master's program set a foundation for me to be able to do this program and write this dissertation. Chapter 3 may not exist if you hadn't talked me through those beginning stages. And while I may have made it through the paradigm shifts about when I would finish, it was so relieving to be able to text and call you. It is such an incredible honor to have you as not only a mentor, but as family.

Brad, you are my favorite. Always have been. Always will be. You make my life better, and your relationship with me makes it okay to be myself. I so appreciate your matter of fact attitude that I am great and can do anything I want. Life on the floor is so much better with you. Thanks for being my Brad. 11:11

Amanda, your constant goddess support regularly blows me away. I feel like you can just sense when I need a reminder that I am valid and worthy. I know you think you are just doing due diligence for how I supported you through your master's program, but you have gone above and beyond, finding a way to stay close to me even though we are far away. You know that I don't have words to express how important you are to me, so I trust you know. I'm so excited for our next journey together.

Heather, while we worked less closely on this than we did my master's thesis, I always feel like you deserve an honorary degree when I finish one. You are always there for me in so many ways. I love the work we do together, and I'm so grateful for all you give me (especially the

postcards!). You are proof that something good can come out of middle school. I love that we are enjoying all these bonus years together!

Janine, you have been the constant I didn't know I needed in life. You have been there every step of my ridiculous adventure with a Sundrop in the fridge, a glass of wine already poured, arms open, ready to listen. Thanks for letting me be "Auntie Megan" and for always being there when I need you. I'm excited for our next 25 years together.

Shannon, thanks for being in my life, chica! You are the most incredible listener, and I am so honored to have you in my life. Thanks for being the type of person I can call in the middle of the night after months of not calling. Thanks for rearranging your life to help me edit this beautiful monstrosity. Thank you for coming anywhere I am to support and visit me. You have helped make this dissertation better, and you make me a calmer, kinder person.

Corka and Chanelle, thanks for all your faith in me. Your constant reminders of how worthy I am have been the light I have needed this past year.

Cindy, thanks for… everything! You have been such a model for me, a constant source of encouragement, and about all, a great fwiend! (Get ready, Auntie Cindy!)

To all of my dear supportive friends, including but not limited to Kajsa, Josh and Kati, Erica, Jill and Brady, Otto and Kris, Joe and Ashley, Jen & family, Maren & family, Kelsey, Julie, Chloe, Hannah, Dave, Carin, Molly, etc. (you know who you are!), thank you for being on this journey with me. I know we don't talk as often as we want to, but please know that whether it's texts, FB messages, phone calls while driving, or conversations in my head, you are with me!

Collie clan, I could not ask for a better bonus family. Sue and Steve, thank you for including me in your family. Having you at the symposium talk last year meant so much to me. Your unquestioning support and love astonish me. Sarah, Alex, and Alli, thank you for being there for me. I'm so happy you all are in my life!

It is ironic that I have saved my immediate family for last because they have always been the foundation of my life. Tiff, I don't have anything super new to say to you, but you know you are one of the most important people in my life. We have lived our lives together and been through so much that it feels magical to still get all of this extra time to just have each other. I'm so happy you are my seeeeiiiiister and are always there to talk to but always understand if I have to go. You ground me and understand me in a way that most don't and that is so awesome for me. You have gone out of your way to try to understand the things I love, and I can't express to you how much that means to me. Thanks for making me a better person. I love you, Biff!

Finally, my parents are the reason I believe I can do anything. My dad died over 16 years ago, but he still gets credit for making me the person that I'm able to be today. When I was young, I would be doing some bizarre project, and he would walk in the room, see the mess, ask what the heck I was doing, and then say, "Never mind! I don't want to know," and walk out. I'm not sure he ever fully understood me, but he loved me so fiercely and never, ever wanted to squash any of my creative energy. He wouldn't really get why I'm so passionate about sex and gender, but he would be so proud. And he wouldn't have wanted to read this big long paper, but he would have asked me to explain it to him so he could know why this research was so important to me. As for my mom, you are my biggest supporter, my loudest cheerleader, my longest relationship. I am so glad that this program brought me back near "home" and that we have gotten to see each other more these last few years. But this program hasn't been easy, and I know it often feels like I'm too busy. The people who are the closest and the most understanding often feel the heaviest burden when life gets difficult.

Thanks for understanding, Mom.
Thanks for supporting me.
Thanks for always trying to do what I need.
Thanks for always being there.
Thanks for "discussing" things with me.
Thanks for being my Modge.

Chapter 1: The Intersections of Sex, Sexuality, and Sexualized Violence

"The time has come to think about sex" -Gayle S. Rubin

As I was grading reflections for my Gender Communication course, which oddly provides a welcome break from writing, I encountered a particularly compelling narrative from one of my students. She identified herself as a lesbian in past class discussions and was reflecting on the material about how sex acts are constructed in our society. She wrote that the class material:

> resonated with me and made me think of what sex means to me. I know sex for me, has always been different than what it means for my twin sister, who happens to be straight. While we are both sexually active, and have been for several years, our mom only considers one of us to be. Although I have had more experience than my sister and would statistically prove to be more of risk for STDs, my Mom has never talked to me about sex itself, or the danger that it can bring. This is not because my Mom sees me less important, it is just that she does not view what I'm doing to be her idea of real sex. While my sister and I are sex positive and open about our sex lives with each other, she has had a hard time grasping what my idea of sex means. She previously did not believe what my idea of sex was, was real sex. We have had several conversations as to why it is different for me, and why it looks different for a lot of other people as well.

I pictured these conversations, wondering if they had changed the mother's perspective or if she still held a specific idea of sex that did not include her daughter's experiences. My student referenced how her mom didn't validate her behavior as sex because of her mom's "idea of real sex." Yet, I couldn't help but think of how her mother reached that idea, not only through personal experience, but also through the symbols, messages, and discourse that has impacted a person's idea of what sex is.

Reading this student's reflection, I was reminded of the numerous times I have encountered a disconnect between our culture's normative understandings of sex and the experiences of individuals. In one example, I was invited to be a part of an advocacy group of faculty and staff to talk about sexual assault on the small Lutheran campus where I was a faculty member. I was excited about the opportunity, not only because of how it aligned with my interests, but also because of the many students I had taught and mentored, both from my classes and speech team, who had

confided in me about their personal experiences involving sexualized violence. I was eager to be a part of the changes being made on the campus. However, the meeting that took place felt very disconnected from the realities of sexualized violence for our students. Even within this group of well-meaning individuals, the way sexualized violence was being discussed did not align with my own realties or the many experiences students had shared with me over the years. As is common in public discourse, sexualized violence was being framed as a clear, definable problem committed on our campus that we, as an advocacy group, needed to understand and eliminate. The conversation was vague, with assumed and narrow definitions. There was not a clear recognition of the structural influences that feed complications in sexual encounters. Perpetrators of this violence were talked about as distant, separate others, instead of the very real and complex individuals who were also students in our classes or even members of our faculty.

As I sat listening to the way this topic was being addressed, I couldn't help but think of how far removed we were from the actual encounters happening on our campus—how much was unknown or not being remembered in terms of what actually happens between bodies at college parties or in dorm rooms. The people in this room were talking about sexualized violence in the hypothetical instead of thinking about the lived experiences of the people (mostly femme presenting individuals) on our campus.[1] Statistically, I knew several of us were probably victims/survivors of some kind of sexualized violence, but individual experience has a way of feeling unique and does not always transfer to the larger conversation. It was also clear that many were removed from the positionality of our students. My own incidents happened years earlier, yet I did not yet feel removed from them. I could vividly remember the messiness, the angst, the very humanness of those intimate moments. I reflected on how, in all of my cases, the person who was violating me was someone I knew, someone I considered a friend. I had listened to many students recount their own experiences over the years. The raw, personal forms that sexualized violence often takes were not being

recognized in this meeting. The topic was being framed as isolated incidents perpetuated by corrupt individuals instead of intimate interactions that often involved people who know each other. There was very little, if any, recognition that issues of sexualized violence were directly connected to issues of sex and sexuality. From my perspective, we were all there to make change, yet the conversation felt far removed from the nuanced realities of sexualized violence.

Having been raised in a Christian community in the Midwest, much of my understandings of sex were dictated by dominant assumptions and expectations. In high school, I was in a long-term monogamous relationship with a male partner. Both he and I were raised to wait to have sex until we were married. Though I would now define our behavior as sexually active, we were very purposely not having penis in vagina (PIV) intercourse, the act most people in my community meant when they said the term "sex." At the time, I coded this behavior as "waiting to have sex" whereas now, I understand our behavior as sexual activity that was queered from the norm. At the time, I did not have access to a language that represented my experience of sex.

The dismissal of my student's sexual behavior by her mother, the well-intentioned but removed discourse of the advocacy meeting, and my personal experience highlight the disconnection between lived experiences and socially normative discourses. The distance and difference between material experiences and rhetoric about those experiences accentuate the definitional instability around meanings of sex, sexuality, and sexualized violence. The tangible impacts of this definitional instability are seen and felt within individual experiences that are obfuscated, invalidated, or misrepresented by language. Exploring the separation between lived experiences and normative discourses is not just a theoretical exercise; it is an undertaking that seeks to reclaim and validate the very real experiences of individuals who have been marginalized by normative discourses.

In this dissertation I argue for a deeper understanding of the rhetoric of intimate encounters by analyzing meaning-making practices at the intersections of sex, sexuality, and sexualized violence.

To best do this, I will explore these intersections at the macro, meso, and micro levels. Meaning-making within intimate encounters is impacted by the body's experience and positionality within our culture. Stereotypes and assumptions in cultural discourse are co-constitutive to the rhetorical embodiment of individuals—cultural discourse impacts the behavior of individual bodies and the acts of those individual bodies impact cultural discourses. Meaning-making manifests clearly on each level of our social structure (macro, meso, and micro), but the meaning-making on each level is also connected to the other levels. The object of my analysis is discourse about sex, sexuality, and sexualized violence, but this analysis also has implications on understandings of how corporeal rhetorics, or communicative meaning within bodies, are operating in moments of intimate encounters affect individuals. These lived moments are co-constitutively connected to the construction of discourses that influence identity and understandings of sex, sexuality, and sexualized violence. Intimate encounters between bodies involve the expectations and assumptions built by dominant discourses, except the lived reality of intimate encounters do not always match the expectations and assumptions built by these dominant discourses. Therefore, I am especially interested in how queer bodies, or those whose identities exist outside the constructed norm, navigate these dominant discourses, given their bodies and acts do not fit comfortably into the standard definitions.

With these considerations in mind, it is necessary to ask, 1) How are normative scripts around sex constructed, disseminated, and perpetuated? 2) How do these normative assumptions impact intimate encounters and their connected public discourses? 3) How are these normative assumptions problematized by the existence of practices outside of these norms, such as queer sexuality? Each of these questions become a starting point for the three content chapters in this dissertation. Each question, and its subsequent chapter, build off the next to create three different but connected projects that seek to explore the implications of the complicated relationship between

normative discourses and the lived experiences in intimate encounters. Finally, all of the chapters explore in different ways the connection between normative discourses and violence—in what ways are these normative discourses harmful? In what ways do these discourses potentially perpetuate or normalize violence? These final questions weave themselves through all of the chapters, constantly interrogating the rhetorical nature of the boundaries between sex and violence.

My desire to explore these issues is inspired by the very real stories of harm that commonly surround sex, such as individuals who have been marginalized because of their sexuality, those who carry shame or guilt about their sex lives, and people who have experienced sexualized violence. Though I am interested in how dominant discourses impact intimate encounters in terms of marginalized sexuality and violence, I firmly believe sex is central to these issues and cannot be left out of the discussion.[2] Examining the heteronormative, symbolic communication surrounding sex sets the foundation to explore how this communication is connected to marginalized sexuality and violence.

The remainder of this chapter lays out a historical, cultural contextualization to build a foundation for the following chapters. This dissertation deals with meaning-making, including the exploration of language as interpretive symbols. I start by providing an overview of terms and the constructed boundaries of my research. Next, I provide detailed explorations of how sex, sexuality, and sexualized violence rhetorically function within current American culture, focusing on where and how these topics intersect. Setting up these three aspects as separate, but interwoven cultural issues lays the groundwork for the rest of the dissertation. I conclude this chapter with an overview of the remaining parts of the dissertation.

Boundaries, Terms, and Consequences

"A radical theory of sex must identify, describe, explain, and denounce erotic injustice and sexual oppression"
-Gayle Rubin

My project focuses on the rhetorical and corporeal implications of communication within and surrounding intimate encounters. Intimate encounters are the ideal space for looking at the intersections between sex, sexuality, and sexualized violence because there is a direct connection between the communication that takes place between bodies during intimate encounters and the subsequent social discourse. In order to explicate the connection, I am using the term "intimate encounters" as an extension of Sara Ahmed's concept of stranger encounters. Ahmed's perspective of "the dialogical production of different bodies and texts" when strangers encounter each other provides a way for thinking about the body as a space of communitive meaning within human interactions.[3] She asks, "How does embodiment take shape through encounters with others that surprise, that both establish and shift the boundaries of the familiar, of what is already recognizable or known?"[4] Her examples focus around "strange" bodies interacting, but she recognizes the unstable boundaries around intimate relations, questioning, "How do you know the difference between a friend and a stranger?"[5] This question can be extended to the complicated situations of some sexual encounters where one individual thinks they are with a friend but end up feeling harmed or violated. The movement from stranger encounters to intimate encounters forces a constant critical inquiry of the relationship between bodies in moments of intimacy. In other words, we create meanings for sex and sexualized violence through both the discourses about sex and bodily enactment, leaving the discursive and material always intertwined. Even though my primary object of analysis is the discursive, it is always impacting and impacted by material bodies.

It is my hope that my methodologies make space for a multitude of applications within these areas, I am also purposefully trying to narrow in on the messy relationships between sex, sexuality, and sexualized violence. I am leery to put boundaries around these issues, as that directly

counters my intentions of concentrating on the shifting instability of definitions and categories. That being said, I do not try to take on all aspects of sex, sexuality, and sexualized violence in this dissertation. Because I am interested in the complexity of where these concepts intersect, I am not going to explicitly address many of the acts or situations that fall more firmly into the center of a category. For example, though I am interested in sex in terms of how it dictates normative practices, I am not focused on instances where there are not disruptions around sex.[6] Similarly, I am not focusing on extreme acts of sexualized violence, where sex is openly being used as a tool of violence or where there is a vast power differential. Extreme violence and power abuse in situations are incredibly important to recognize and understand.[7] However, my main focus is the spaces and practices which are normalized, seemingly accepted, but also contested in a variety of complex ways. Within the intersection of sex, sexuality, and sexualized violence, I am focusing my analysis on the unstable boundary cases with the hope that interrogating the margins can also help us understand the center. I recognize the potential problems of making these distinctions, as situations may not neatly fall into definable categories, but even though the boundaries are fluid, I want to acknowledge my intended focus.

As I further detail in Chapter 2, a mixed methods approach is necessary for focusing in on these intersections at the different levels of society. For the macro and the meso level, I was able to access texts which illustrate the complexities of the unstable boundaries at the intersections of sex, sexuality, and sexualized violence. But the micro level is more difficult to analyze because texts that represent bodies outside the norm are difficult or impossible to access. My desire was to examine how queer bodies define sex for themselves and it was clear the best way to explore this topic was to create the text utilizing rhetorical field methods. Using a mixed methods approach was necessary for targeting the specific, complex intersections of sex, sexuality, and sexualized violence across all three levels of society.

The topics of this dissertation continually remind me how important it is to be actively inclusive. One way that research and scholarship is often problematic and exclusionary is through language. For example, feminist work has historically claimed things about "women" while connotating that word to mean straight/white/middle class/cisgender women. Wherever possible, I have attempted to use inclusive language or clarify how claims may apply to some group members but not others. In some places, I am purposely using a word to historically contextualize its usage. However, all terms are meant to be inclusive of those who identify or define themselves in that manner.[8] I have no desire to police or exclude the experiences of individuals with my rhetoric. Finally, I am actively listening and striving for language that comes from groups themselves. For example, I use the term "marginalized" instead of "minority" to signal to the active oppression on bodies *caused* by those in power instead of focusing the responsibility on those who are disadvantaged.[9]

Lastly, I would like to make a few notes on how I am using the terms sex, sexuality, and sexualized violence. Throughout this dissertation, I make a point to always list sex, sexuality, and sexualized violence as a purposeful move to reiterate that these categories are simultaneously able to be separated while constantly intersecting. There is some benefit to purposely relying on the multiplicity of meaning, such as Poirot regularly does in *A Question of Sex* by using the word sex without always clarifying the denotation or connotation.[10] Though parts of this work may rely on that multiplicity, my inquiries center around the nuances of meaning-making at the contextual intersections of sex, sexuality, and sexualized violence. Unless I expressly refer to biological sex,[11] my use of the term sex refers to sexual acts. Later in this chapter, I delve into the messy ways biological sex and sexual acts are interrelated in terms of sexuality, but the majority of this dissertation focuses on sexual acts. The term sexuality could be used to include sex acts, it is important to understand them as separate but interrelated concepts. At times, I will purposely use the symbol sex/uality to

make reference to the interconnectivity of sex acts and the sexuality surrounding them. Finally, I have chosen sexualized violence as an inclusive term to reference all types of sexual harm.[12] Even though this can be vague, it makes space for multiple experiences and interpretations. It also references the messy, fluid boundaries between sex and violence, arguing that the concepts can be separated, but that there are also times in which violence is sexual in nature. When referring to the laws in Chapter 3, I will sometimes use the term *sexual violence* to indicate how the laws use a more static definition that the inclusive, moving one I am choosing. There are also times where I may use more specific terms, such as sexual assault or rape, but it is always for a particular reason, such as matching the language of a quotation or historically referencing the socially common term.

This dissertation seeks to be as inclusive and empathetic as possible. I am very aware that this research is filtered through my body and perspective.[13] While I am obviously focusing on specific areas, I am also making purposeful efforts to recognize, validate, and include a multitude of perspectives. I am under no illusion that this is fully achievable. Critiquing systems of communication while using the limited abilities of written language is an act of irony. Therefore, the emphasis is on the consequence of this scholarship.[14] I engage in critical awareness of the ways my writing and arguments are inherently oppressive while simultaneously pushing against those oppressive structures. In order to reduce problematic issues, I have asked a multitude of individuals from different standpoints to read my research as it is constructed. My hope is that these words and arguments resonate with readers. It is my desire for readers to recognize themselves in this work and feel seen and/or heard. But I am also aware of the extreme potential for these topics to activate trauma. Despite using my full efforts to achieve inclusivity and understanding in this text, I recognize the impossibility to fully prevent my words and arguments from potentially being harmful to someone because of their experience or positionality. I also recognize that, even though critical interrogation into these subjects is important, it may not be safe for all readers. If at any point you

feel activated, triggered or harmed by this critical discussion, please feel free to disengage. The journey of working on this dissertation has crystalized how difficult but necessary these topics are. If you have something to add, want clarification, or have found problematic issues I can seek to fix, please feel free to contact me. This dissertation is a marker of this research at this specific moment, but the work is continual.

Sex, Sexuality, and Sexualized Violence

"The problem remains what it always has been: telling the difference"-Catharine MacKinnon

To begin, it is imperative to start with the definition of sex in American culture, but this causes us to ask where we might go to find such a definition. Thinking about how a culture defines sex quickly reveals how structures delineate, validate, regulate human behavior. Gayle S. Rubin explains, "As with other aspects of human behaviour, the concrete institutional forms of sexuality at any given time and place are products of human activity. They are imbued with conflicts of interest and political maneuver [*sic*], both deliberate and incidental."[15] The cultural institutions that produce and control shared reality are always actively involved in how sex/uality becomes defined in society. The production of definitions of sex within our culture manifest themselves within these systems, such as religion, governmental policy, media, science, education, and family, just to name a few. In many ways, these institutions work to regulate and normalize sexual behavior, historically developing the socially normative understanding of sex. But that does not mean there is a singular, stable definition. Rather, sexuality itself becomes a cultural structure with its own politics, inequities, and oppressive forces which shift contextually, creating instability. This is especially true when definitions are viewed historically, because there have been several periods where sex has been more overtly politicized and "the domain of erotic life is, in effect, renegotiated."[16] In addition to the institutional impacts and the historical advancements of sex in our culture, experiences complicate cultural definitions, specifically when they vary from the expectations.

The social stigma surrounding sex contributes to its lack of definitional stability. The infinitely complex topic of sex continues to be taught, discussed, and encouraged through narrow, often inaccurate, symbolic representations which have a "commonsense appeal." [17] Much of the discourse surrounding sex creates a vagueness that separates discussions from specific sexual acts, which can be seen in how body parts and sex acts are often referred to with euphemisms. This also perpetuates the dominant definitions by not clarifying details and leaving space for assumptions. The discourses surrounding sex assume shared meaning that often does not exist. I am reminded of how Dustin Bradley Goltz describes how the best way to understand stand-up comedy is "to *do* it and investigate and reflect on the embodied, contextual, affective process." [18] This description also feels deeply fitting in terms of sexual activity; the social cultural definitions feel disconnected and simplified from the diverse bodily experiences of sexuality. Yet, the "doing" will always be impacted by the social narrative and expectations.

Historical Connotations of Sex

Definitions are built and crafted through time; meaning is not static, but even as definitions change, we often continue to live with the legacy of those earlier understandings. For example, Rubin points out how "the consequences of [the] great nineteenth-century moral paroxysms are still with us. They have left a deep imprint on attitudes about sex, medical practice, child-rearing, parental anxieties, police conduct, and sex law."[19] Thus, it is important to understand the historical legacy of sex in the U.S. in order to contend with our present moment. Unsurprisingly, the dominant social narratives around sex have historically mirrored the values represented in the society. The 19th century, specifically the Victorian era, instituted the majority of our sexual norms up until the rupture of the 1950s and into the sexual freedom of the 1960s.[20] Penis in vagina (PIV) penetration has historically been the default act labeled as sex and this time period cemented additional social expectations that became embedded within this definition.

First, sex was assumed to involve PIV penetration, therefore it was necessarily assumed to be between a man and a woman. Historically, procreation has been tied to sex as an evolutionary necessity, only starting to shift in the 20th century.[21] These definitions of sex established heteronormative social expectations, marginalizing, and in many cases, criminalizing, any type of sexual activity between bodies that did not fit the male and female equation.

Second, good women were considered to be pure and lacking in sexual desire. These supposedly good women only engaged in sex as a result of their marital duty or through coercion and trickery. Determining the line between sex and sexualized violence did not focus on women's agency but instead depended on the context. For example, having sex outside of marriage with a woman who was a virgin was considered a violation, specifically to her father's property, even if the woman wanted to be engaging in that behavior.[22] Similarly, sex within a marriage was always legal, even if it felt violating to the woman. Our modern understandings of consent did not apply because there was no legal concept of marital rape. Additionally, enslavers could rape those they enslaved as part of their property rights. Women still made choices, but those choices were constrained within context. These accepted practices did not mean that violence, specifically against women, was universally accepted, but rather understandings of agency, violence, and marriage were different than current conceptualizations.

Pleasure was not always focused on as a necessary part of sex. And when it was, social expectations often dictated whose pleasure and how it could be expressed.[23] The oversimplified stereotype came to be that women had less interest in sex and found little pleasure in it while men essentially needed it.[24] In practice, people violated these norms and, occasionally, explicitly challenged these norms of sex, sexuality, and sexualized violence. However, the norms had power that both implicitly and explicitly shaped individual behavior, always in ways that were inextricably connected to race and class.

Similar to the way definitions of sex have been constructed and regulated through social institutions and stereotypes, "definitions of rape have historically been carefully policed and deployed in ways that allowed strict social condemnations for certain kinds of rapes (violent attacks by strangers) committed on certain kinds of women (white, 'respectable,' and sexually chaste) by certain kinds of men (Black, working-class, deviant)."[25] Through the nineteenth century, the perpetrators of sexualized violence were often imagined to be the racialized other, an erroneous impression that was used to justify the imprisonment or death of men of color across the U.S.[26]

After World War II, the concept of a "sex offender" became the focus of public fear.[27] This was code for "homosexual," leading to the persecution of gay men in the 1950s.[28] But the repression of the 1950s was in part a response to the expansion of sexual communities, including the creation of gay organizations and an expansion in gay and lesbian research and literature which fueled the so-called sexual liberation of the 60s and 70s.[29] Therefore, we start to see repression and the seeds of liberation happening in tandem, strengthening the interconnectivity of sex and sexualized violence. Sexual acts that fell outside the accepted norm were considered as deviant and persecuted, whether they were consensual or coercive.[30] Additionally, incidents of violence in this time period that did not fall within the narrow, regulated definitions of rape or deviant sex, such as rapes by fathers, husbands or other authority figures, were dismissed as "instances of sex rather than rape, or as simply untrue."[31] Expectations and social stereotypes surrounding sex deeply impacted how society framed and understood sexualized violence.

Current Context of Sex and Sexualized Violence

In 1975, Susan Brownmiller published *Against Our Will*, which is considered one of the most comprehensive studies on rape. At the time, sexualized violence was a topic about which most of the public was either unaware or in denial, yet it had been a part of people's lives throughout history.[32] Instead of capitalizing on unsupported stereotypes as many of the laws and public

communication did, Brownmiller's work discussed sexualized violence in unprecedented ways, giving voice to the perspective of the violated. She explains:

> To a woman the definition of rape is fairly simple. A sexual invasion of the body by force, an incursion into the private, personal inner space without consent-in short, an internal assault from one of several avenues and by one of several methods-constitutes a deliberate violation of emotional, physical and rational integrity and is a hostile, degrading act of violence that deserves the name of rape.[33]

Though she is using the term rape, she does recognize the vibrations of sexualized violence beyond the act of penetration. She put the violated person in the center of the act as the person who should define it.[34] Becacqua notes that it is the women's liberation movement which worked to create the possible conditions for people like Brownmiller to articulate the problem of sexualized violence and its normalcy.[35] However, Brownmiller's discussion around rape still very much centers on the heteronormative binary, with women always being the victims and men always responsible for the violence. Normative PIV definitions of sex continued to result in recognizing sexualized violence in limited ways. Denotatively, the word "rape" referred to sexual intercourse, which implied that an act only counts as rape if penetration is involved between a man and a woman. When sexual violence laws started entering U.S. culture in the 1970s, they reflected these narrow assumptions and connotatively carried within them the situational exceptions normalized in our history, such as marriage being a place that rape cannot occur.

In recent years, there has been a purposeful push to move away from the term "rape" in order to include more situations as acts of violence. The Rape, Abuse & Incest National Network (RAINN) explains sexual assault as "sexual contact or behavior that occurs without explicit consent of the victim."[36] They identify rape as a form of sexual assault, but also include attempted rape, unwanted sexual touching, and forcing the performance of sexual acts.[37] The broadening of these definitions is meant to include more situations, but the normative connotations are difficult to remove.

Even with changes in legal definitions, sexual assault is still an underreported crime, with victims/survivors at a disadvantage because they hold the burden of proof. Barnett claims, "Women who report rapes are questioned about how their appearance, actions, or attitudes provoked the assault, and their claims may be challenged by suggestions they enjoyed the violation—a standard not applied to individuals who claim to be robbed at gunpoint or assaulted in other violent ways."[38] This type of victim blaming is still present in both legal circles as well as media and social discussions surrounding sexualized violence, a clear marginalization of how individuals label their experiences. In his TedxFiDiWomen talk, Jackson Katz argues that asking questions about women and their choices creates a diversion from asking questions that critique the harmful norms surrounding sexualized violence.[39] He utilizes the work of linguist Julia Penelope to show how the language and sentence structure centers the responsibility in sexual encounters around the victims/survivors, framing the act as something that happened to them without acknowledging who caused it.[40] Katz uses the example of how the sentence "John beat Mary" changes in the passive voice to "Mary was beaten by John," and then it is very easy for John to leave our consciousness when shortened to "Mary was beaten."[41] The very way language operates focuses the time and attention around victims/survivors, leaving no space to interrogate the behavior of those perpetrating socially normalized violence.

In many fields, consent has been proposed as the answer to finding clear boundaries between sex and sexualized violence, with proponents arguing that consent allows people agency to control when and how they participate in sex. However, some radical feminists have historically critiqued the idea that sex can be separated from sexualized violence within a patriarchal system. For MacKinnon, consent cannot be given in a system built on male dominance. If the very system is created on inequality, then how could bodies disadvantaged in that system ever fully consent to activities that are frequently used as violence? Although MacKinnon's argument is now over 40 years

old, it explicitly shows the history of radical feminist scholarship and does recognize very important historical structural assumptions that cannot be disentangled from intimate encounters.

In response to arguments like MacKinnon's, some liberal feminists have pushed back against this notion, arguing that a woman's "yes" must be valued.[42] Even in a society that has issues with sexualized violence, "sex matters;" specifically pleasure, and the power to receive sex and pleasure by saying "yes. Yes, YES!"[43] The concept of sex positivity grew out of the feminist sex wars that reached their height during the 1980s.[44] These debates about sex practices, mostly circulating around pornography, sadism/masochism, and other socially stigmatized performances, involved groups of radical feminists calling out the patriarchal harm of these practices. They were then met by others who offered an "anti-censorship" position that eventually developed into the philosophy of sex positivity.[45] Many of the definitions of sex positivity center around how sex is good and could be a positive and valuable experience for any person.[46] Some, such as Queen and Comella, focus on how sex positivity "celebrates sexual diversity, differing desires and relationships structures, and individual choices based on consent."[47] As a theory, sex positivity seeks to support and uplift the desires and practices of individuals that are not necessarily included in the dominant discourses.

The conflicting perspectives between the radical feminists concerned about sexualized violence and the sex positive feminists who trumpet sexual diversity have often been boiled down or shorthanded out of context. These debates materialized around specific examples, such as pornography, but show the theoretical tensions between structural socialization and personal agency. The fear by some is that sex positivity covers over systemic violence, infiltrating personal preferences with the socialization of violence.[48] If a person grows up in a system of sexual inequality, it is impossible to detangle personal preferences from socialization. Conversely, the counter argument is that a person has agency within these structural influences, that desire or preferences cannot always be explained by political analysis, and that the individualized desires and preferences

of a person need to be recognized.[49] The acknowledgement of sexual preferences becomes specifically necessary in the process of validating historically marginalized bodies, such as women and queer individuals, because their agency allows them to have a say over their behaviors and bodies.

Conversations around consent have also evolved over the years, evident in the shift from "no means no" to "yes means yes."[50] This shift demonstrates how definitions and access to the power of language are still very pertinent. Even though some perspectives argue that it should be as simple as saying "no" to anything you don't want, the word "no" is a rejection that relies on respect and equality within that transaction. In many cases of sexualized violence, there is no equality or respect given to the victim/survivor. There are a multitude of cases where it has been clearly shown that "no" will not protect a person, which creates a fear of using it. It is clear that in our current society, not everyone has safe access to rejection.

In response to the consent complications of "no means no" and "yes means yes," scholars such as Harry Brod discuss the affirmative consent standard, arguing consent has to be created: "Consent is not something you have. Consent is something the other person has to give you. And if the other person doesn't give it to you, you don't have it. No matter what you think the rules are supposed to be or what you think you're entitled to."[51] Feminist debates over the meanings and implications of consent seek to delineate definitions of sex from sexualized violence, finding socially agreed-upon boundaries. This separation of consent and violence manifests in multiple public arenas, such as the enthusiastic consent laws that were developed in California.[52]

Theories like the affirmative consent standard are meant to be used to navigate the messy relational complexities within intimate encounters. But currently, consent is often presented as a simple separation between sex and sexualized violence instead of something that needs to be regularly created within intimate encounters. Therefore, public discourse spends a lot of time

focused on the details of an event in order to determine if consent was given or not, creating a socially perceived clean-cut dichotomy between sex and sexualized violence. Feeding this false dichotomy are the power politics which surround the bodies involved, impacting definitional issues that remain unstable.

One of the ways these normative definitions have been historically solidified is that sexual activity is commonly defined in our culture through the negative—we know what sex is by focusing on what is *not* considered sex. The "convergence of sexuality with violence" does not operate as a line to be crossed or a delineation of separate categories, but rather, is a messy contextual space fueled by culture.[53] Butler argues that "there is no easy formula for understanding the relation between sexuality and gender, but they do suggest that a set of volatile and animating relations persist between them."[54] I extend this argument, claiming a similar "set of volatile and animating relations" connects sex/uality and violence.[55] These relations complicate how an act is constituted and defined, specifically if audiences are assigning different relations to the same actions. The messiness of this theoretical connection was demonstrated by how scholars such as Butler and Halberstam supported Avital Ronell after she was accused of sexual misconduct.[56] These scholars, whose works have pushed for critical critiques of power for decades, came to the support of someone understood by many as abusing her authority. This demonstrates that even those who should be fully aware of how these "volatile and animating relations" operate are subject to reinforcing harmful behavior because it fits an accepted norm.[57]

We cannot fully invest in the definitional debate surrounding consent and sex without a critical examination of our social connotations of sexuality. Peterson argues, "A critical and rhetorical approach to sexuality helps expose relations between language and bodies, and how language can influence and shape sexual subject matter."[58] Figuring out how sexuality is rhetorically framed leads to questioning whether marginalized bodies can be actively sexual within these

normative discourses. Sex can be put on all bodies, but who has access to sex for their own desires is still regularly disputed in our current social landscape.

Complications of Sexuality

The meaning of sexuality is impacted by the definitional instability surrounding its root. I am often very frustrated the word sex has very two distinct meanings: biological characteristics and the act of intimate sexual activity. I regularly joke to my gender communication classes there needs to be different words to distinguish the two different meanings. But I am also aware that "this semantic merging reflects a cultural assumption that sexuality is reducible to sexual intercourse and that it is a function of the relations between women and men," demonstrating the inherent heteronormativity and monosexuality of sexuality.[59] Sexuality can function as an extension to gender, highlighting the ontological differences of the "sexes."[60] When sexuality is linked to hetero expectations of the sex binary, sexuality is also framed as a binary. This framework of difference produces a social understanding that breaks sexuality into a neatly halved binary of men and women on different planets.[61] It is unsurprising then that "the more expert we become in talking about sexuality, the greater the difficulties we seem to encounter in trying to understand it."[62] In practice, sexuality is much more nuanced and multi-dimensional. When sexuality labels are placed onto different gendered categories, such as "female sexuality," the social understandings of that category are normalized, creating social expectations for those who fall into the label. The framework of difference functions to mark those outside of the norm as in need of adjustment.[63] Scholars such as Poirot and Sloop critique heteronormative, sex-based difference as an adequate framework to explore the nuances of sexuality in connection to gender.[64] Breaking down difference in favor of recognizing the nuanced array of how gender and sexuality can manifest reveals how sexuality functions in terms of identity.

Thinking of sexuality in terms of identity is a highly popularized way to make sense of sexuality. Foucault's thorough history of sexuality, where he analyzed the complex theoretical and practical contexts of sexuality, created the framework for analyzing how sexuality has been socially instituted, regulated, celebrated, and most notably, punished.[65] He admitted that sexuality is complicated by the modes in which individuals are given to recognize themselves as sexual subjects.[66] Therefore, identity becomes a way individual experiences connect to larger systemic power systems. Post-structuralists, such as Butler, have responded to this complexity by looking to how sexuality has been historically and socially constructed, performed, and (re)produced within identity categories.[67] Performative theories explain how these systems can be pushed against and potentially altered, but also account for the overwhelming influence of historically produced systems.

The historical and social production of sexuality cannot be detangled from individual personal identity, entwining itself with other identity categories, and regulating how bodies are allowed to express sexuality. Within sexuality research, it has become increasingly common to explore sexuality at the intersection of gender and other identity markers, such as age, class, and race.[68] Examining sexuality through these categories reveals the connection between sexuality and power, which some scholars discuss as sexual politics.[69] Hill Collins, for example, argues that Black women have experienced a legacy of oppression at the intersections of race, sex, and class.[70] The privilege of being able to have one's desires recognized connects to the power dynamics surrounding bodies and their social characteristics. Even though gender is often invoked as the main determiner for whose pleasure is validated, other identifiers, such as race, need to be recognized for how they impact the connection between sex and violence. For example, Black women "inhabit a sex/gender hierarchy in which inequalities of race and social class have been sexualized," where they are branded as deviant in order to reinforce the practices of the "mythical" norm.[71] Race impacts the

relationship between sex and violence, but is not always recognized for its influence. Hill Collins argues, "In the flood of scholarly and popular writing about Black heterosexual relationships, analyses of domestic violence against African-American women—especially those that link this form of sexualized violence to existing gender ideology concerning Black masculinity and Black femininity—remain rare."[72] Social identifiers complicate the relationship between sex and violence, which is often most obvious within intersections.

Hill Collins focused on the intersection of race and gender with Black women, but nuances change depending on the intersections. To illustrate how sexuality combines with race, McBride argues that within "public discussions of the black community, of black intimacy, of black class issues, and of race relations, once again the black gay man and the black lesbian [are] completely invisible."[73] He talks about how this then lumps these identities in with Black heterosexuals, which doesn't then recognize the specific positionality caused by these intersections. This erasure is violent in itself, but it also invites sexualized violence. If these intersections are not being validated within our society, they become easier to abuse.[74]

The regulation of sexuality is situated in systems of oppression, which are controlled through both policies and social norming. First, law shapes civic life through regulating a myriad of activities including marriage, birth control, surgery, and public decency. Each of these activities are understood and experienced differently based on sexuality, making sexuality an important part of civic identity.[75] Bodies are rewarded, accepted, marginalized, and excluded from society through the regulation of law because of their sexuality. West demonstrates how discourse connects the policies to social norming, arguing that official forms of citizenship are granted to certain bodies and denied to others through the rhetorical reinforcement of symbols.[76] These discursive regulators operate on a complex structural level that produces certain values over others, feeding normativity.[77] For example, the sexuality of straight individuals to pass unrecognized because the way they perform

their sexuality has been normalized and distanced from the concept of sexuality. Straight people obviously have a sexuality, but because it is seen as normal, their sexuality is validated. However, individuals performing outside of heterosexuality are seen as flaunting or expressing their sexuality because their behavior is more openly marked as sexual.[78]

Second, the ways these regulative forces enter our lives are often through startlingly personal experiences that extend beyond the formalized regulation of the law. For example, I have a clear memory of a sex toy party right after college. On the surface, this space attempted to actively push back against the regulations of sexuality that had been put on our young femme bodies. We threw around a stuffed penis for prizes, passed around lubrication to feel, and calmly watched as the consultant leading the party held and explained dildos. These acts felt like they were actively breaking the stigma surrounding sex, liberating our feminine sexuality. At the end of the presentation, the consultant said she would be in the back bedroom to take everyone's order privately and then place our purchases in a brown paper bag. I knew that was standard practice but did not think it was necessary here, since all of us had agreed there were no boundaries. But of course, this party was not separated from the normative structures of society--there are always boundaries. After the consultant went to set up in the bedroom, we were all excitedly sharing our thoughts, discussing what we might get. After several comments by other people who were excited about lube and vibrators, I mentioned the anal beads she had presented. I had not realized that they were designed for men because of male prostate glands. She explained how to lubricate them, gently put them in, and then how to pull them out when he was close to orgasm in order to hit the gland with each ball and increase pleasure. This new piece of knowledge was fascinating, the item was inexpensive and fit how my partner and I experienced sexual activity at the time, as we were choosing not to have intercourse. Upon my mention of the anal beads, the mood immediately changed. My excitement was met with a very awkward silence, until finally one of the women said,

"I do not think my boyfriend would appreciate *those* very much." I understood that the majority of people in our society were heterosexual, but I had not yet fully grasped how compulsory heterosexuality dictated the value of sexual practices. I had found the boundary and crossed the socially acceptable line, situating myself, my pleasures, and my partner as outside of the accepted norm. I was also very grateful for my brown paper bag to protect the anal beads I had purchased from the judgement of the other people at the party.

Structural norms are easy to envision on the macro level because they are then distanced from the relational details of our own reality. Critiquing our own preferences, expectations, and values for how they may be reinforcing some behavior while marginalizing other actions is much more difficult, however. I am reminded of the stories Ragan Fox tells about being a queer academic, such as when an officemate suggested he hide his social media account while job searching in case someone on a hiring committee is homophobic or when a colleague asked him to make his MySpace profile hidden because he identified himself as a "bottom" and some in the department thought it was unprofessional.[79] Sexualities outside of the accepted norm are constantly being policed for how they are performed as part of a person's identity. These stories from Ragan and me illustrate the ways in which definitions of sexuality are socially defined, regulated, and disseminated in a culture where discussions about sex are stigmatized. Heteronormativity plays a large role in how sexuality is socially and legally controlled and has been regularly critiqued and interrogated.[80] Nevertheless, cultural norms tend to reinforce discomfort with expressions of sexuality that fail to fit a heterosexual norm or challenge a clean binary between hetero and homosexual.

Until recently, the majority of research on sexual orientation examined sexual minority/non-heterosexual individuals in relationship to heterosexual individuals, causing sexual minority experience to be defined, measured, and conceptualized relative to heterosexuality, with bisexuality as an amorphous center on the way to homosexuality.[81] But of course, this does not fully encompass

the multiple ways different individuals conceptualize their sexuality and variations within sexual minority categories are lost. Callis beautifully illustrates:

> Rather than forming separately from the binary system, these identities have sprung up from the cracks within it, creating an in-between space that has become wider and more pronounced in recent years. For those people inhabiting this borderland, it is a place of sexual and gender fluidity, a space where identities can change, multiply, and/or dissolve. For heterosexual and homosexual-identified people living on either side of the border, the borderland serves multiple purposes. It can become a boundary not to be crossed, or a pathway to a new identity. Because the borderlands are emerging from within the current binary system of sexuality, they interface with individuals of all sexual identities. Therefore, the sexual borderlands have in many ways become the defining point of sexual identity, rather than a peripheral afterthought.[82]

The acronym for the LGBTQ+ community reminds us how powerful language can be in the formation and growth of these borderland identities, with some identities being recognized in this marginalized community while others are not visible within the label. Some labels even inherently critique the assumption that sexuality can be labeled or explained, with ambiguous categories such as queer, pansexuality, and pomosexual[83] pushing back against the labeling of sexuality and the regulation which comes with it.[84] Additionally, some move towards conceptualizing sexuality in terms of desire, which allows more space for the affective experiences of each individual body.[85]

Thinking about sexuality beyond monosexuality, the attraction to one sex or gender, seeks to include the experiences of those whose desires and attractions are not linear. Although sexual behavior of non-monosexual individuals has been studied for roughly a century, there was little focus on self-identification until the 1970s. Since then, most of the focus has been on bisexual identities. The research that does exist suggests that *bisexual, pansexual,* and *queer* are the most commonly used terms for non-monosexual identities. Others may take a descriptive approach to discussing their identities, such as "mostly heterosexual" or use other, less common, terms like "heteroflexible," whereas some avoid labeling altogether. [86] Individuals with non-monosexual identities often have to assume the role of "cultural workers" who are actively deconstructing, reconstructing, and explaining gender and sexuality through identifications which transgress dualistic

classification.[87] Even when we explore individual experiences to advance understanding of sexuality, the frameworks in which we view those experiences dictate how they are seen, viewed, and understood.

Queer voices have been marginalized, silenced, and ignored, which actively impacts the lives of queer people. Much of a queer person's life exists outside the social norm, but for many, sexuality is conceptualized at the center of that piece of their identity. Queer people have been marginalized *because* of their sexuality. Actively asking how they understand and conceptualize sex is a small but necessary response to the decades of persecution queer people have received in this country *because* of their sexuality. Sexuality is a complex concept that feels incredibly personal while being inexorably connected to larger social forces of power. In many ways, sexuality is not a separate concept or a point between sex and sexualized violence, but rather works to contextualize acts of sex and sexualized violence.

Meaning-Making Practices at the Intersections of Sex, Sexuality, and Sexualized Violence

"The sexual system is shifting once again, and we are seeing many symptoms of its change."-Gayle Rubin

By examining the intersections of sex, sexuality, and sexualized violence, my intention is to draw out the connections between these areas within discourse, symbolic representations, and embodied acts. The juxtaposition of these areas is important in examining the ways normative narratives create social expectations while potentially being inaccurate or incomplete representations of embodied experience. This exclusion actively marginalizes the lived experiences of certain bodies. Thinking through texts and symbols shows how "discourses participate in defining and articulating sexual categories such as male, female, normal, abnormal, homosexual, and heterosexual, within and around which actual people navigate."[88] Utilizing critical rhetoric to interrogate the "discursive battlefields" of sex, sexuality, and sexualized violence contributes to creating personal and social change around sexual understanding at both the discursive and material level.[89] In thinking about

how bodies and discourses are connected, Goltz considers how "bodies and bodily discourses—the meanings that precede bodies and are mapped onto bodies—present complex and layered disruptions that fall outside 'what was said.'"[90] Obviously, encounters can include language and verbal communication, but I engage a multi-dimensional way to think about how bodies interact with each other. Goltz reminds us how "he body carries a politic and a wealth of discursive content that is always, ever-present."[91] It is not that we do not know about or experience this content, but it is often overlooked when thinking about communication and intimate encounters, specifically in bodies that do not easily perform standardized norms. A continual navigation of rhetorics surrounding both discourses and the connected material experiences reveal connections, as well as show power complicates these rhetorical relationships.

To further explore how rhetorics of sex, sexuality, and sexualized violence impact intimate encounters and how those encounters simultaneously impact our discourses, I have crafted three related projects that build on each other to interrogate a different aspect of this complex issue. Before diving into these projects, Chapter 2 focuses in on the methodological approaches of this dissertation. This chapter details my use of mixed methods and shows how each of the content chapters explores a different societal level of meaning-making. Chapter 3 deals with the macro level, focusing on how normative scripts around sex construct, disseminate, and perpetuate, specifically in terms of how definitions around sex are assumed to have shared meaning, but are actually vague and shift based on context. Chapter 4 explores the effects of the definitional crisis demonstrated in the laws through a rhetorical analysis of public controversy surrounding an intimate encounter. This chapter allows insight into how the meso level creates valuing within interpersonal relationships within the public sphere. Chapter 5 centers around the micro level, looking to bodies that are not heterosexual, or queer bodies. Queer individuals *always* have to negotiate themselves within normative definitions that do not necessarily match their bodies and behaviors, therefore this is an

ideal group to learn from in terms of how we as a society can non-violently navigate our current normative assumptions about sex. Following these three content chapters, Chapter 6 considers implications, limitations, and directions for further exploration.

I think a lot about intimate encounters, not only my own, but also the numerous students, friends, and acquaintances over the years who have told me about how violence within intimate encounters has impacted their lives. This research has implications for marginalized bodies or people who are vulnerable to violence within sexual encounters. My hope is that actively exploring the messy discussions surrounding sex and sexualized violence plays a role in the continual movement for change.

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1 A line from a Melissa Lozada-Oliva poem comes to mind, "It's like rapes happen all the time on campuses, but as soon as John Krakauer writes about it, suddenly it's, like, innovative nonfiction and not, like, something girls are, like, making up for, like, attention." "Melissa Lozada-Oliva – 'Like Totally Whatever' (NPS 2015)," YouTube video, 3:03, from a performance for The House Slam at the 2015 National Poetry Slam, posted by "Button Poetry," August 19, 2015, https://www.youtube.com/watch?v=me4_QwmaNoQ.

2 It is not my intention to invoke the debate about whether sexualized violence is about sex or about power. Rather, I am focusing specifically on the connections between sex, sexuality, and sexualized violence, arguing that each concept influences the others. While it is useful in other contexts to focus individually on the differences of these topics, my purposes seek to always remember how they intersect and influence one another.

3 Sara Ahmed, *Strange Encounters: Embodied Others in Post-Coloniality*, 1st ed. (London: Routledge, 2000), 40.

4 Ahmed, *Strange Encounters,* 39.

5 Ahmed, *Strange Encounters*, 55.

6 Some would argue no sexual acts can be agreed upon because of the structures we live in, but there needs to be recognition that there are uncontested sexual acts.

7 Barbara Barnett, "How Newspapers Frame Rape Allegations: The Duke University Case," *Women & Language* 35, no. 2 (Fall 2012): 11–33; Judy E. Battaglia, Paige P. Edley, and Victoria Ann Newsom, "Intersectional Feminisms and Sexualized violence in the Era of Me Too, Trump, and Kavanaugh," *Women & Language* 42, no. 1 (Spring 2019): 133–43, doi:10.34036/WL.2019.014; Roxane Gay, *Hunger: A Memoir of (My) Body* (New York: Harper, 2017); Carine M. Mardorossian,

"Toward a New Feminist Theory of Rape," *Signs: Journal of Women in Culture and Society* 27, no. 3 (2002): 743–75, doi:10.1086/337938; Valerie Palmer-Mehta, "The Subversive Power of Survivor Rhetoric: An Innovative Archive of Survivor Discourse in *New York* Magazine," *Women's Studies in Communication* 41, no. 2 (2018): 159–82, doi:10.1080/07491409.2018.1471764; Sarah E. Stone Watt, "Seeking Survival, Justice, and Recovery: Citizen Critics' Therapeutic Interpretations of Alice Sebold's *Lucky*," *Women & Language* 37, no. 1 (2014): 63–86; Miriam Ticktin, "Sexualized Violence as the Language of Border Control: Where French Feminist and Anti-immigrant Rhetoric Meet," *Signs: Journal of Women in Culture and Society* 33, no. 4 (2008): 863–89, doi:10.1086/528851; Anna Kimberly Turnage, "Scene, Act, and the Tragic Frame in the Duke Rape Case," *Southern Communication Journal* 74, no. 2 (June 2009): 141–56, doi:10.1080/10417940802335946.

[8]For example, my use of the term "woman" is meant to be inclusive of all individuals who identify as a woman, even if their experiences are different than the specific ones I am addressing.

[9] I have chosen the term "marginalized" as a reference to bell hook's *Voices from the Margins,* always making sure to use it as a verb or an act done by those with power. bell hooks, *Feminist Theory: From Margin to Center*, 2nd ed., *South End Press Classics* (Cambridge, MA: South End Press, 2000).

[10] Kristan Poirot, *A Question of Sex: Feminism, Rhetoric, and Differences That Matter* (Amherst, MA: University of Massachusetts Press, 2014).

[11] In referring to how sex denotates a person's biological markers, I am aware referring to "biological sex" is potentially problematic and limiting. I use this phrase to delineate from sex acts, not to make claims about the biology of sex.

[12] I have decided to use the construction *sexualized violence* to make clear the distinctions between violence and sex. Violence is violence, not sex, but actions often associated with sex can be used as a form of violence. Catherine H. Palczewski inspired this construction, and discussions with her convinced me this was a better language choice than using *sexual violence.*

[13] I am a white queer fem who was raised upper middle class in the Midwest. While I carry a lot of cis privilege, I identify as genderqueer.

[14] For a delineation between intent and consequence in terms of countering oppressive forces, see Ragan Fox and Mohan Dutta, "Ethical Responses to Institutionalized Racism, or Some Refrains to Avoid in the NCA Distinguished Scholar Controversy," *Ragan Fox: Musings in Pop Culture & Pedagogy* (blog), June 16, 2019, https://raganfox.blog/ethical-responses-to-institutionalized-racism-or-some-refrains-to-avoid-in-the-nca-distinguished-scholar-controversy/.

[15] Gayle S. Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *Deviations: A Gayle Rubin Reader* (Durham, NC: Duke University Press, 2011), 143, doi:10.1215/9780822394068.

[16] Rubin, "Thinking Sex," 143.

[17] Karen Barad, "Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter," in *Belief, Bodies, and Being: Feminist Reflections on Embodiment*, ed. Deborah Orr et al. (Lanham, MD: Rowman & Littlefield, 2006), 15.

[18] Dustin Goltz, *Comic Performativities: Identity, Internet Outrage, and the Aesthetics of Communication* (London: Routledge, 2017), 19.

[19] Rubin, "Thinking Sex," 144.

[20] Rubin, "Thinking Sex.";
G. Benagiano, S. Carrara, and V. Filippi, "Sex and Reproduction: An Evolving Relationship," *Human Reproduction Update* 16, no. 1 (January 1, 2010): 96, doi:10.1093/humupd/dmp028.

[21] Benagiano, Carrara, and Filippi, "Sex and Reproduction."

[22] Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975).

[23] Leslie J. Harris, *State of the Marital Union: Rhetoric, Identity, and Nineteenth-Century Marriage Controversies* (Waco, TX: Baylor University Press, 2014), 91–92.

[24] Rubin, "Thinking Sex."

[25] Nicola Gavey, *Just Sex?: The Cultural Scaffolding of Rape* (London: Routledge, 2013), 18.

[26] Jennifer Wriggins, "Rape, Racism, and the Law," in *Rape and Society*, ed. Patricia Searles and Ronald J. Berger, 1st ed. (London: Routledge, 2018), 105, doi:10.4324/9780429493201-26.

[27] Rubin, "Thinking Sex," 145.

[28] These fears are later heightened with the stereotypes around HIV. While much has shifted culturally around gay men, we still see remnants of these fears in our culture, such as the ban on gay men to donate blood or plasma.

[29] Rubin, "Thinking Sex," 171.

[30] Rubin, "Thinking Sex,"168.

[31] Gavey, *Just Sex?*, 18.

[32] Alexandra Rutherford, "Sexualized Violence Against Women: Putting Rape Research in Context," *Psychology of Women Quarterly* 35, no. 2 (June 2011): 342, doi:10.1177/0361684311404307.

[33] Brownmiller, *Against Our Will*, 376.

[34] I continually want to recognize that individuals beyond the term "woman" are also able to be victims/survivors of sexualized violence.

[35] Maria Bevacqua, *Rape on the Public Agenda: Feminism and the Politics of Sexual Assault* (Boston: Northeastern University Press, 2000).

[36] "Sexual Assault | RAINN," accessed May 16, 2018, https://www.rainn.org/articles/sexual-assault.

[37] "Sexual Assault | RAINN."

[38] Barnett, "How Newspapers Frame Rape Allegations," 16.

[39] Jackson Katz, *Violence Against Women -- It's a Men's Issue*, from a TEDxFiDiWomen presentation in San Francisco in November 2012, TED video, 17:29, https://www.ted.com/talks/jackson_katz_violence_against_women_it_s_a_men_s_issue.

[40] Julia Penelope, *Speaking Freely: Unlearning the Lies of the Fathers' Tongues* (New York: Pergamon Press, 1990).

[41] Katz, *Violence Against Women -- It's a Men's Issue*.

[42] Bevacqua, *Rape on the Public Agenda*, 180.

[43] Lee Jacobs Riggs, "A Love Letter from an Anti-Rape Activist to Her Feminist Sex-Toy Store," in *Yes Means Yes! Visons of Female Sexual Power & a World Without Rape* (Berkeley, CA: Seal Press, 2008), 109.

[44] Breanne Fahs, "'Freedom to' and 'Freedom from': A New Vision for Sex-Positive Politics," *Sexualities* 17, no. 3 (2014): 267–90, doi:10.1177/1363460713516334; Elizabeth Groeneveld, "Letters to the Editor as 'Archives of Feeling': On Our Backs Magazine and the Sex Wars," *American Periodicals: A Journal of History & Criticism* 28, no. 2 (2018): 153–67; Chantelle Ivanski and Taylor Kohut, "Exploring Definitions of Sex Positivity through Thematic Analysis," *The Canadian Journal of Human Sexuality* 26, no. 3 (2017): 216–25, doi:10.3138/cjhs.2017-0017; Carol Queen and Lynn Comella, "The Necessary Revolution: Sex-Positive Feminism in the Post-Barnard Era," *The Communication Review* 11, no. 3 (2008): 274–91, doi:10.1080/10714420802306783.

[45] Groeneveld, "Letters to the Editor as 'Archives of Feeling '"; "What Does 'Sex-Positivity' Mean?", YouTube video, 6:29, from an interview with sexologist Dr. Carol Queen, posted by "Good Vibes Toys," February 5, 2007, https://www.youtube.com/watch?v=DVwQdE7wIQA; Ivanski and Kohut, "Exploring Definitions of Sex Positivity through Thematic Analysis."

[46] "What Does 'Sex-Positivity' Mean?"

[47] Queen and Comella, "The Necessary Revolution," 278.
Catharine MacKinnon, "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence," *Signs* 8, no. 4 (Summer 1983): 635–58; Andrea Dworkin, *Intercourse*, Anniversary edition (New York: Basic Books, 2006).

[48] MacKinnon, "Feminism, Marxism, Method, and the State."

[49] Queen and Comella, "The Necessary Revolution," 276.

[50] Jaclyn Friedman and Jessica Valenti, eds., *Yes Means Yes!: Visions of Female Sexual Power and A World Without Rape* (Da Capo Press, 2008).

[51] Harry Brod, "Asking for It - The Ethics & Erotics of Sexual Consent [Clip]," YouTube video, 4:39, for a preview of a DVD of the same name, posted by "ChallengingMedia, " August 4, 2010, https://www.youtube.com/watch?v=V1rtQmDXfN0.

[52] Emanuella Grinberg, "California SB 967 Makes 'Affirmative Consent' Law," *CNN*, last updated September 29, 2014, https://www.cnn.com/2014/09/03/living/affirmative-consent-school-policy/index.html.

[53] MacKinnon, "Feminism, Marxism, Method, and the State," 646.

[54] Judith Butler, "Revisting Bodies and Pleasures," *Theory, Culture & Society* 16, no. 2 (1999): 17–18.

[55] Butler, "Revisiting Bodies and Pleasures," 17–18.

[56] In September 2017, renowned professor Avital Ronnell was investigated for sexual harassment of her former graduate student. In response, several authors and feminists, including Butler and Halberstam, publicly came to her defense, maintaining she was an innocent woman being unfairly accused. Butler did issue an apology after critique and evidence against Ronnell continued to materialize, but still maintained she should not lose her job over the incident. Despite the details, this incident is notable because of how the works of these authors critique and challenge dominant power in gender, sex, and sexuality, but their public actions then did not. See: Zachary Small, "When Famous Academics Would Rather Condemn #MeToo Than Support Queer Victims," *Hyperallergic*, August 28, 2018, https://hyperallergic.com/456807/when-famous-academics-would-rather-condemn-MeToo-than-support-queer-victims/; Amanda Arnold, "What's Going on With Avital Ronell, the Prominent Theorist Accused of Harassment?," *The Cut*, August 21, 2018, https://www.thecut.com/2018/08/avital-ronell-professor-accused-of-harassment-what-to-know.html.

[57] Butler, "Revisiting Bodies and Pleasures, " 17–18. I am choosing to use their work in this dissertation in order to call to the work done in this area, but I do think it is necessary to recognize the problematic nature of these scholars' actions and the impact their actions have on their work.

[58] Valerie V. Peterson, "The Sex of Joy: A Gourmet Guide to Lovemaking Rhetoric," *Popular Communication* 6, no. 1 (2008): 3–19, doi:10.1080/15405700701697595.

[59] Rubin, "Thinking Sex," 169.

[60] Judith Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal* 40, no. 4 (December 1988): 519–31, doi:10.2307/3207893; John M. Sloop, "Critical Studies of Gender/Sexuality and Media," in *The Sage Handbook of Gender and Communication* (London: SAGE Publications, 2006), 319–34; Kathleen McKinney and Susan Sprecher, *Sexuality* (London: SAGE Publications, 1993); Virginia Rutter and Pepper Schwartz, *The Gender of Sexuality: Exploring Sexual Possibilities*, 2nd ed. (Lanham, MD: Rowman & Littlefield Publishers, 2011); Poirot, *A Question of Sex*.

[61] Valerie Peterson, "Mars and Venus: The Rhetoric of Sexual Planetary Alignment," *Women and Language* 23, no. 2 (Fall 2000): 2–7.

[62] Jeffrey Weeks, *Sexuality*, 4th ed. (London: Routledge, 2016), 1.

[63] Peterson, "Mars and Venus," 6.

[64] Poirot, *A Question of Sex*, 3; Sloop, "Critical Studies of Gender/Sexuality and Media."

[65] Michel Foucault, *The History of Sexuality, Vol. 3: The Care of the Self*, trans. Robert Hurley, Reissue edition (New York: Vintage, 1988); Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction*, trans. Robert Hurley, Reissue edition (New York: Vintage, 1990); Michel Foucault, *The History of Sexuality, Vol. 2: The Use of Pleasure*, trans. Robert Hurley, Reissue edition (New York: Vintage, 1990).

[66] Foucault, *The History of Sexuality, Vol. 2*, 5.

[67] Butler, "Performative Acts and Gender Constitution."

[68] Kathryn A. Cady, "'Ann and Myself': Rhetoric, Sexualities, and Silence at Lowell," *Southern Communication Journal* 77, no. 1 (March 2012): 24–44, doi:10.1080/1041794x.2011.577266; Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (London: HarperCollins Academic, 1990); Dwight McBride, *Why I Hate Abercrombie & Fitch: Essays on Race and Sexuality* (New York: New York University Press, 2005).

[69] Patricia Hill Collins, *Black Sexual Politics: African Americans, Gender, and the New Racism* (New York: Routledge, 2005), 164.

[70] Hill Collins, *Black Sexual Politics,* 174.

[71] Hill Collins, *Black Feminist Thought*, 165.

[72] Hill Collins, *Black Feminist Thought*, 164.

[73] McBride, *Why I Hate Abercrombie & Fitch*, 18.

[74] Battaglia, Edley, and Newsom, "Intersectional Feminisms and Sexualized Violence in the Era of Me Too, Trump, and Kavanaugh," 134.

[75] Diane Richardson, *Sexuality and Citizenship* (Malden, MA: Polity, 2017); Isaac West, *Transforming Citizenships: Transgender Articulations of the Law*, in Sexual Cultures Series (New York: New York University Press, 2014).

[76] Isaac West, *Transforming Citizenships: Transgender Articulations of the Law*, Sexual Cultures (New York: New York University Press, 2014), 7.

[77] Robert Westerfelhaus and Celeste Lacroix, "Seeing 'Straight' through *Queer Eye*: Exposing the Strategic Rhetoric of Heteronormativity in a Mediated Ritual of Gay Rebellion," *Critical Studies in Media Communication* 23, no. 5 (December 2006): 426–44, doi:10.1080/07393180601046196.

[78] Ragan Fox, "'Homo'-Work: Queering Academic Communication and Communicating Queer in Academia," *Text and Performance Quarterly* 33, no. 1 (January 2013): doi:10.1080/10462937.2012.744462.
Using his own experiences as a gay man, Fox has several examples of how sexuality and queerness is marked and seen, specifically in terms of careers and relationships. For more on how ritualistic performances obscure their connected sexuality, Bell's piece comparing the performative aspects of weddings to pornography reveals these hidden symbols. Elizabeth Bell, "Weddings and Pornography: The Cultural Performance of Sex," *Text & Performance Quarterly* 19, no. 3 (July 1999): 173.

[79] Fox, "'Homo'-Work," 67–68.

[80] Butler, "Performative Acts and Gender Constitution"; Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1999); Lindsay R. Calhoun, "'Will the Real Slim Shady Please Stand Up?': Masking Whiteness, Encoding Hegemonic Masculinity in Eminem's *Marshall Mathers LP*," *The Howard Journal of Communications* 16, no. 4 (2005): 267–94, doi:10.1080/10646170500326558; Karma R. Chávez, "Beyond Complicity: Coherence, Queer Theory, and the Rhetoric of the 'Gay Christian Movement,'" *Text and Performance Quarterly* 24, no. 3–4 (July 2004): 255–75, doi:10.1080/1046293042000312760; Hill Collins, *Black Feminist Thought*, 192–96; Sloop, "Critical Studies of Gender/Sexuality and Media"; Rubin, "Thinking Sex"; Westerfelhaus and Lacroix, "Seeing 'Straight' through *Queer Eye*"; Lauren Berlant and Lee Edelman, *Sex, or the Unbearable* (Durham, NC: Duke University Press, 2014); Richardson, *Sexuality and Citizenship*; West, *Transforming Citizenships*; G. Mitchell Reyes, David P. Schulz, and Zoe Hovland, "When Memory and Sexuality Collide: The Homosentimental Style of Gay Liberation," *Rhetoric and Public Affairs* 21, no. 1 (2018): 39–74, doi:10.14321/rhetpublaffa.21.1.0039.

[81] M. Paz Galupo et al., "Conceptualization of Sexual Orientation Identity Among Sexual Minorities: Patterns Across Sexual and Gender Identity," *Journal of Bisexuality* 14, no. 3–4 (2014): 3–4, doi:10.1080/15299716.2014.933466.

[82] April Scarlette Callis, "Bisexual, Pansexual, Queer: Non-Binary Identities and the Sexual Borderlands," *Sexualities* 17, no. 1–2 (January 2014): 64, doi:10.1177/1363460713511094.

[83] The term "pomosexual" is the denial or refusal of sexual labels. People use this term both as a way to express how no other categories fit them and also as a rejection of socially constructed sexual

labels. For more, see: Carol Queen and Lawrence Schimel, eds., *PoMoSEXUALS: Challenging Assumptions about Gender and Sexuality* (San Francisco, CA: Cleis Press, 1997).

84 Christopher K. Belous and Melissa L. Bauman, "What's in a Name? Exploring Pansexuality Online," *Journal of Bisexuality* 17, no. 1 (2017): 60–61, doi:10.1080/15299716.2016.1224212; James S. Morandini, Alexander Blaszczynski, and Ilan Dar-Nimrod, "Who Adopts Queer and Pansexual Sexual Identities?," *The Journal of Sex Research* 54, no. 7 (2017): 911–22, doi:10.1080/00224499.2016.1249332.

85 Elspeth Probyn, "Beyond Food/Sex: Eating and an Ethics of Existence," *Theory, Culture & Society* 16, no. 2 (1999): 215–28; Sara Ahmed, "Affective Economies," *Social Text* 22, no. 2 (2004): 117–39, doi:10.1215/01642472-22-2_79-117; Sara Ahmed, *The Cultural Politics of Emotion*, 1st ed. (London: Routledge, 2004).

86 Callis, "Bisexual, Pansexual, Queer," January 2014.

87 Alicia Anne Lapointe, "'It's Not Pans, It's People': Student and Teacher Perspectives on Bisexuality and Pansexuality," *Journal of Bisexuality* 17, no. 1 (January 2, 2017): 88–107, doi:10.1080/15299716.2016.1196157.

88 Peterson, "The Sex of Joy," 5.

89 Peterson, "The Sex of Joy," 5.

90 Goltz, *Comic Performativities*, 23.

91 Goltz, *Comic Performativities*, 17.

Chapter 2: Methodologies and Theories for Exploring the Rhetorical Complexities of Intimate Encounters and Their Discourses.

Sex, sexuality, and sexualized violence are complex and multifaceted, and thus, there are multiple ways to approach these topics. In this chapter, I will explain and justify the methodological and theoretical approaches I have chosen for this dissertation. I have first narrowed my area of inquiry by focusing on meaning-making within the complex intersections of these three areas. This dissertation seeks to analyze rhetoric at the intersections surrounding sex, particularly on individualized bodies and identities, in order to consider the discursive and material implications of this rhetoric.

This chapter sets a foundation for the rest of the dissertation by developing the methodological and theoretical tools I am drawing from for my content chapters. First, I explore the range of rhetorical methodologies used in the dissertation by justifying mixed methods and detailing how these methods explore meaning-making on the macro, meso, and micro levels of society. Second, I lay out how performative embodiment and constitutive rhetoric theoretically trace through all three societal levels to connect discourses to bodies and identities. For Barry Brummett, "criticism seems to illustrate theory."[1] By detailing how these theories materially function, I preview the theory illustrated through the criticisms of the following content chapters. This chapter describes the multiple ways meaning is produced and reproduced in order to create a framework that functions as a foundation for my analyses.

I purposely navigate these approaches to meaning-making in a way that highlights the connections between individualized comprehension and shared cultural understanding. Though not an exhaustive list of all the ways meaning is created, these methods and theories provide a groundwork to then analyze the intersections of sex, sexuality, and sexualized violence at societal structures' main levels.

Methodological Tools: The Rhetorical Range of Meaning-Making

My research is guided by the viewpoint that rhetoric is always embodied, and my analysis is guided by a commitment to critical, feminist methodologies. In her book *Strange Encounters: Embodied Others in Post-Coloniality,* Sara Ahmed asks questions about how the rhetorical constitutions of bodies interact with each other, specifically "strange" bodies that interact publicly without previous knowledge of the other.[2] She asks how encounters of strangers serve to embody the subject, how these encounters take place at the level of the body, and how they work to (re)define bodily space. She argues that through such encounters, "bodies are both de-formed and re-formed, they take form through and against other bodily forms."[3] Though Ahmed is focusing on "strange" bodies that encounter each other in public, her questions and arguments apply vividly to the range of intimate encounters, including sex/uality and sexualized violence. The bodily interactions involved in intimate encounters are deeply connected to discourses of sex and sexualized violence. For me, there is a direct rhetorical line traced from bodily interactions to discourses via performative embodiment and back again via constitutive rhetoric. This connection between the physical interactions (and even potential interactions) of intimate encounters and the discourses surrounding sex, sexuality, and sexualized violence are filled with rhetorical meaning-making, produced through communication.

In the previous chapter, I explored terms, stressing how important inclusivity is for this work. Similarly, inclusivity also matters when thinking through the rhetorical tools used to investigate meaning-making among these various levels of communication. A multidimensional approach to rhetoric is necessary in order to see how communication and power operate across the multiple levels of society. Zarefsky argues that "rhetoric concerns itself with the relationship between claims and audiences, examining both the pragmatic influence of claims and the philosophical question of how audiences validate arguments in everyday life."[4] While the terms he uses can be broadly interpreted, definitions such as this one focus on more traditional, public

indicators of persuasive communication. Stormer, however, considers rhetoric to be polythetic, with "material diversity" impacting the nature of what rhetoric is, what it can do, and how it can do it.[5] He argues, "A rhetorical capacity, then, is a specific kind of power that affords to discourses some prospect of mattering."[6] The relationship between material acts and discourse allows the expressions of this mattering to move from the private to the public, the personal to the societal, the material to the dialogical, and back again.[7] I seek to think about this "mattering" in the multitude of ways it can impact audiences in general, but also bodies in specific.

Feminist rhetorics have focused on how this "mattering" is impacted by who is involved in the rhetorical capacity. In 1973, Karlyn Kohrs Campbell challenged the capabilities of traditional rhetoric by showing how it was incomplete in dealing with the women's liberation movement. She explains, "Rhetoric is usually defined as dealing with public issues, structural analyses, and social action, yet women's liberation emphasizes acts concerned with personal exigences and private, concrete experience, and its goal is frequently limited to particular, autonomous action by individuals."[8] Feminist rhetorics purposely recognize the individual bodies and experiences involved in rhetoric. In many ways, the recognition of the personal illuminates its connection to the social, connecting bodies to discourses, and revealing the rhetorical bonds between the personal and the public.

Feminist rhetoric has enabled focusing on the social implications of the body, whereas traditional rhetoric has tended to only be concerned with the body in terms of its physical performance of speech.[9] In my analysis, the body, and its social location, plays a crucial role in meaning construction. The body acts as the vehicle that produces, filters, and absorbs communication. The body is the home where meaning resides, the place where communication resonates. In many ways, communication and meaning work to create the functioning space of the body. Ahmed contends, "There is no body as such that is given in the world: bodies materialise [*sic*]

in a complex set of temporal and spatial relations to other bodies."[10] Our bodies are spaces of historical and social practices that create cultural reality. Therefore, the body is always present. My work does not focus on studying the behaviors of bodies in a specific instant—I am not observing intimate encounters and analyzing the body within those lived moments. Rather, I focus on the aftermath of these encounters, including personal reflections and discourses, and I argue the body and its experiences cannot be left behind. They are always present. The body is the space that continually carries meaning and understanding. The body and its individual experiences are evoked in our sexual violence laws. The body is a necessary factor in the public discussion around sexual assault allegations, and the body is a vital component for those whose bodies do not fit the social expectations for sexual behavior. The body and its experiences are ever present in these discourses functioning at the intersections of sex, sexuality, and sexualized violence.

Critical and feminist rhetorics seek to expose and change oppressive power dynamics. In order to critique traditional methods of rhetorical criticism and ask how our methods can improve, Olga Idriss Davis asks:

> How do our methods of critical inquiry resist the appropriation of oppressed voices in scholarship? Are scholars willing to explore de-centering our knowledge claims from a white, male patriarchal system to embrace the multiple consciousness of knowledge from marginal groups and, thus, examine multiple epistemologies and ontologies? Will critics find ways to explicate the rhetoric of oppressed people and their responses to dominant discourses?[11]

Purposely applying rhetorical methodologies that focus on revealing the harmful impacts of power dynamics within social structures and discourses works to address the very material outcomes of violence within sex and sexuality. My emphasis on embodiment helps illustrate the relationships among discourse, power, and social structure.

Another aspect to engaging in critical inquiry is to recognize the critic as part of the rhetorical methodology. Traditional rhetorical methods view the critic as "the expert who evaluates the motivations, morals, and effectiveness of rhetors," positioning the critic's ethos for criticism to

be an act of expertise and objectivity.[12] However, following the critical turn, the critic became "both an active and a politicized participant in rhetoric when engaging in the practice of criticism."[13] Middleton, Hess, Endres, and Senda-Cook argue that "consequently, the role of the critic necessitates self-awareness of one's own ethics and politics."[14] Their inspiring work advances the idea of rhetorical field methods, specifically participatory critical rhetoric, which "expands the critical opportunities opened by the critical turn in rhetorical studies by theorizing a politicized rhetorical perspective that accounts for the differences in the critical focus, the political methodology, and the political identity of rhetorical critics who shift their attention to embodied, emplaced rhetorical practices."[15] This approach shifts the critic from someone who encounters rhetoric to someone who can be integrally involved in rhetorical practices. Haliliuc draws parallels to qualitative methods, arguing that "the intertwined practices of participant observation, self-reflection, and performative writing borrowed from critical ethnography bring the critic into a culturally situated and dynamic treatment of rhetorical experience that impresses on our readers rhetoric's significance and presence."[16] Expanding rhetorical criticism to interact with other methods such as interviewing, ethnography, and participant observation enables a better connection between rhetorical critics and the different ways rhetorical acts are happening and producing meaning.

In my dissertation, I embrace multiple methods of critical engagement, moving from textual analysis of law, to critical engagement of media and vernacular rhetoric, to interviewing. This mix of methodological approaches has allowed me to rhetorically navigate each of the societal levels (macro, meso, and micro) in the ways that best address meaning production within each context. For example, interviewing at the micro level enabled me to uncover and honor the voices and experiences of queer bodies instead of only trying to encounter them in existing texts. Due to the nature of intimate encounters, I utilize interviewing to foreground queer voices and experiences, and I explain my approach to interviewing more extensively in Chapter 5. Also, the spirit of critical

reflection and personal engagement recognized by numerous scholars engaging in participatory critical rhetoric flows throughout my work; my identity, body, and experiences are always present. This work has been created because of the way I have encountered sex throughout my life, and my research is directly inspired by my journey through sexuality. This dissertation is deeply motivated by experiences of sexualized violence—both my personal experiences and the multitude of others who have shared their experiences with me.

Macro, Meso, and Micro Levels of Sex, Sexuality, and Sexualized Violence

Rhetorics at the intersection of sex, sexuality, and sexualized violence are dependent upon how interrelated symbols (language, non-verbal, actions, etc.) are interpreted and understood. This power is present at the macro, meso, and micro levels of society. Intimate encounters and the discourses surrounding them highlight the importance, as well as the complexity, of rhetorical meaning-making. In order to analyze the rhetorical intricacies of intimate encounters, it is necessary to explore the different ways in which meaning is communicatively created at each of these levels.

In order to interrogate meaning-making on the macro, meso, and micro levels, I have designed three separate but related projects that build upon each other. First, I start with the macro level, which refers to historical and current social conditions which impact overarching social structures.[17] Meaning at this level is created on the legal, political, and economic landscapes, producing contextual norms, boundaries, and social stereotypes.[18] While my primary interest circulates around the harm done to individualized bodies, it is necessary to explore how meaning-making at the macro level creates structures which impact bodies.

To study the macro level, Chapter 3 will analyze legal definitions of sexualized violence. Currently, the primary legal definitions for sexual behavior originate from sexual violence laws, as they delineate when sex is criminalized. Law both reflects and constitutes cultural norms around sex, and it provides a mechanism to enforce and regulate cultural norms. In order to trace cultural, sexual

norms and their impact on bodies, I analyzed the definitions within sexual violence laws within the United States, including all of the states and territories, the general military code, the Department of Justice definition, and the FBI administrative definition, which was updated in 2013. Rhetorically examining the sexual violence laws not only provides a comprehensive understanding of them, but also gives insight into how sexual norms are formed and understood in our culture because this is the only way sex is legally regulated.

The sexual assumptions formed and reinforced by the law have a direct impact on the material, embodied actions of individuals. Thinking of sexual violence laws as a text for how sex is regulated and how normative scripts around sex are constructed, disseminated, and perpetuated has major implications for how bodies interact with each other in intimate encounters. Laws determine which behaviors are culturally allowable and which behaviors could lead to punishment by the state. I argue these laws show how definitions of sex, sexuality, and sexualized violence exist in a definitional crisis where we think terms have stable shared meanings, but instead they are vague, and shift based on context. This chapter argues that these vague scripts allow sex in our culture to be seen as 1) hierarchical—there are acts that count more or less as sex, 2) heteronormative—heterosexual sex involving a person from each side of the sex/gender binary is the default assumption, and 3) controlled by the agents—people involved have agency over their actions. These cultural norms are infused within the definitions, impacting how shared meaning is formed around sex, sexuality, and sexualized violence.

Chapter 4 explores the effects of this definitional crisis through a rhetorical analysis of the Aziz Ansari public controversy. In January of 2018, the largely unknown website Babe.net published an article titled "I went on a date with Aziz Ansari. It turned into the worst night of my life," in which a woman using the pseudonym "Grace" details her intimate encounter with actor and comedian Aziz Ansari. While Ansari seemed to be just the next man held accountable by the ever-

growing #MeToo movement, the article that described the incident produced an unprecedented split within communities that had been previously united around these types of accusations. Some continued to support Grace, believing and affirming her definitions of what happened, while others claimed her experiences did not qualify as sexualized violence because they did not fit socially held expectations of violence. The public response to Grace's experiences demonstrates the meso level focus of public groups and organizations, specifically the values and dynamics generated from interpersonal interactions.[19] This chapter combines the original Babe.net article with response articles in order to examine the public controversy. My analysis highlights how affected bodies react differently to definitions and their attached social scripts based on their experiences and positionalities. The meso level acts as the connector between the social and the person, where we can see the impacts of how social scripts impact different groups of people.

Chapter 5 focuses in on the micro level by amplifying the voices of queer individuals. The micro level examines the individual and their understanding of themselves, which can include a person's habitus, social identity, and their intrapersonal dispositions.[20] As a queer person myself, I was able to interview individuals outside of the sexual norm about how they define and conceptualize sex. Queer individuals *always* have to negotiate themselves within normative definitions that do not necessarily match their bodies and behaviors, thus they are an ideal community to learn from in terms of how we as a society can nonviolently navigate our current normative assumptions about sex. While there is a plethora of research dedicated to what is constituted as "sex" in our culture, queer bodies have been distinctly absent. This research is important because it explores how those on the margins can challenge normative definitions in order to shift the boundaries of sex to be more inclusive and to put individuals at the center of definitions instead of cultural norms and stereotypes.

Theoretical Underpinnings: The Performance and Constitution of the Bodies in the Discourse

With my methodologies laid out, it is important to identify some theoretical issues that run throughout all of my studies. I have tried to be very clear about how the body is rhetorically connected to discourse. Even though I am not employing performative methods in this dissertation, I do employ the concept of performative embodiment to illuminate the rhetorical connections between bodies and discourses. Through this embodiment the theoretical processing of the body materializes. Additionally, I find the concept of constitutive rhetorics works to explain how meaning becomes internalized and how bodies are connected to persuasive discourses. These theoretical guides have informed and influenced my research. Therefore, by laying them out with the methodological groundwork, my hope is to help highlight how they have influenced the following content chapters. I will first detail how the body is connected to discourse through performative embodiment and then I will show how constitutive rhetorics work to infuse social definitions into the identity of the body.

Performative Embodiment

Though the body is read in some fields as an essentialized site of biology, Butler argues the body transcends matter by being "a continual and incessant *materializing* of possibilities."[21] She continues, "One is not simply a body, but in some very key sense, one does one's body and, indeed, one does one's body differently from one's contemporaries and from one's embodied predecessors and successors as well."[22] The body can never be disconnected from the culture it inhabits. Even though actions or preferences can be thought of as individualized tendencies, performativity reveals how the body is continually connected to expected historical and social roles. Justin J. Rudnick clarifies that for Butler, "performativity is the explanation for how culture imposes itself upon identities, and how those identities revise culture in turn."[23] Our bodies are spaces for potential,

infinite communicating. They are impacted by what is normalized around us, and also have the power to influence the society they are in. For example, in his autoethnographic exploration of queer performativity, Rudnick explains "My painted nails represent an aesthetic experience, the embodiment of my sexual identity, and my attempt at an ethical engagement with others about my transgressive being-in-the world."[24] However, not all aspects of bodily communication are weighted equally. Rudnick details a seminar discussion with a colleague about the responsibility of bodies to educate and push for change. His Black colleague notes, "I cannot move through the world apart from my Blackness. I am constantly on display, and people make demands of me based on my skin."[25] This is rhetorically different from Rudnick being able to choose to paint his nails. Rudnick points out:

> 'I get to choose, rather easily, I think, when I want to be on display and when I need to take a break. I get to decide that. It's a privilege, for sure. But I also feel a strange sense of responsibility. In some way, I consider it my duty: This is how I'm seen on my own terms. This is how I get to stack the deck, and we proceed from there. But I am the one who sets the stage. Because if I don't make people think about sexuality differently, who will do it for me?'[26]

Rudnick's story illustrates how some individuals can make choices as to how much their body engages in the critique of normative society, with the burden and the stakes being higher for certain bodies. Additionally, there are ways the markings of a body are unchangeable, and some bodies are more changeable than others, altering an individual's control of how much they participate in social critique and how much they can pass within the norm.

One of the ways bodies complicate concepts of control is how they advance meaning within society or function as spaces of argument. A body is the lived reality in which people experience the world, and also is the vehicle for connecting individuals to other matter through performative communication. Palczewski reminds us, "One cannot ignore the body—its arguments, its agency, and its vulnerability."[27] Disconnecting words or actions from the body itself gives an incomplete rhetorical picture. Because "bodies argue," the make-up and experience of the body itself is involved

in knowledge construction.[28] Bodies dictate how information is filtered multi-directionally, impacting meaning sent to a body and also creating meaning read from a body. Thus, the body is ever present in discourse. The experiences and knowledge of a body influence how that body conceptualizes reality, impacting how that body 1) enacts discourse and 2) understands reality. To illustrate, the discussion of whether an unborn offspring is termed a "baby" or a "fetus" is influenced by the bodies involved in the discourse. Claims about reproduction mean something different coming from a person who does not have a body capable of becoming pregnant than they do from someone who could become, is, or has been pregnant. The argument also may impact a person differently based on their body—a person who has carried an offspring may feel differently than a body that has not or who never could. I am not claiming specific meaning in these cases, rather pointing out the potential rhetorical differences in bodily experiences. It is not my intention to essentialize reproduction, but rather to show the connections between social discourses and lived experiences of bodies.

Performativity is the way the body enacts, re-enacts, and connects knowledge, shared meaning, and affect together through enacted embodiment. Though other frameworks certainly bring in the body, performativity asks us to consider how the body becomes a space of communication, connecting a person's lived experience to the larger social landscape. Goltz argues, "Too often in cultural criticism we leave the body to the unstated, resisting the active and central role it plays in navigating meanings. The body does speak, but not always in a manner that we are trained to hear."[29] I again stress that the body speaking is not limited to specific moments of action, but rather is carried beyond incidents as corporeal knowledge through embodiment. Even though I am not studying intimate encounters in themselves, they are invoked in the discourse because of the knowledge, participation, and memory of the body. This is especially relevant in terms of bodies that have been historically marginalized and silenced. Listening to the ways the body continually makes

meaning as it moves through the world is crucial in terms of discussing sex, sexuality, and sexualized violence because of their corporeal stakes.

Performativity maintains that our bodies are not separate from the influences of our culture and society; our bodies reflect cultural trends and perpetuate norms, but are also potential agents of change. Identity, "especially for gender, desire, race, ethnicity, and abilities, is a *complex matrix of normative boundaries,"* that become enacted through repetitive, performed behavior.[30] These boundaries are created by our systems, such as language, institutions, technologies, and spaces, which then become enacted through the body. The historical precedents of enacted systems become "a way to describe this past and present set of power relations and categories that weigh on people to compel certain kinds of performances."[31] We carry this meaning on our performing bodies. Our bodies are involved in a complex system of valuing, with some acts being rewarded while others are potentially punished, reinforcing the boundaries of what is normal/accepted and what is not.

The complex relationship between language and the body is negotiated through performative acts, which create how realities are understood. There are times a speech act brings into reality the very thing it's referring to, such as when a certified official pronounces a couple married.[32] In this case, the bodies, words, and context align with the words constituting the reality. Goltz explains, "A performative frame, with its eyes to processual meanings, body, and context seeks out these operations with and through that which is explicitly spoken."[33] And yet, the body and context need to be recognized for how they impact the language, challenging "the representationalist belief in the power of words to represent preexisting things."[34] On the contrary, performativity functions as a challenge of the excessive power granted to language in order to determine what is real.[35] Instead of placing the importance only on language, it is important to think about *how* production of meaning happens with language through the body and also how the body impacts what is produced, which contributes to the multi-layered understanding of reality.

The relationship between language and the body is predicated on power, which is often determined by those viewing an act.[36] Goltz reminds us that the audience plays a role in how much power an act has. He explains, "Through a performance frame where meanings are multiple, negotiated, and contextual, the overall determination of meaning resides in the audience—an interpretive landscape that requires its own critical analysis and self-reflexive investigation."[37] Goltz' work on stand-up comedy deals with very literal audiences, yet his claims apply far beyond traditional performance settings. The theory of performativity highlights how acts are continually credited or discredited by anyone viewing them, functionally creating any receiver of communication as an audience. The concept of an audience, or those interpreting the meaning, becomes complicated but is still ever-present. Whether it is a literal person who witnesses an act or whether it is our own internalization of a perceived reaction, the awareness of the viewers and their ability to value an act is a key part of performativity. While audiences are often literal, Boal refers to the "cop in the head," or the internalized norming of behavior.[38] This explains why a person might behave a certain way, even when no one is watching, such as stopping at a red light in the middle of the night when no other cars are around. We internalize the cultural valuing of our performed behavior, demonstrating how much the reading of our performed behavior contribute to meaning-making.

Bodies are often valued by how they are differentiated from other bodies, with the differences in bodies leading to a diversity in how people experience their lived reality. It's not just about reading the surface of the body as a text, "but to account for the very effect of the surface, and to account for how bodies come to take certain shapes over others, and in relation to others."[39] Differentiation aids in how some performances are negatively perceived in society and how stigma is assigned. Stigma, the negative burden associated with violating social expectations, can potentially mark identities, especially when a body cannot choose to perform differently. In some cases, stigmatized identity markers can be covered up or kept secret in order to pass as normal. In other

cases, such as extreme physical disability, there is no way to avoid or hide bodily performances which fall outside of the norm. Recognizing performativity is recognizing the "*felt reality*" of social shame for individuals in minority or queer groups: "The weight of history—for abilities, genders, and racialized selves—is felt in/on/through the body. In the body, on the body, and through the body are important ways that identity is constituted."[40] Therefore, different bodies will produce varied meanings based on their lived experiences. This is incredibly relevant in terms of sex, sexuality, and sexualized violence because societal norms create very different lived realities based on the type of body a person has.

In thinking about how bodies produce meaning, it is important to consider the complicated ways agency involves the body. In their discussion of obesity and sexual assault, French and Brown argue issues of the body circulate around the assumption that an agent can and should control their body. But agents only partially control their bodies: "Most people can move their arms in a circle or deliberately take a deep breath, but no one can will their body to burn calories at a faster rate or will themselves to safety."[41] These circular debates, specifically questions of who is in control and who should bear the responsibility for the things that happen to a body, impact how a body both makes meaning and understands it. An expectation of agency may be more powerful than an individual body's actual ability to act or control a situation. The body's connection to the person inhabiting it should not be overlooked, but the metaphysical existence of the body extends past individual control.

However, the body is also not merely a passive place where meaning is placed. While performativity is used to recognize how bodies perpetuate historical and social norms, identities are not static. Identities are always in a "continuous process of conscious and unconscious construction."[42] This construction is always taking place in conjunction with the systems of meaning that operate beyond the body and identity yet are also intricately connected. It is tempting to get

weighed down by the prospect of our bodies being dictated by entrenched, historical systems that are far beyond us, but Bell argues that performativity also "opens up new possibilities for understanding identity as a claim to selfhood, with agency to work with and against dominant structures and ideologies."[43] This means that bodies (and the identities connected to them) have the ability to challenge social normative boundaries and ultimately change them. A performative view of bodies helps us understand how definitions are enacted, how shared meaning is corporeal, and how emotions impact these meanings with bodies. Theorizing about the nuances and possibilities of the body works to emphasize the body's role within the analyses at all levels of society. As the body connects with discourse through performative embodiment, constitutive rhetorics position definitions into the identities of bodies.

Constitutive Rhetoric

Constitutive rhetoric furthers the link between body and discourse by identifying ways meanings are persuasively internalized. In 1987, Maurice Charland devised the label "constitutive rhetoric" to explain how humans are constituted into characteristics that form the base for persuasive appeals to be effective. He argues, "Much of what we as rhetorical critics consider to be a product or consequence of discourse, including social identity, religious faith, sexuality, and ideology is beyond the realm of rational or even free choice, beyond the realm of persuasion…Such identifications are rhetorical, for they are discursive effects that induce human cooperation."[44] Charland argues that rhetorical constitution is enacted through narrative, both empowering individuals to believe they are acting freely while constraining them through narrative boundaries.[45] A person exists within the narrative of their own story and will not act inconsistently with the narrative because of its produced meaning and connection to both self and group identity.[46] Charland does not focus on the body here, but as my previous section argues, the body cannot be excluded. Language connects itself to the experiences of the body. For example, I think of myself as

a "queer" person. This label shapes how I am persuaded based on how I think of myself and my body in terms of that identity. I encourage you to think of the labels you use for pieces of your identity and how they form meaning through your body, forming who you are. Constitutive rhetoric, through narrative enactment, demonstrates how the meaning rhetorically connects to the understanding individuals have of their identity. These constitutive meanings also connect individuals to each other in terms of shared meaning.[47]

Charland is pulling from the work of multiple individuals, including Michael C. McGee, who set the stage for constitutive rhetoric by creating a framework for how to conceptualize audiences of rhetoric. McGee lays out how previous rhetorical scholarship presumes that an audience or an addressed group of "people" is either the literal extension of a person or a homogenous group unable to yield to logic.[48] He proposes moving past this dichotomy to the alternative that "The people," therefore, are not objectively real in the sense that they exist as a collective entity in nature; rather, they are a "fiction dreamed by an advocate and infused with an artificial, rhetorical reality by the agreement of an audience to participate in a collective fantasy….an alternative to collecting the votes of 'persons,' therefore, may be to conceive 'people' as an essential rhetorical fiction with both a 'social' and an 'objective' reality."[49] I want to make a purposeful connection to my reference of audiences in the previous performativity section. The concept of audience is complicated by how a body understands itself. Charland illustrates this by explaining, "If it is easier to praise Athens before Athenians than before Laecedemonians, we should ask how those in Athens come to experience themselves as Athenians."[50] His example uses a locationally defined group, but this has implications for other identity groups, such as queer or Black individuals. Labels like queer, Black, or Athenian carry with them expectations of how a body of someone who identifies with that label will look, function, and act, not only in terms of social norms, but also in how a person sees themselves. The

way people attach meaning to themselves impacts how meaning is created and functions within an individual's self-conception.

It is important to remember how influential power dynamics function in our culture in terms of how individuals make meaning through the understanding of their constructed social identity. Relationships of dominance and subordination, "which emerge through constant struggles between positions within the social field, such as nationality, ethnicity, class, race, or sexual orientation," determine how social identities are formed and function.[51] These power dynamics complicate how group identities are formed and realized. For example, to think of "women's sexuality" involves complicated boundaries of who counts as a "woman," but also carries socially (re)enforced expectations and assumptions about the sexuality of women. Women have historically been framed as non-sexual, a framing that produces very real social consequences for women who violate those assumptions. Constitutive meaning is not just used to label how individuals see themselves internally, but is also able to dictate how a person conceptualizes their body and their sexuality within a society.

My work in the following chapters circulates around questions of who has the ability to form public definitions for identities, specifically for marginalized groups. McGee argues that "each political myth presupposes a 'people' who can legislate reality with their collective belief,"[52] but what happens if the shared identity being created is for people who do not have power to legislate their reality? For example, most discourse around sexuality excludes queer, femme, and intersectional experiences. Therefore, the resulting narratives and models of these non-normative sexualities have historically been produced as the abject counterpart of heterosexuality instead of the narrative coming from the individuals themselves. In many ways, I have crafted my analysis chapters for people who cannot currently legislate their own realities. Despite the appearance of definitional stability, I argue in Chapter 3 that sexual violence laws are implicated in a definitional crisis, placing

some bodies at particularly significant risk of harm. Chapter 4 builds off of Chapter 3 by analyzing the implications this definitional crisis on feminist communities responding to allegations of sexual assault. This analysis not only illustrates the implications of a definitional crisis on bodies, but I also find that meaning within the controversy is implicated in the affected bodies of those within the community. Moreover, those whose experiences are excluded from official definitions, which I detail in Chapter 5, challenge these macro discourses with and through their bodily experiences.

Charland's theories, and the many of the people who utilize his work, are based on the understanding that "constitutive rhetoric interpellates individuals into subject positions that inform persuasive appeals."[53] Even though this shift works in many cases, I argue this action does not account for all situations where groups are being constituted. While Charland presents a fairly linear conceptualization of how constitutive rhetorics work, some scholars complicate the directionality in which constitution happens, pointing to the multitude of ways shared identity is created, perpetuated, and reinforced. Deifell argues it is a mistake to "treat audiences' identification with constitutive texts as fixed…therefore, we would be wise to pay attention to how constitutive rhetorics change their rhetorically constitutive impact through adaptive interpretation by audiences for themselves."[54] Constitutive rhetorics are not neat, clear blankets of identification that can be directly applied because they exist amongst "competing political visions, already constituted subjectivities, and material circumstances."[55] The complicated ways rhetoric constitutively impacts identity functions on all levels of society, specifically affecting oppressed bodies.

Additionally, an individual can be constituted within numerous, intersecting subject positions, which can create tension.[56] Hill conceptualizes this as multiple "layers" within a fragmented entity, as identity relies on ideological frameworks to "resolve the tensions, contradictions, and conflicts between the various subject positions that comprise social identity."[57] The concept of layering reveals how identity pieces are often viewed as a hierarchical relationship

that exists in negotiating multiple subject positions within the context of identity, with some positions being more central to an identity than others.[58] I would add that some subject positions are more accessible for some individuals than others. When Charland is constituting the "peuple," he insists that "the very boundary of whom the term 'peuple' includes and excludes is rhetorically constructed: as the 'people' is variously characterized, the persons who make up the 'peuple' can change."[59] Charland does not expand on how existing social expectations impact the boundaries around constituted identity categories. For example, if the group being constituted is expected to complete an action, such as vote, but only certain individuals can vote, those who cannot will be rhetorically excluded from the shared identity.

The example of voting is clear because of the tangible boundaries around voting, but I would contend this constitution also manifests in more personal situations that are connected to public identity. Specifically, if sex is culturally constituted as penile-vaginal intercourse, how is a person's identity rhetorically impacted when their sexual acts do not fit the constructed norms of sex? This personal impact also applies individuals are unable to distance from a group or public identity. If individuals who experience sexualized violence are given the rhetorical responsibility of avoiding it, how do those individuals respond to the numerous examples of people being killed in cases of sexualized violence? How could I avoid my potential identity as a victim/survivor of sexualized violence when others like me are being harmed? When I teach sexualized violence in my gender communication course, I open up discussion in waves based on identities, giving femme/women/non-binary bodies the space to speak first about sexualized violence, specifically how it impacts their lives. Many describe in detail the behaviors they have engrained into their lives to avoid or protect themselves from violence. The others in the room who do not have these identity characteristics are often surprised at the level of thought and protection that is present in the lives of individuals who identify themselves as someone who is vulnerable to sexualized violence. To

be clear, though only some detail experiences of sexualized violence, all of them articulate the awareness of that potential because of their identity. The boundaries of who is included and excluded within subject positions may be publicly constructed, but the establishment of these boundaries have very personal, complicated consequences.

I am not alone in questioning how constitutive rhetorics are impacted by assumptions and privilege. For example, Mills takes a unique view of Charland's theory, arguing that all constitutive rhetorics require "negative identification to be grounded ontologically," or that every constituted identity has a counterpart.[60] Using the same "people," Mills illustrates how "sovereignty is predicated upon the simultaneous existence of its opposite, the anti-sovereign: the pirate." Mills is clear that he does not think Charland is ignoring the negative (counter) identity, but rather that it is implicit. Exploring how constitutive rhetorics create connected but contrary social identities shows the multiple ways in which meaning is made using constitutive rhetorics, as well as reveals the power operating through constitutive rhetorics. Mills, who is combining Laclau and Mouffe with Charland, very much relies on these conceptualizations being "opposite" and even links the negative identification to the work both Ivie and Engels have done on enemyship.[61] The recognition of what is being constructed in the negative is important in terms of how both individuals and publics conceptualize sexual identity.

Focusing on social relationships demonstrates the nuanced and complex ways constitutive identities are connected and rely on each other, an observation that is as relevant to sex, gender, and race as it is to national identity. For example, Palczewski shows how suffrage discourses constituted white women as citizens by excluding Black women. She is not remarking on individualized racism, but rather she argues that "white women defined their citizenship via a constitutive rhetoric of the outside: the abject bodies of imprisoned Black women."[62] The image of an abject other complicates how constitutive rhetorics function and widens how we need to approach these rhetorics. It is not

just about who is being constructed but also who is being actively marginalized to support that construction.

Individuals who have been marginalized or socially constituted in ways that fundamentally devalue them as individuals challenge traditional conceptualizations of constitutive rhetorics and push for further expansion about the multi-discursive ways constitutive rhetorics function. As Hill reminds us, "Identity functions as the site of ideological struggle where competing subject positions intersect, disrupt, de-center, and dislocate one another. The ideologies that inform identity are both dynamic and layered."[63] In terms of social power, a subject position, even a marginalized one, can always be challenged or re-constituted. Identity, both collective and individual, is a "fiction that commands people's adherence or identification" and only becomes real when people willingly live it.[64] The fiction will not be reinforced if people choose not to live by it. I am not only referencing when constitutive rhetorics fail to create and normalize shared social identity, I am also recognizing competing constitutive rhetorics. The work of Lundgren, which examines the rhetoric of Catholic nuns in response to an apostolic visitation, shows how groups have the rhetorical power to challenge an existing identity norm by constructing an alternative in response. She argues:

> when identity norms are left unmarked, they can serve to marginalize those whose expression of identity does not match historically or institutionally dominant modes…Highlighting how norms for enacting identity are constituted through linguistic representations can help scholars recognize and legitimate the diversity that already exists in our communities, especially in contexts where such diversity has at times been explicitly restricted, and especially when voices (like women's voices) have been historically silenced. In short, examining discourse with the aid of this analytic framework enables rhetoricians to prove why no identity…should be treated as monolithic, and equips us to live up to our ethical commitments to address how dominant identity norms operate so insidiously in language.[65]

For many, constitutive rhetoric is not the answer to meaning-making, rather it is the starting point to begin to understand how they are being limited by discourse and what courses of action can be taken to shift social constructions created without influence of those impacted by them. There is some scholarship that explores how groups work to overcome oppressive systems and constitute

new conceptions of themselves, but more work like this needs to be done in order to continue learning how reconstitution functions.[66] When thinking about how marginalized bodies work to change socially engrained meanings, it is important to consider how the affected body is connected to both definitional and constitutive rhetorics, as I explore in Chapter 5. However, before uncovering resistance, it is important to understand the normative forces, such as law, that work to shape meaning and constitute identity.

Conclusion

This chapter has set up both methods and theories for understanding how meaning-making operates, specifically in the intersections of sex, sexuality, and sexualized violence. My intention is to have created a multilayered understanding of how meaning is produced, understood, perpetuated, and changed at multiple levels of society. These meaning-making practices do not exist in isolation, but rather fluidly traverse each other, impacting communication. I have identified different concepts in order to deeply think about each of their nuances, yet the importance for my analyses lie in how these meaning-making practices weave together within intimate encounters and their subsequent discourses. My analyses will interrogate how these aspects of meaning-making are functioning in intimate encounters, their connected discourses, and the culture connections in-between, in order to challenge and change harmful dominant understandings.

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2 Ahmed, *Strange Encounters*, 38–54.

3 Ahmed, *Strange Encounters*, 39.

4 David Zarefsky, "Strategic Maneuvering through Persuasive Definitions: Implications for Dialectic and Rhetoric," *Argumentation* 20, no. 4 (July 9, 2007): 399, doi:10.1007/s10503-007-9030-6.

5 Nathan Stormer, "Rhetoric's Diverse Materiality: Polythetic Ontology and Genealogy," *Review of Communication* 16, no. 4 (2016): 300, doi:10.1080/15358593.2016.1207359.

[6] Stormer, "Rhetoric's Diverse Materiality," 310.

[7] I am interested in extracting the nuances here, but a version of this concept is often seen in the feminist slogan, "the personal is political."

[8] Karlyn Kohrs Campbell, "The Rhetoric of Women's Liberation: An Oxymoron," *Quarterly Journal of Speech* 59, no. 1 (February 1973): 84–85.

[9] Carole Blair, "Reflections on Criticism and Bodies: Parables from Public Places," *Western Journal of Communication* 65, no. 3 (Summer 2001): 272. Note: I am aware of the long history of bodily performance within rhetoric but would note the focus 1) was more on the physical movement and abilities of the body to communicate instead of the social implications of the body, and 2) only recognized certain types of bodies. Feminist rhetoric specifically enables the inclusion of different types of bodies while focusing on the social ramifications of a body.

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[20] Banks and Carr, "Experiences of Social Demand," 33; Ciszek, "Activist Strategic Communication for Social Change," 712.

[21] Butler, "Performative Acts and Gender Constitution," 521.

[22] Butler, "Performative Acts and Gender Constitution," 519.

[23] Justin J Rudnick, "Performing, Sensing, Being: Queer Identity in Everyday Life" (Dissertation, Ohio University, 2016), 11.

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[26] Rudnick, "Painted Nails," 22.

[27] Catherine H. Palczewski, "The 1919 Prison Special: Constituting White Women's Citizenship," *Quarterly Journal of Speech* 102, no. 2 (2016): 124, doi:10.1080/00335630.2016.1154185.

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[30] Elizabeth Bell, *Theories of Performance* (Thousand Oaks, CA: SAGE Publications, 2008), 177.

[31] Bell, *Theories of Performance,* 182.

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Chapter 3: Legislating Sex: Definitions and Cultural Understandings

A 2016 Oklahoma court case describes the details of how a 17-year-old boy and a 16-year-old girl were drinking at a park in Tulsa, Oklahoma on June 1st, 2014.[1] The boy carried the girl, who was slipping in and out of consciousness, to his car to have her perform non-consensual oral sex. The prosecutors charged the boy with first-degree rape and forcible oral sodomy, but the state appeals court issued a stunning declaration when upholding the non-conviction: According to the law, forcing oral sex on someone unconscious doesn't count as rape in Oklahoma. Thus, the physical violation this girl was subjected to is not criminalized within her state's law. This story, which may seem rare and extreme, highlights the very real impacts of the definitional instability within sexual violence laws.

The definitional instability surrounding sex, sexuality, and sexualized violence fuels conflict and highlights inherent power relations, specifically who has the power to label, and ultimately, define. The purpose of this chapter is to analyze sexual violence laws in the U.S. to better understand how definitions within the laws impact meaning-making and connect to social assumptions within discourses of sex and sexualized violence. I argue current legal rhetoric of sex and sexualized violence demonstrates what Isaac West calls a definitional crisis, or the use of terms that are believed to have objectively shared meaning when they are actually vague and laden with value. West maintains that "in the vast majority of our everyday communicative interactions, definitions are unproblematically deployed as [rhetorical] observations of the world around us," demonstrating a high cultural faith in the objectivity of definitions within systems and institutions.[2] Recognizing the definitional crisis aids in the understanding of the harmful, material, social impacts surrounding sex, sexuality, and sexualized violence that are present in our culture.

Exploring the details of this definitional crisis requires focusing on how meaning-making operates at the macro level within our society. Though public discourse can vary from the policy

that dictates legal behavior, the laws surrounding sex and sexuality are inherently connected to social discourse. I have chosen sexual violence laws in the U.S. as the text to analyze definitions of sex and sexual violence for two main reasons. First, the law is a clear, tangible place in our society where language is used to attempt shared meaning. Understanding how definition in sexual violence laws impacts social definitions and discourses of sex, sexuality, and sexualized violence gives insight into how social assumptions, stereotypes, and historical meanings are co-constitutive with our legal doctrine. Second, studying definition in sexual violence laws furthers our understanding of how sex is rhetorically operating in our country. We currently do not have national guidelines written down for sex; the only way that laws dictate sex in our culture is by regulating when sex turns criminal. An analysis of the sexual violence laws used to regulate sex exposes implicit meanings of sex within American culture. Because the legal system attempts to define how and when sex deviates into violence, the laws reveal the cultural expectations and understandings for sexual activity and its connection to sexualized violence.

The purpose of law is to delineate what is criminal and, therefore, what is not. The law is designed to be denotative. However, definitions are not inherently objective. The law presents itself as a stable, denotatively fixed reality, but there is a process for how the lines of law are drawn. Schiappa interrogates how seemingly objective definitions are rhetorically constructed, often for explicitly persuasive purposes.[3] Law entails seemingly objective definitions, but those definitions are always constructed and dependent on cultural context. Furthermore, law also contains implicit definitions that are based on cultural norms. The confluence of this implicit and explicit definitional work of law contributes to a definitional crisis.

This chapter will precede in three parts: In the first section, I lay out a theoretical contextualization of definitional rhetoric, focusing on the definitional power of law. Identifying the multiple ways definitions make meaning builds a foundation to further explore how sexual violence

laws create cultural understanding through definitions of sex. To set up the multitude of ways sexualized violence is defined, he second section provides a detailed descriptive analysis of the violence laws in the United States. Instead of using each state code, I have used the Rape Abuse Incest National Network (RAINN) website's section on "Rape and Sexual Assault Crime Definitions" for each state and territory.[4] Along with the state and territory laws, I also have included the general military code, the Department of Justice definition, and the FBI administrative definition in order to include relevant federal examples. This analysis demonstrates how law contributes to the definitional crisis produced and functioning at the macro level of our culture, despite the appearance of objective identification of criminal behavior. Finally, the third section is a critical analysis of how the definitional crisis, which is perpetuated by the sexual violence laws, makes space for the establishment of socially normative expectations within discourses of sex. I argue that the definitional crisis within the sexual violence laws constitutes sex as hierarchical, heteronormative, and agency based. Through this analysis, I uncover how legal discourse defines sex in ways that both reflect and constitute cultural norms, while creating a legal infrastructure to materially enforce those norms.

Theoretical Contextualization: Definitional Rhetoric

The definitional instability surrounding sex, sexuality, and sexualized violence fuels conflict and highlights inherent power relations, specifically who has the power to label and, ultimately, define. The current legal discourse about sex and sexualized violence demonstrates what Isaac West calls a definitional crisis. West is using Edward Schiappa's work on "definitional rupture" to explain "ostensibly obvious terms are revealed to be abstract and value-laden cultural conveniences rather than factual, objective truths."[5] In terms of meaning-making, a definitional crisis reveals where a population believes there is shared meaning when instead the terms are being filled with a range of values and meanings based on context. The way definitions are smoothly deployed in much of our

everyday communication reinforces the mistaken belief that words have stable, shared, objective definitions. The assumption that words have shared meaning is especially noteworthy at the institutional level, such as definitions within the legal system, because there is a social trust that these systems are objective.[6] The way that laws define our reality is often taken for granted because the legal guides are seen as real definitions, when they are actually produced constructions that determine our reality.

My focus is on the inevitable problems that occur in a hegemonic culture when terms have unstable definitions but are used as objectively defined terms that have agreed upon meaning. West argues that "rhetors can enable different realities through the use of different definitions," which implies that different bodies have more or less ability to impact reality through definitions based on their positions within the power structure.[7] West's work is especially valuable to mine because he advances the conversation of definitional ruptures by promoting the fundamental question of who is allowed the authority to define concepts of sex and why. Whereas the work of Schiappa and West focuses on definitional disputes within specific contexts or cases, I seek to expand on definitional conflict by thinking about how social discourse can be seen in terms of definitional crisis. Viewing discourses of sex and sexualized violence as being in a definitional crisis allows 1) a way to understand the implications of different definitions being employed by different bodies, 2) the examination of how culture impacts the interpretations of terms, and 3) a realization of the connection between discourse and lived experiences.

Despite communication being a complex, multi-faceted method of expression, language functions as one of the main ways humans symbolically communicate individualized understandings with each other. A mentor of mine once mused about how his communication students were always focusing on how often communication breakdown happens, but he was more impressed with language's astounding ability to regularly be effective. He pointed out how incredible it was that he

could ask for something, such as a chair, and that the person he was talking to would generally know what to bring him. Of course, communication is complex in how it functions across interactions. Symbolic interpretation causes language to be understood on a range instead of a specific point. These interpretations are influenced by a person's personal experiences and knowledge base. If you ask a group of people to picture a "dog," they will probably all envision the general creature (they won't be picturing a "cat"), but each person might see a different type of dog, with dogs they know coming to mind first. The symbolic nature of language functions as an agreed upon tool of expression to convey individualized thoughts and feelings in order to share comprehension. Depending on the context, there can be very high stakes for having shared understandings of linguistic symbols, making definitions a highly contested space of meaning.[8]

Definitions play an important role within communication, determining how discourse unfolds. The meaning of words breaks down into two parts: 1) denotation—the strict dictionary definition of the term, and 2) connotation—the subtext infused into the term through cultural associations.[9] Denotation and connotation within a word are separate but connected concepts. Denotations are descriptive, depicting the literal meaning of the word, whereas connotations indicate how words are connected to feelings, reflect imaginative significance, and display how the meanings of words evolve within a culture. Connotation gives value to a term, signifying the positive, negative, and neutral implications of its usage in society. Definitive discourse, a phrase coined by Schiappa to include the multiple ways definition is connected to argumentation, is key for understanding how words and their classifications impact meaning-making.[10] Zarefsky explains, "People participate actively in shaping and giving meaning to their environment…naming a situation provides the basis for understanding it and determining the appropriate response."[11] The characterization of an act, which prevails as the socially understood name, depends on the actors

involved, who is naming it, and how the naming is enacted. The language used to describe an event impacts how that event is perceived and understood.

Applying these notions to terms of sexual discourse displays how large of an impact a label can have. For example, the word "sex" carries a social basis of understanding and causes others to determine appropriate responses. This is true for events that have happened (e.g., "I had sex last night.") yet also comes into play when naming is used to determine what will happen (e.g., "Let's go to my place and have sex!"). Naming a situation as "sex" has an implied claim about the nature of circumstances, but the details about the situation are always varying based on cultural indicators, relationships and context. Words that have similar denotations but different connotations reveal how much labeling functions as a way to generate meaning. An intimate encounter may be valued very differently depending on if it is named as sex, making out, messing around, making love, screwing, humping, or fucking. Each of these terms infuse different connotative values into the described encounter.

In addition to creating meaning, naming can be a strategic maneuver in determining how a situation is defined and viewed by others. Definition has argumentative functions because different labels carry different implicit arguments about the event. Zarefsky clarifies that the argument within definitions is not overtly advanced but instead "is simply 'smuggled in' through the use of the definition itself."[12] To continue the example of sex, purposely labeling an event "bad sex" as opposed to "sexual assault" has power, as it creates the reality for how the act is viewed and responded to. Zarefsky describes a persuasive definition as a characterization that expresses a value about the object in the course of naming it; "The name is, in effect, an implicit argument that one should view the thing in a particular way," referring to this as argument by definition.[13] Choosing a label with a specific context pleads a case, as if there is a claim being advanced with support, even though there is no explicit claim and no support. [14]

Choosing a label does not reproduce an essential reality or "real" meaning, but rather is always a choice that constructs social reality.[15] Schiappa explains how definitions are prescriptive and normative, even those that are seen as "real" definitions.[16] As an example, he explains how dictionary definitions prescriptively determine what "counts as correct usage" of a term, guiding people to know what to say depending on the context.[17] But he makes sure to remind us that most words are not learned from institutional definitions, such as dictionary and legal definitions, but rather by referencing social examples. The institutional definitions and the socially normalized definitions are co-constitutive in how they form and evolve with meaning. Thus, dominant uses of a word are reinforced to create socially normative definitions that become default in meaning construction.

Socially normalized understandings carry a persuasive value that benefits those who are included within the assumed definition but marginalizes or neglects those who are not included. For example, the term "sex" carries with it the heteronormative assumptions of penis in vagina (PIV) intercourse, despite there being a multitude of ways for bodies to enact sexual activity. The euphemistic culture around sex discourse aids in the reproduction of dominant definitions by allowing interpretive space for dominant or historically accepted definition to be applied. The normative power of definitions influences how concepts are understood and reproduced.

Additionally, the process of (re)defining concepts is complicated by historically accepted definitions or existing socially accepted realities. Using definitions to make sense of the world is complicated by social power structures. Even in 2003, Schiappa was detailing changing definitions of the word "rape" in order to illustrate the power of institutionalized definitions and the challenges associated with shifting them. The past landscape that definitions are built on complicates how controversial concepts are (re)defined. For example, historically, women were held responsible for rape, as it was seen as an offense against men.[18] Though our definitions have changed throughout

the years, the historical meanings of the words are woven through culture and impact our current understandings. When states did begin to define rape as a criminal act, the way the definitions were structured created a very specific reality that narrowed sexualized violence to heterosexual acts and bodies, assumed males as the perpetrator, and excluded sex within marriage from being non-consensual.[19] These definitions functionally narrow what acts are socially recognized as "rape." MacKinnon reminds us that these constructed definitions have real consequences, arguing, "Rape is a sex crime that is not a crime when it looks like sex."[20] Even if a concrete act has occurred, power structures, such as legal definitions, complicate how that act is named: "Under conditions of sex inequality, with perspective bound up with situation, whether a contested interaction is rape comes down to whose meaning wins."[21] The meaning that is privileged has the most power to inherently argue the nature of the event.

The connotation of a word does not exist in a vacuum, which means the interpretation of a term intertextually connects to other symbols. Kenneth Burke's conception of "terministic screens" offers an additional way to conceptualize the role of naming within meaning-making. Burke describes terministic screens by referencing different photos of the same object, each having a different color filter—depending on the filter, different aspects of the reality are revealed.[22] Scholars have utilized this theory to dissect a variety of concepts, showing how certain terms select and deflect specific aspects of a given reality.[23] Reproductive debates in the U.S. offer a particularly useful example of the power of terministic screens. Individuals and groups who oppose abortion refer to the "reality" of an unborn offspring as a *baby,* whereas pro-choice perspectives refer to the same "reality" as a *fetus*.[24] In each case, the term "selects, deflects, and reflects reality in a particular way," invoking other terms that accompany it. This specific example also shows how the selection of one term deflects attention away from the very things the other term focuses on. Using the term *fetus* reverses the relationship of power: "Babies *have* mothers, whereas women *carry* fetuses."[25] The

relational term "baby" purposely invokes humanness and helplessness, whereas the medical nature of "fetus" selects the incompleteness of an unborn offspring, highlighting the dependence on the mother's body. Choosing labels based on what they select and deflect has major implications within a situation.

The meanings derived from words and the power of those meanings are also influenced by who is choosing the definition. Much of Zarefsky's work focuses within the context of presidential rhetoric, maintaining that because presidents have a prominent political position and "access to the means of communication, by defining a situation, [he] might be able to shape the context in which events or proposals are viewed by the public."[26] Thus, when President Trump, then a presidential candidate, referred to an act as "locker room talk" instead of "sexual harassment," his language impacted how society conceptualizes the act. Conversely, when testimonies in court cases are thrown out because the status of the victim/survivor is not deemed credible, the ability to label their own experiences is stripped from that victim/survivor. The people who have access to creating definitions matter in terms of how a culture understands meaning.

There are similarities between presidential rhetoric and legal rhetoric because the deployment of a definition is always coming from a specific place of power. James Boyd White argues that "the law is not merely a system of rules, or reducible to policy choices or class interests, but that it is rather what I call a language…habits of mind and expectations—what might also be called a culture…the law makes a world."[27] This "world" of the law does not exist on its own, but rather impacts all levels of our culture. Laws are one of the few tangible, recorded places where social boundaries are documented and their realities enforced. The law may not be the "real" definition, but it does have real consequences.[28]

Because of these consequences, definitions within legal contexts are subjected to a battle over labeling. Also discussing rape laws, Barnett argues that "while the perspective that rape equals

crime has been codified in laws, it has not always been internalized by individuals. Many people agree that forced sex is a crime, but they do not necessarily agree on what constitutes forced sex."[29] Though definitions have evolved, the burden of proof still remains on the person claiming a crime has been committed. When sexual assault is reported it often "draws skepticism about the victim's responsibility, character, and veracity," leading to doubt about the reporter's ability to define what happened to them.[30] The positionality of a person, or their access to resources, will impact their believability, with marginalized bodies having a harder time validating their defined experiences. MacKinnon points to the different perspectives as a place of definitional fissure. She argues: "The deeper problem is the rape law's assumption that a single, objective state of affairs existed, one which merely needs to be determined by evidence, when many (maybe even most) rapes involve honest men and violated women. When the reality is split—a woman is raped but not by a rapist?—the law tends to conclude that a rape did not happen."[31] When there are competing definitions, power dynamics impact the definition that is chosen, and in turn, the reality that is promoted. The interconnectivity of definitions not only increases the stakes of labeling but also complicates how definitions are understood. Labeling an act as "rape" then labels the person committing that act as a "rapist." Therefore, if you have someone who does not culturally fit the label of a "rapist," such as a collegiate swim star who is drunk at a party and behaving in ways we have normalized for men, it is a lot harder to then validate his behavior as "rape."[32] A further example of how definitions are connected is illustrated in the way we define marriage and husband, which in turn impacts the definitions of sexual acts within the context of a marital relationship under the law.[33]

Schiappa reminds us that legal definitions function differently than common denotative definitions and may not be explicitly connected to how a term is used by a general population.[34] However, I seek to extend understandings of definitions by examining the ways chosen words and definitions within sexual violence laws promote socially normative understandings within discourse.

Novak and Thornton emphasize rhetorical connections and how the act of rape works to influence the definitions of other concepts, arguing, "Rape, in part, communicatively defines and constructs the way we as a society enact gendered relationships. As a violent and invasive act of power, rape creates and reifies relationships between the perpetrators and the victimized. We cannot claim to understand gender, power, and human interaction without understanding such a pervasive communicative act of violence."[35] The social impact of actions, such as rape, is connected to how these terms are legally defined. There is a multi-directional relationship between legal and social definitions, causing them to influence one another, both having an impact on how these concepts are understood within our culture. Terms do evolve; however, the shift to other terms still carries the history of how words have been used to label situations, furthering the definitional crisis.

Sexual Violence Laws

Reading and sifting through definitions within sexual violence laws from all of the states and territories, as well as the federal code, military code, and FBI definition has been overwhelming and incredibly interesting.[36] Collecting all of the laws of the states and territories, as well as the main federal laws used to define sexualized violence, provides an inclusive range of definitions within significant policies. First, I synthesize the information within the sexual violence laws to show the explicit and implicit ways definitions are functioning to influence meaning-making. Then, pulling from my findings, I show how these definitions work to constitute dominant understandings of sexual behavior in our society. The way our society regulates sexualized violence gives an understanding to how sex is seen and understood within our culture. Within our current definitional crisis, these laws show that sex is 1) hierarchical, 2) heteronormative, and 3) connected to agency. In order to flesh these themes out, I first analyze the complex landscape of legal definitions around sexualized violence.

General Layout

Each state has multiple categories that label the various acts deemed sexualized violence, with some states embracing many categories and levels, while others have larger, more inclusive, categories. Each state has one or more generalized sexual violence laws, with the terms "rape" (appearing in 26 states) and "sexual assault" (found in 24 states) being the most common. Other common terms are mis/conduct[37] (14), "sexual battery" (12) and "sexual abuse" (9). Along with these common ones, there are a variety of terms only used in one or two states.[38] At times, these words are used interchangeably, with the connotation being slightly different but the relative denotation being similar. And in other cases, similar words had distinctly different definitions in the law.

Beyond the laws that attempt to describe generalized acts of sexualized violence, some specific categories have a distinctive meaning, with the two most common being "statutory rape" and "sodomy." The RAINN law generator I used actually makes remarks on these two specific categories, noting if a state does not have laws concerning these socially recognized classifications. For statutory rape, the generator says, "'Statutory rape' is commonly used to refer to sexual penetration that is illegal because it involves a youth and consent is immaterial." Then, for states that do not include language on "statutory rape," RAINN continues to note how the state included children and minors in their other laws even though the state does not specifically penalize statutory rape. Some states choose other labels instead of "statutory rape," such as "sexual assault of a minor" and "sexual misconduct involving a child," whereas a few states have these types of laws in addition to their statutory rape laws. Sodomy laws have less variety, but also work to categorize specific acts. According to the RAINN generator, "Any state laws that outright prohibit sodomy are unconstitutional under Lawrence v. Texas (539 US 588 [2003])." Despite this, 18 states still have sodomy laws on the books, with some subtitling these laws "crime against nature." One state also

has "aggravated sodomy," while another includes "statutory sodomy," and four states note different degrees of sodomy. In both statutory rape laws and sodomy laws, there is quite a variance in how different states define those terms, which I expand on in my analysis.

Defining the Acts of Sexualized Violence

The multitude of terms and definitions within the laws contributes to the definitional crisis. It is unsurprising that 46 states and territories, the Department of Justice, the military, and the FBI use either "rape," "sexual assault," or both at some point in their legislative texts, as these have been historically common terms to describe sexualized violence. However, the way these terms are employed range greatly, contributing to a lack of shared meaning around the terms. First, the two terms are sometimes defined very similarly, with some states using them interchangeably. For example, Tennessee refers to "rape" and Illinois refers to "sexual assault" while having very similar definitions. In some cases, states use these two terms to distinguish between different acts. Most states use only one of the terms, with each state defining their chosen term in a variety of different ways. Arkansas uses both terms, claiming rape is "sexual intercourse or deviate sexual activity with another person," and sexual assault in the first, third, and fourth degree is the same definition with distinguishing differences between the degrees, while sexual assault in the second degree is defined as "sexual contact." The range of definitions and uses provided prevents stable definitions for either term, making shared comprehension impossible. As my analysis progresses, I will continue to underscore ways connotations are impacted by context, fueling the definitional crisis. There is not even a denotative consistency in how rape and sexual assault are defined by these laws. Labels have such an impact on how an act is viewed, valued, and criminalized, thus these differences in the laws are significant.

The way the different states use the same terms for different meanings has the potential to further complicate connected connotations within discourse, with the differences sometimes being

clearly stated but other times connotatively implied. Several of the states that use the term rape find some similarity between each other by defining it as a sexual act (usually intercourse), and then delineate the specifics of the other circumstances at play, such as force, lack of consent, or age difference. Some states have clear caveats, such as Alabama, which specifies that rape is "sexual intercourse with a member of the opposite sex," and California, which specifies that the sexual intercourse is with "another person who is not the offender's spouse" (they have a separate law for rape of a spouse).[39] The presence of these clear deviations complicates how meaning is infused in the words. While it might be tempting to write these states off as exceptions, their existence impacts how the word rape is denotatively defined, which impacts how those terms are socially connotated. The multitude of possible denotative definitions impacts how individuals and groups will connotate the words, influencing how the words are used in discourse. Alabama's definition of rape either precludes same-sex individuals from being able to rape each other or assumes *all* same-sex sexual interactions are criminalized by this omission in the law. Because of their existence, legal variances like Alabama's law are able to be interjected into definitions that do not clearly define the sexes of the people involved. The different denotative definitions of "rape" and "sexual assault" present in the laws are problematic for having shared meanings within sexualized violence.

Definitions are intertextually related to each other, causing the words chosen in the legal definitions to fuel the definitional crisis. For example, most definitions of both "rape" and "sexual assault" include the term "intercourse." Many use the phrase "sexual intercourse" and some specifically note "vaginal intercourse." Louisiana is even more thorough by describing "anal, oral or vaginal intercourse." While the laws labeled "sexual assault" have a little more variance, all but six of the "rape" laws use the term "intercourse," but not all of them clarify as to what "intercourse" means. As stated in some of the laws, there are different potential meanings of intercourse. The cultural assumption is PIV intercourse. If a state has not clarified what type of intercourse, the law is

open to interpretation, possibly excluding certain acts from the definition if only PIV is assumed. Several of the laws indicate that "intercourse" is a central part of "rape" or "sexual assault," but it is often unclear as to what that behavior entails.

The schism of meaning is widened further when factoring in the six states that do not even use the term intercourse in their definitions. Tennessee, South Dakota, and Idaho use the term "penetration" but again, do not always clarify what that includes. Georgia and Mississippi have two of the most unique rape laws, with Georgia's reading, "Carnal knowledge of: A female forcibly and against her will; or A female who is less than 10 years of age" and Mississippi's stating, "Any person who assaults with intent to forcibly ravish any female of previous chaste character." The narrow, hegemonic nature of these definitions cannot be excluded from the meanings that are infused into these sexualized violence terms. Even though these types of definitions are not the norm within states' sexual violence laws, they are written in law, and therefore have very real legal and social consequences. The ruptures within the normative understandings of the term "rape" make space for outliers like these to be included among them. We cannot ignore the impact of these outliers because their existence causes them to be included in the social understanding of sexualized violence, potentially impacting how people interpret these terms in discourse. These definitions have material consequences because they determine which acts are codified as punishable by law and which acts, by default, are deemed permissible. Having a variety of incongruent denotative meanings fuels how individuals and groups could infuse their own meanings into connotative definitions, amplifying the crisis. Oklahoma is a great example of this because their laws do not define the word "rape" at all, but rather use it repeatedly in context, assuming the reader knows what it means. My analysis is not able to study the different ways these terms are being connotated in our society, but it is important that both differing and vague denotative definitions within the laws leave space for differing interpretations. The ability to infuse meaning into vague definitions has major implications

in a society that has structural power dynamics allowing some bodies' definitions to be validated while others are dismissed.

In addition to having different denotative meanings, the laws carry with them the history of both previous policies and culture. A prime example of this is when the FBI changed the definition of rape for the Uniform Crime Reporting (UCR) Program's Summary Reporting System that became effective on January 1, 2013. The UCR Program is a "nationwide, cooperative statistical effort" that involves approximately 18,000 city, university/college, county, state, tribal, and federal law enforcement agencies who voluntarily report data on criminal activity.[40] Thus, this definition reaches and impacts thousands of agencies, affecting how sexualized violence is framed in our country. From 1927 until the end of 2012, the definition of rape used in this FBI program was "The carnal knowledge of a female forcibly and against her will."[41] While violence is experienced by a range of bodies, this definition limits those recognized to "female" bodies. Additionally, the term "carnal knowledge" is a vague, dated term that does not specify the behavior, requiring the audience to fill in the details, which shifts based on the audience. This limited definition dictated how crime was reported and understood nationally. The definition was changed because "many agencies interpreted this definition as excluding a long list of sex offenses that are criminal in most jurisdictions, such as offenses involving oral or anal penetration, penetration with objects, and rapes of males."[42] The updated definition states that rape is, "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."[43] This definition is one of the more specific and inclusive when compared to other state and federal definitions, but the updated definition does not exist on its own. It carries the history of the previous definition and highlights the potentially conflicting state laws. If a person has been operating under the old understanding, they may be able to shift how they interpret the law when the words are changed. But if they have been viewing "females" as the main, or even only,

type of victim/survivor, changing the word to "person" will not necessarily shift their connotation. The stereotypical assumptions that come from the narrow, often oppressive, ways of historically defining sexualized violence are still in the public consciousness, reinforced by the fact that some laws are still blatantly exclusive in their wording. The change is necessary and does rhetorically impact the social discourse that comes from the laws, as was seen by the positive public response when the FBI changed this definition. Yet the assumptions of the past still exist in how updated laws are interpreted and used.

Even though "rape" and "sexual assault" are most common and can sometimes be very inclusive depending on the state or agency, there are several other terms used to describe and clarify types of sexualized violence within the laws. Some states take a more prescriptive approach, such as Montana, which does not use the label "rape" and instead titles their legislation "sexual intercourse without consent" and then uses the term "sexual assault" for all other "sexual contact." However, other states have moved away from the concepts of "intercourse" and "penetration" in order to include more sexual acts. Instead of using the terms to dictate different behavior, some states pick one term to use in all of their laws. For example, states such as Minnesota only have general laws under the term "criminal sexual conduct," which allows a wider range of behavior to be included. Connecticut has all of their main laws under "sexual assault," whereas the District of Colombia has all of theirs under "sexual abuse." Several states include all of their laws under minimal terms, including Maine which only has a "gross sexual assault" and an "unlawful sexual contact" law. On one hand, this is a very inclusive approach, these minimal terms create broad categories that then make space for a variety of different acts to be included within the law.

On the other hand, broad legal categories allow more interpretation. In systems deciding outcomes based on these definitions, broad definitions leave space for an individual with power to include or exclude based on their positionality. For example, if a judge does not personally think of

an act as "criminal sexual conduct," they may be more likely not to include it in the definition, impacting the power of the law.

Definitions, and the people interpreting them, are constrained by social norms and legal precedent, but there is still a wide space for interpretation that further complicates how these different terms have different connotations. For example, Florida uses "sexual battery," defining it as "oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object,"[44] which is similar to how other states define sexual abuse or sexual assault. In general, these terms tend to be more inclusive to multiple types of sexual acts, but their usage implies there is a definitional difference between these specific terms and "rape" or "sexual assault." Sometimes there is a clear definitional distinction and sometimes these labels are attempting to convey relatively the same concept. I have focused on how different definitions promote a definitional crisis, but the way people use different labels to mean similar concepts contributes to the absence of shared meaning of sexualized violence.[45]

Sexual violence laws are the national text of how sex is criminalized. These laws determine what acts count as socially acceptable sex and what acts are delineated as sexualized violence. Although each state, the federal government, and different agencies all have their own definitions, they are all contributing to a national public discourse on sexualized violence. When looking at each state individually, it is usually clear how they are utilizing different terms. Colorado, for example, distinguishes between "sexual assault" and "unlawful sexual contact", with "sexual assault" being marked by "intrusion or penetration" and "sexual contact" referring to touching. In many cases, the terms are employed to be able to capture specific meaning, with multiple terms sometimes being used to explain different behaviors. But there is not consistency because these terms vary with how they are being used across states and agencies.[46] The variances create multiple denotative definitions,

which influences connotations in a multitude of ways, and thus contributes to the definitional crisis at the macro level.

Another way behavior is distinguished, and meaning is impelled, is through the use of degrees within the law. While some states have general categories, such as Colorado, Illinois, and Indiana, other states take one concept and create different degrees of that offense. For example, Alaska's only categories are "sexual assault" and "sexual abuse of a minor," with each ranging from a first to fourth degree offense. Some states have very clear differences in the degrees, describing entirely different acts. Other times, it is the same act, but some other aspect is different, such as the relationship between the perpetrator and the victim/survivor, the power dynamics, or the age of the victim/survivor. In terms of the law, it makes sense that there are different levels of punishment for different types of behavior. But again, these different levels vary greatly across states and agencies, with some states not recognizing different degrees.

In terms of interpreting the law, the different levels allow value to function differently based on the behavior. There is not consistency in the laws, therefore the value of a specific act is subject to interpretation. Because the laws vary in how acts are punished, the values these acts have are not stable when translated to social discourse. The law wants to be denotative, but we see signs of social connotation in some of the legal definitions, such as the use of terms such as "chaste," "carnal knowledge," and "abominable and detestable crime against nature." These terms infuse the denotative definitions with historical and cultural values, which impacts how the definitions are connotated within social discourses. What is important to remember is these laws govern actual experiences and bodies. When there is more space for value of these incidences to be interpreted, there is more ability for social norms and historical assumptions to impact how the definition is interpreted. Power is involved, impacting the definitions and contexts that are validated, which is

especially notable if the person assigning meaning assumes that meaning is objectively shared by others.

Defining the People Involved in Sexualized Violence

In addition to the general act of sexualized violence, the law is also concerned with who is involved in the act and the relationship between the people involved. Despite which term is used to describe the act, many states have specific laws that deal with the relationship and subsequent power dynamics between the perpetrator and the victim/survivor. Introducing different labels for the types of people involved in certain situations of sexualized violence increases the definitional variance. For example, Pennsylvania's *Institutional Sexual Assault* statute sums up how these laws attempt to reference the particular bodies and relationships that are vulnerable to sexualized violence, such as individuals in juvenile centers. Missouri, North Carolina, and South Carolina have laws that refer specifically to "students." Maryland, Nebraska, Vermont, and Virginia have laws that specifically refer to "inmates" and "prisoners." Wisconsin and North Dakota both have "sexual exploitation of a therapist" laws.[47] The articulation of the nuanced relationships works to contextualize these terms, but the terms themselves also bring in their own connotations. It is well documented that white "prisoners" have, on average, a very different experience than Black "prisoners." The term "student" conjures a person of a younger age, but how is the law impacted if the "student" is older than the person accused of violence? These situations would be included within generalized rape laws, as all of the circumstances described would generally fall under those larger definitions. These categorizations call to the inability of the generalized "rape" and "sexual assault" laws to specifically handle all contexts and are a reminder of the way interconnected definitions impact individual and social understandings of sex and sexualized violence. The way these individualized terms are defined and connotated impacts the way sexual violence laws function in our society.

Some states specifically address familial relationships. While only three states use the label "incest,"[48] several states include familial relationships in one or more of their levels of laws. New Hampshire has several different levels of "sexual assault," with the harshest category being "aggravated felonious sexual assault." This section notes, "A person is guilty of aggravated felonious sexual assault when such person engages in sexual penetration with another person under 18 years of age whom such person knows to be his or her ancestor, descendant, brother or sister of the whole or half blood, uncle, aunt, nephew, or niece. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption." Some of the laws include both familial relationships and people in positions of power in the same section. Whether the law is highlighting a public institutionalized relationship or a familial relationship, having separate laws calls to the importance of the power dynamics within these structural relationships. The specifics of these laws give more understanding of who can be involved and what their roles are.

In general, the majority of the language used within the laws is not overtly gendered. The laws most commonly refer to "a person" or "an actor." Person ends up being used for all roles, whereas "actor" is more often used for the person enacting the criminal behavior. For example, some words inherently embody roles, such as "offender," "defendant," "perpetrator," and "the accused" for the person committing the crime and "victim" and "complainant" for those who are subjected to the criminal activity.[49] For the most part, pronouns are either avoided by using nouns or the term "he or she" is used. Interestingly, the word "they" is never used as a singular pronoun.

While many of the laws have attempted to use gender neutral language, words are infused with the meaning of social characteristics, such as gender. First, there are a few places were gendered language is found. In all of the cases, the gender defaulted to matches the social assumption of roles; all of the places masculine pronouns are used are describing the accused and the few places femme

pronouns show up are used in relation to the victim. Georgia's rape law, detailed above, is the most egregious example of sexing, as it distinctly limits who can be raped. The few places that do gender the roles highlight the historical, social assumptions embedded in the word choices. This reinforces the social assumptions attached to "neutral" language. The words cannot be separated from our current cultural realities and are influenced by the state of sexualized violence within our culture. For example, the majority of "perpetrators" in our society are male bodied and the majority of people who are "victims" are femme bodied. The normative assumptions of gender infused in the law impacts how these roles are seen, understood, and mapped—or not mapped—onto bodies.

A similar phenomenon takes place with words that describe the relationship between the individuals involved. Some of the terms are obviously gendered, such as the levels which describe violence committed by relatives, such as aunt or uncle. Other roles that are denotatively gender neutral may carry gendered assumptions. For example, marriage is discussed quite a bit in the law as a context for the acts. While there are multiple ways a marriage can be performed, marriage has a long, complicated history in our country, which could impact how those relationships are seen in the laws. For example, "spouse" is the most common term used and while it is gender natural, the interpretation of it can align with the assumptions of power in the relationship. Finally, the acts themselves connect to the genders of the people. The term "vaginal" connects directly to women, whereas "penis" connects to men. If "vaginal penetration" is involved, it is easy to link a femme body to the role of the victim, even though women can force penetration and trans men can have vaginas.

The different social assumptions made about the people involved impact the understanding of the acts themselves. The way the actors are discussed influences how sexualized violence is seen and understood. "Statutory rape" is a common term used to signify sexualized violence against children and minors. Even though there is some level of shared meaning within this term, there is

still a wide variety in how it is defined in state legislation, specifically in who qualifies as a "minor" or a "child." One place of agreement within the laws is that age matters in terms of sexual activity. However, the laws are quite varied in how they discuss age. As noted above, some states have specific "statutory rape" laws, relying on that label to specify the act. In addition to those laws, many states have laws that specify an act toward a person of a specific age. Additionally, states can include age into their generalized sexual violence laws. California is a great example, as they have all of these. California has a "statutory rape" law that describes the crime of "unlawful sexual intercourse with a person under 18" (who is not the spouse), and they have an "aggravated sexual assault of a child" law, a "sexual acts with a child 10 years or younger," and many of their other laws surrounding sodomy, sexual penetration, and oral copulation criminalize sexual acts with minors.

Aside from the term "statutory rape," states also use a variety of terms to describe sexualized violence against minors.[50] For example, many states have several laws that refer to different age groups, which sometimes correlates with how the state uses degrees to punish the severity of the crime. In Alaska, one of the qualifications under "sexual abuse of a minor in the first degree" has the offender being 16 or older and victim being under 13, and the act being penetration, whereas "second degree" has the same ages, but the act being sexual contact. Each degree has other ways to commit the crime, such as "second degree" stating the offender being 17 or older and the victim being 13, 14, or 15 and at least 4 years younger than the offender. This type of age nuancing is incredibly common, but the specific ages indicated varies throughout the states. While 18 is a common age to mark, states use ages ranging from 9 to 17 to mark different offenses, often noting both the age of the victim as well as the age of the offender. It is clear that the laws want to dictate different types of people involved: who can be held responsible, who is more vulnerable, etc., however the lack of consistency leads to confusion around who is able to commit sexualized violence and how sexualized violence is seen differently based on who is involved. Age difference is

also noted, with some laws purposely allowing for sexual activity between young people of the same age, and several laws including an exclusion if the victim is a spouse of the offender.[51] While there is some similarity in how states describe and use age, there is a vast variety across states, with many states referencing different laws or degrees for various ages. Laws become complex based on how they combine the different aspects—the age of the victim/survivor, the age of the offender, the relationship between them and the sexual act, furthering the possibilities for how these laws are interpreted, understood, and discussed.

Defining Deviance within Sexualized Violence

Discussing deviance within sexual violence laws may seem redundant, since sexualized violence is itself a deviance from sex. But as with age being highlighted in the "statutory rape" laws, sodomy laws emphasize specific acts and bodies as being more egregious than generalized sexualized violence, or at the very least, worthy of separately recognizing. Some states do include sodomy laws with their generalized sexual violence laws, but others have their own categories.[52] The word "sodomy" has various meanings within the laws, ranging from anal sex, to oral sex, to sex with animals, and it can be used to mean one or more of these things at once. At times, there are specifications or context for which of those meanings is being referenced, and other times, it is unclear. California, for example, defines sodomy as "sexual conduct consisting of contact between the penis of one person and the anus of another person" and then has a separate law for "oral copulation." Other states have more vague definitions, such as Florida, which states that sodomy is "a person who commits any unnatural and lascivious act with another person, requiring an intentional act of sexual indulgence or public indecency 'when such act causes offense to one or more persons viewing it or otherwise intrudes upon the rights of others.'" Definitions like this are filled with vague, value laden terms. It is also notable how this definition is seemingly separated from "rape" or "sexual assault," implying those acts are not "unnatural and lascivious." For the most part,

many of the sodomy laws require value brought by the reader in order to be understood. Some states describe anal or oral acts without using the word sodomy, which distances them from the derogatory historical connotations of the word. The word sodomy brings with it a multitude of connotations, including religious connotations that could be applied, even though the word has been used to describe both consensual and coercive acts.

The word sodomy is employed two different ways when used in the laws: an act that is always criminalized and an act that is criminalized only when it is done by force or without consent. Several states have laws that include sodomy as a type of sexualized violence, marking it as a specific sex act.[53] States like Utah and Virginia refer to "forcible sodomy," clarifying these acts are criminalized only when they are nonconsensual. Despite being ruled unconstitutional in 2003, several states still have laws that outlaw all acts of sodomy. These laws are not enforceable but remain as part of the text delineating which acts should be criminalized. Georgia and Oklahoma have both types of laws, criminalizing sodomy when it is both consensual and nonconsensual. Georgia refers to sodomy as "performing or submitting to any sexual act involving the sex organs of one person and the mouth or anus of another" and aggravated sodomy as "committing sodomy with force and against the will of the other person or the other person is less than 10 years of age." Eight states have laws that do not specify about consent or force, presuming that anyone who takes part in the act could be prosecuted. The majority of the laws are more vague, using words such as "deviate sexual relations," "detestable," and "abominable" instead of describing what the act is. Michigan's law criminalizes "any person who shall commit the abominable and detestable crime against nature either with mankind or with any animal." North Carolina's law simply states, "the crime against nature, with mankind or beast." Vague definitions like this rely on the interpretation of these terms to translate into specific bodily acts. Linking consensual sex to bestiality is oppressive to bodies who consensually enjoy this type of sexual activity. These definitions still exist in the laws, reinforcing

that perspective within our society. A few states have more specifics, with Kansas laying out the different things that constitute criminal sodomy, including people who are 16 or older and members of the same sex. The acts of sodomy have a history of being criminalized even among consenting individuals, therefore, the RAINN generator often notes whenever a state does not criminalize sodomy between "consenting adults."

Even though they were ruled unconstitutional, the existence of sodomy laws reinforces the marginalization and criminalization of bodies that consensually perform these acts by being part of the text of the law. My analysis does not deal with the details of how laws are enforced, but rather focuses on the definitions present. The existence of these definitions within the laws validates the values and meanings reflected in them, allowing those historical definitions to still potentially be infused by individuals participating in discourses of sex. Despite the changes in our society, such as the Supreme Court rulings on same-sex marriage in 2015 and LGBTQ workplace discrimination protections in 2020, some laws still criminalize queer bodies.

Discrimination can be performed through assumed values and expectations woven into the laws. An example of this is how the term "deviate sexual intercourse" is used over 60 times within the laws. To clarify, the term used is "deviate," whereas the word "deviant" is never found in the laws. Merriam-Webster explains that the term deviate means to depart from the behavioral norms.[54] While the term deviate does have a less judgmental connotation than "deviant," they are often used interchangeably, with some dictionary definitions offering "deviant" as another term for "deviate." Contextually, it can be inferred in the laws that "deviate" refers to anal sex, but the laws are vague. While that term is more common in the sodomy laws, states like Pennsylvania define sexual assault as "sexual intercourse or deviate sexual intercourse." Without specifically calling out queer bodies, the law invokes these individuals and their behaviors as "deviate" or outside the accepted norm. This is especially significant because heterosexual individuals also partake in anal sex and other

behaviors that might fit the category of "deviate." But their bodies are not marked as individuals who are "deviate," and therefore, are less likely to be impacted by these laws.

Definitions of Sex within Sexual Violence Laws

With this deeper understanding of the complex operations of word choice, definitions, and interpretations within sexual violence laws, we can now explore the links between these sexual violence laws and our cultural understandings of sex. Because sexual violence laws are the primary way sex is regulated by law, the analysis illustrates how the laws both reflect and constitute normative, legal sex definitions and practices within society. I have shown definitional instability around the language of sexualized violence. However, sexual discourses produce an assumed shared meaning utilizing historical, social expectation around sexual behavior. The definitional crisis makes space for the consistencies that form normative sexual expectations. These normative narratives show the patterns and consistencies of sex in our culture. Recognizing the definitional crisis takes the experience of bodies into account, whereas the socially normative narratives of sex formed by the sexual violence laws are produced through the power structures that regulate sexual practices. I argue that, based on our sexual violence laws, sex in our culture is normatively seen as 1) hierarchical, 2) heteronormative, and 3) requiring agency.

Sex is Hierarchical

The sexual violence laws in the U.S. create a hierarchical ranking of sex acts, with PIV intercourse positioned as the act that most counts as sex and other sexual acts being recognized at other various levels. In order to identify what is considered violent or criminalized, the laws often have to reference the different types of sexual acts that exist. However, not all of them have the same weight in terms of how they are criminalized. Intercourse, which is also insinuated by the term "penetration," is by far the most common act articulated within the laws. While the harshness of the crime can change based on other circumstances, forceable intercourse is typically the act that is the

most harshly punished. For example, in states that have multiple degrees of offenses, intercourse and penetration are punished more harshly than other acts. This could be because of the degree of bodily harm of these acts, however the focus on these acts align with the cultural focus on sex being defined as intercourse. The focus on these acts in the laws could be argued as an indication that though there are many sexual activities, penetrative intercourse counts more as sex than other activities.[55]

The way the word intercourse is modified also tells us what is considered culturally normative intercourse. The fact that multiple states refer to "vaginal intercourse" as the main act that needs to take place to violate the law demonstrates how this specific act is equated to sex, normalizing this practice as being a more valid sex act than others. In these cases, this term is not being used as one act within lists of other physical activities, but rather as the main act that is governed by the law. The laws dictate a variety of acts, including sexual touching, which are prosecuted as sexualized violence. Putting emphasis on intercourse, specifically "vaginal intercourse" demonstrates how this normative act is privileged, giving this act more importance than other sexual acts. A couple of states use the phrase, "Vaginal intercourse or a sexual act," attempting inclusivity, but visually show how vaginal intercourse (presumably with a penis) is privileged over other sexual acts.

While intercourse and penetration are at the top of the hierarchy, oral and anal activities are the next acts to be considered as sex. To put into perspective, they are each mentioned around 40 times in all the laws, as compared to the 300+ times "intercourse" and 200+ times "penetration" are mentioned. At times, the words are combined (e.g., "oral or anal intercourse"), solidifying them even more as a sexual act. While receiving less attention, both oral and anal contact are understood as concrete sexual acts within the laws. Some states, such as California ("oral copulation") and Louisiana ("oral sexual battery"), have specific laws dealing directly with oral acts. The way both oral

and anal acts are discussed is complicated. They are often linked together, sometimes labeled as deviate behavior, but they do have different connotations within the laws. First, oral sex is talked about as one act in terms of the laws, but culturally is different depending on who is involved in the act. Despite "cunnilingus" and "fellatio" only being mentioned four times and always talked about together (followed every time by the term "anilingus" or a description of it), the term "oral sex" connects to our cultural assumptions on oral sex and is then open to interpretation. In a culture where oral sex on men is more normalized than it is on women, there are gendered notions and internal hierarchies implied in the term "oral sex." Cultural connotation impacts how these laws are read. If women are connotated as the victims, this could dictate the connotations of how "oral sex" is read within the laws. Some of the laws specify that "oral" is when the mouth comes in contact with any body part. The external nature of the penis conjures the act of oral more than the internal nature of the vagina, impacting how "oral sex" is connotated by the audience. Even when the laws create gender neutral, inclusive definitions, the cultural assumptions around sexual acts, such as oral sex, impact how the language in the laws are interpreted and thus, how the sexual acts are valued.

In general, the term "sex" works as a signifier. While the laws include multiple acts under the umbrella of "sex," the way the different acts are defined and contextualized demonstrates how some acts are seen as counting more as sex than others. The unstable nature of these hierarchies within the definitional crisis leaves space for interpretation, problematizing how the signifiers work within the communicative exchanges of intimate encounters. If two individuals have different understandings of the hierarchy, they would apply different meanings. If one invites the other to "have sex," they may be including acts the other person would not label as sex within the interaction, but rather count as sexualized violence.

Some states use language to include multiple acts in terms of sex, such as those states that use "sexual contact" or "criminal sexual conduct" in place of intercourse/penetration. In some

cases, these hierarchies are pushed against by the inclusion of multiple acts within a law, such as Florida and Idaho, who phrase their main sexualized violence laws to include oral, anal, and vaginal penetration. But other times, larger umbrella terms promote the hierarchical ranking by forcing the interpreter to fill in their own meaning. While there is variance among states, the ranking of cultural sex acts aligns with the degrees and punishments. According to the law, having forcible penetrative sex is worse than oral sex or sexual touching. While some efforts are made to push against the ranking of activities, the laws normalize this hierarchy, influencing how our culture understands and weighs sexual acts. If some acts count as *more* sex than others, this works to legitimize some sexual acts over others. This has implications in terms of sexualized violence, as the severity of violence is measured based on where in the hierarchy the sex act is. The burden of proof on sex laws is significantly higher than other criminalized activities, so ranking acts within sex increases the likelihood that some acts will not count as sexualized violence.[56]

Sex is Heteronormative

The language and phrasing choices made within sexual violence laws indicate that sex is still culturally seen as a heterosexual act between a man and a woman. Despite some states working to use gender neutral language and including acts across all types of relationships, the normalization of heterosexual sexualized violence, and in turn, heterosexual sex, is apparent in the laws. The normalization of hetero interactions is rooted in the assumption of cisgender bodies and a clear gender binary. Though much of the language uses inclusive terms like "person" or "actor," several laws codify the gender binary by referencing a person as "he or she." While some laws merely do not specify gender, none of the laws go out of their way to include multiple types of gender identities beyond the recognized binary. Therefore, when gender neutral terms are being used, they work as signifiers for normalized cisgender identities. For example, a trans person's body may be included in the law's descriptive language, but if their body does not match the normative defaults for how the

law is interpreted (for example, if they are a "she" with a penis), their body may be excluded from the protections of the law, while being more likely to be criminalized because of their "deviate" body.

When the gender binary is reinforced, the two halves of the binary function in relationship to each other. The varying names of the sex acts work to emphasize this. In order to have "vaginal intercourse," the normative assumption is that there must be a woman with a vagina and a male with a penis to penetrate. Some laws are more obvious than others, such as Alabama that refers to "sexual intercourse with the opposite sex," but the assumption that men and women are two halves of a binary and are normatively coupled is so deeply engrained in our culture even words not inherently gendered are often interpreted to fit the heteronormative construct. If the person interpreting the law has personal experience or understanding of how relationships function outside of heterosexuality, there is space to read most of the laws in that manner. However, our institutions, media, relationships, and cultural norms are saturated with heteronormativity, making it difficult for non-normative definitions to be applied to seemingly nongendered language. Though Alabama and Texas are the only two states who use the term "opposite sex," that relationship is easily filled in even when not stated. Though "vaginal intercourse" only appears 18 times, this normative act can be filled in when only the signifier "intercourse" is used. The presence of heteronormative signifiers within the laws reminds us these assumptions are there even when not noted with specific terms. It is important to recognize how the laws function to note and protect certain bodies performing certain acts. If two bodies are unable to have "intercourse" in the normative sense, they are, in effect, left out of the law.

Heteronormativity also influences how the terms of roles are gendered. It is unsurprising that the only places a person is gendered male is in terms of the offender, and the few times a person is gendered female, it is in terms of the victim. Beyond dictating the genders involved and the

sexual practices of couples, heteronormativity works to influence the roles each person plays. While the majority of the laws are written with gender neutral language, it is difficult not to make gendered assumptions about who the offender is and who the victim/survivor is based on the assumptions in our culture. Rationally, all genders can be offenders and all genders can be victims, but the statistical reality of heteronormative culture dictates how we assume these roles, filling in an interpretation to those terms.

Finally, the criminalization of anal sex demonstrates how queer bodies are vilified and marginalized. In most cases within the laws, anal sex is not even described, but rather alluded to in outdated terms such as "sodomy" or the even more elusive "deviate sexual intercourse." Using the term "unnatural" to describe a sex act that over a third of the diverse population is performing is inaccurate. There is also a harm in the way the laws definitionally link anal sex with queer male bodies. Massachusetts has a law that states, "The sexual intercourse or unnatural sexual intercourse was committed in a manner in which the victim could contract a sexually transmitted disease or infection of which the defendant knew or should have known he was a carrier." The use of the "he" pronoun here reinforces the assumption that men are always the offender. Also, the combination of the male pronoun with the historical stigma around anal sex reinforces assumptions about gay male bodies as being the ones carrying disease (and in this particular case, being deceptive about it). This reinforces the stigma that gay men are carriers of HIV, which justifies discrimination and perpetuates dangerously incorrect assumptions of HIV risk. These laws do not match the reality of sex in our country, but rather dictate what type of sex is normative and criminalizes what behavior is seen as "detestable," "abominable," or "unnatural." The laws, especially the ones that criminalize consensual "sodomy" despite this criminalization being ruled unconstitutional, show how sex is regulated and how certain bodies are punished.

Sex Requires Agency

The laws around sexualized violence demonstrate how agency is assumed to be an integral part of sex. The way the laws define sexualized violence illuminate how power or control is taken away from the victim/survivor in acts of violence. This is obvious in how most laws criminalize a person for engaging in sexual activity with someone who is unconscious or not in control of their behavior. Agency is needed in order for all people involved to consent to the acts. However, the laws vary in who is allowed to have agency. In many cases, the laws use age, clarifying that under a certain age, consent is not a valid defense. In these cases, individuals cannot consent to sex—they do not have the agency to decide what is happening to their bodies. In cases of minors, stating children cannot consent seems very legitimate for protecting children. However, the age a person has agency to consent to sex varies greatly amongst states. For example, Utah has a specific law for 16 and 17-year-olds, which dictates specifics for how they are able to have sexual contact.[57] In some cases, 17-year-olds are included in the definitions of "child." Though some laws work to include exceptions for relationships, other laws would prosecute a consensual relationship between a 17-year-old and a 19-year-old.

The variance in ages brings into question when and for how long a person is able to have agency over their bodies. It is no secret that the sex trafficking and pornography of young bodies, specifically femme bodies, is a common phenomenon in this culture. It feels necessary to question who benefits from dictating who has agency to have sex within a culture that regularly values the agency of some over others. I am certainly not advocating children should be able to consent to sex. Rather, in a culture that often exploits children for sex, it is notable that the laws do not give agency to people of certain ages while maintaining systems which promote the abuse of children. There is still a wide phenomenon of young people being exploited for sex. Why are these laws not working more specifically to protect those who are unable to exercise agency over their own bodies?

In many cases, the laws specify relationships in order to protect individuals from the abuse of power. However, marriage is the one relationship that often removes protections. In many cases, a law specifically states sexualized violence cannot occur if the actor and the victim are married. While this can be protective of young people in some cases, it also works to allow abuse within the contract of marriage. As I previously discussed, heteronormativity promotes very specific types of relationships and acts. Marriage is included in this as a historical system that couples men with women. While we have moved away from the overt minimization of women's rights within a marriage, much of that history still influences normative practices within legal heteronormative relationships. While some states purposely specify marriage does not change how the offense is prosecuted, there are many laws that exclude a spouse from being victimized. Here, agency connects to the other two categories; sex, seen as normative intercourse, happens between a man and a woman within a marriage. Additionally, sex is easier to prosecute when occurring outside of these boundaries. However, within these boundaries, sex is normalized as an activity that should be happening.

Expectations of sex are connected to the agency assumed within sexual activity. Sexual activity needs agency, but agency functions differently in our culture based on the social characteristics of the person. Catherine MacKinnon sums up how sexual violence laws dictate the sexual agency of women:

> The law of rape divides the world of women into spheres of consent according to how much say we are legally presumed to have over sexual access to us by various categories of men. Little girls may not consent; wives must. If rape laws existed to enforce women's control over our own sexuality, as the consent defense implies, marital rape would not be a widespread exception, nor would statutory rape proscribe all sexual intercourse with underage girls regardless of their wishes. The rest of us fall into parallel provinces: good girls, like children, are unconsenting, virginal, rapable; bad girls, like wives, are consenting, whores, unrapable. The age line under which girls are presumed disabled from withholding consent to sex rationalizes a condition of sexual coercion women never outgrow.[58]

While laws have changed since MacKinnon published this in 1983, we can still see these patterns in the law. What MacKinnon does not address is how agency within the laws works to marginalize certain bodies from ever being victims. Because male bodies are assumed to always have agency, it becomes harder for them to be found a victim under the law. The gendered assumptions of how laws discuss victimhood make it hard for some bodies, such as males, sex workers, etc., to be protected under the law. In the same way the law does not give agency for everyone to be able to have sex, the law also assumes some bodies always want sex, taking away agency to refuse it.

Additionally, the way laws are enforced (or not enforced) demonstrates a disparity in whose agency matters in intimate encounters. For example, there have been numerous cases where a female victim has been "incapable of consent by reason of being physically helpless, mentally defective, or mentally incapacitated,"[59] with the Brock Turner case being the most famous. However, we still do not see overwhelming convictions in these cases, despite the laws being clear. In these cases, the focus of agency is usually still put on the victim/survivor, interrogating their choices that seemingly led to the incident instead of focusing on the agency of the perpetrator. Until we as a society are able to recognize the different ways agency is (re)produced and accessed, laws that work to protect victims/survivors without agency will not be able to work effectively.

Conclusion

The analysis of definitions within sexual violence laws is a start in recognizing how meaning within these laws connect to cultural discourses of sex. My analysis focuses specifically on the language and denotative definitions of the laws and does not delve into the messy, oppressive ways these laws are prosecuted, enforced, or ignored in our culture. By analyzing sexual violence laws as an overarching national text, I am emphasizing the denotative differences and variances within the law that create space for a definitional crisis. Definitions are highly contested spaces of meaning that are often assumed to carry objectivity. Exploring definitions of sexualized violence in the U.S.

illustrates the multitude of terms, varying definitions, and overpowering cultural assumptions in the law that display the multitude of potentials when interpreting discourse around sex, sexuality, and sexualized violence.

This chapter argues definitions within sexual violence laws reveal the definitional instability of sex, sexuality, and sexualized violence in our culture. Definitions of sex and sexualized violence are assumed to have shared meaning within our culture, but the inconsistency of definitions within the sexual violence laws demonstrates the various interpretations that can result from these terms. The law implicitly constitutes meanings of sex and provides a mechanism of enforcement for behavior which falls out of the normative understandings of the law. But the meaning constituted in the laws does not always align with the lived experiences of sex for many individuals.

The definitional crisis demonstrated in the laws operates clearly at the structural, macro level, but has very real material consequences. Chapter 4 explores how this definitional instability creates conflict within intimate encounters and divergence at the meso level. To exemplify the impact of this definitional crisis, it is necessary to look at how discourses navigate these conflicts at the meso level. Looking at a public controversy displays the ways these various definitions conflict in our society and how different bodies utilize different definitions based on their positionality and experiences.

The way this definitional crisis makes space for normative assumptions to dictate shared meaning also impacts individual bodies at the micro level, which I detail in Chapter 5. The queer individuals who participated in the interviews detailed how their experiences involved navigating these socially normative expectations of sex. Discussing definitions of sex with queer individuals emphasized the ways these normative narratives both impact their lives and how they can push against them to enact change.

The sexual violence laws in our country are only one place where the definitional instability around sex, sexuality, and sexualized violence is produced and maintained. By exploring sexual violence laws, we gain a deeper understanding of how meaning-making operates at the macro level. These laws also give insight into how the macro level influences the meso and micro levels of society, indicating how meaning-making is connected across the levels. Establishing how these sexual violence laws 1) contribute to a definitional crisis and 2) create space for normative narratives allows a clearer exploration of meaning-making at the other levels of society.

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1 Allie Conti, "A Lawyer Explains the Terrible Oklahoma Law Making Oral Sex with an Unconscious Person Legal," *Vice*, April 29, 2016, https://www.vice.com/en_us/article/wd7vmz/a-lawyer-explains-the-terrible-oklahoma-law-making-oral-sex-with-an-unconscious-person-legal.

2 Isaac West, "What's the Matter with Kansas and New York City? Definitional Ruptures and the Politics of Sex," *Argumentation and Advocacy* 47 (2011): 166.

3 Edward Schiappa, *Defining Reality: Definitions and the Politics of Meaning* (Carbondale: Southern Illinois University Press, 2003), 36.

4 This website was designed to help the public access sexual violence laws. Therefore, its results provide a richer text than looking up each state code individually. "RAINN | Rape, Abuse and Incest National Network," accessed February 21, 2020, https://apps.rainn.org/policy/compare/crimes.cfm.

5 West, "What's the Matter with Kansas and New York City?," 165.

6 West, "What's the Matter with Kansas and New York City?," 166.

7 West, "What's the Matter with Kansas and New York City?," 166.

8 Schiappa, *Defining Reality*.

9 For more on semiotics, see: Roland Barthes, *The Rustle of Language*, trans. Richard Howard, 1st ed. (New York: Hill and Wang, 1986).

10 Schiappa, *Defining Reality*.

11 David Zarefsky, "Presidential Rhetoric and the Power of Definition," *Presidential Studies Quarterly* 34, no. 3, (2004): 611, http://www.jstor.org/stable/27552615.

[12] David Zarefsky, "Strategic Maneuvering through Persuasive Definitions: Implications for Dialectic and Rhetoric," *Argumentation* 20, no. 4 (July 9, 2007): 404, doi:10.1007/s10503-007-9030-6.

[13] Zarefsky, "Strategic Maneuvering," 404.

[14] David Zarefsky, "Presidential Rhetoric and the Power of Definition," 612.

[15] Schiappa, *Defining Reality;* Chaim Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame, IN: University of Notre Dame Press, 1969).

[16] Schiappa, *Defining Reality*, 51.

[17] Schiappa, *Defining Reality,* 50.

[18] Barnett, "How Newspapers Frame Rape Allegations," 13.

[19] Schiappa, *Defining Reality*, 52–53.

[20] MacKinnon, "Feminism, Marxism, Method, and the State," 649.

[21] MacKinnon, "Feminism, Marxism, Method, and the State," 652.

[22] Kenneth Burke, *Language as Symbolic Action* (Los Angeles: University of California Press, 1966), 45.

[23] Jennifer J Asenas and Kevin A Johnson, "Traditional and Subversive War Mythology as Terministic Screens in *Saving Private Ryan* ," in *Arguing Communication*, vol. 2, 2001, 628–34; Kathleen German, "The Celebration of Mass Production: A Case Study of the Terministic Screens in the Advertising Campaign to Sell Jeeps Following World War II," 2009, 33; Sarah N. Heiss, "A 'Naturally Sweet' Definition: An Analysis of the Sugar Association's Definition of the Natural as a Terministic Screen," *Health Communication* 30, no. 6 (2015): 536–44, doi:10.1080/10410236.2013.868967; Karla M. Hunter, "'Reality' Revisited: Self-Assessment of Terministic Screens through a Political Autobiography Assignment," *Communication Teacher* 30, no. 3 (2016): 153–58, doi:10.1080/17404622.2016.1192667; Diana Winkelman, "Burke, Terministic Screens and Orientations: An Analysis of Female Genital Cutting Debates in Egypt and the United States," 2008, 24.

[24] Victoria Pruin DeFrancisco, Catherine H. Palczewski, and Danielle McGeough, *Gender in Communication: A Critical Introduction*, 2nd ed. (Los Angeles: SAGE Publications, 2013), 106.

[25] DeFrancisco, Palczewski, and McGeough, *Gender in Communication,* 106.

[26] Zarefsky, "Presidential Rhetoric and the Power of Definition," 611.

[27] James Boyd White, *The Legal Imagination* (New York: Little, Brown, 1985), xiii.

[28] Schiappa, *Defining Reality*, 51.

[29] Barnett, "How Newspapers Frame Rape Allegations," 53.

[30] Barnett, "How Newspapers Frame Rape Allegations," 15–16.

[31] MacKinnon, "Feminism, Marxism, Method, and the State," 54.

[32] Claire Kebodeaux, "Rape Sentencing: We're All Mad about Brock Turner, but Now What?," *Kansas Journal of Law & Public Policy* 27, no. 1, (Fall 2017), 19.

[33] Schiappa, *Defining Reality*, 53.

[34] Schiappa, *Defining Reality*, 51.

[35] David Novak and Leslie Thornton, "(De) Constructing Hegemonic Narratives of Athletics and Rape: The Case of Katie Hnida and the University of Colorado Football Team" (Special Session for the International Communication Association, New York, 2005), 6.

[36] Since the states and territories provide the widest range of examples, I pull the majority of my examples from them. Unless otherwise cited, the examples I am using are coming from the RAINN Rape and Sexual Assault Crime Definitions: "RAINN | Rape, Abuse and Incest National Network."

[37] I am combining all the phrases that have either misconduct or conduct in them: sexual misconduct; unlawful sexual conduct; criminal sexual conduct

[38] Some examples of these would be sexual imposition (North Dakota and Ohio), sexual torture (Alabama), sexual extortion (Arkansas), importuning (Ohio), and inducement (Massachusetts).

[39] Both of these laws then have additional circumstances, such as the use of force.

[40] "Uniform Crime Reporting Statistics," U.S. Department of Justice Federal Bureau of Investigation, accessed June 20, 2020, https://www.bjs.gov/ucrdata/abouttheucr.cfm.

[41] FBI UCR Program, "Frequently Asked Questions about the Change in the UCR Definition of Rape," December 11, 2014, https://ucr.fbi.gov/recent-program-updates/new-rape-definition-frequently-asked-questions.

[42] FBI UCR Program.

[43] FBI UCR Program.

[44] This law excludes medical procedures.

[45] The scope of my analysis does not take on the different ways connotations are socially used, but rather sets of the denotative pieces which create a definitional crisis. The next chapter will focus on the social implications of this definitional crisis.

[46] For example, Kentucky simply identifies "sexual misconduct" as "Engaging in sexual intercourse or deviate sexual intercourse with another person without the latter's consent." Whereas Alabama contends, "A person commits the crime of sexual misconduct if:

- Being a male, the offender engages in sexual intercourse with a female without her consent, under circumstances other than those constituting rape in the first or second degree;
- Being a male, the offender engages in sexual intercourse with a female with her consent where such consent was obtained by the use of any fraud or artifice;
- Being a female, the offender engages in sexual intercourse with a male without his consent; or
- An offender (of either gender) engages in deviate sexual intercourse with another person under circumstances other than those constituting rape in the first or second degree. Consent is not a defense in this instance."

Finally, other states, like Oregon, include other aspects, such as age: "Engaging in sexual intercourse or oral or anal sexual intercourse with an unmarried person under 18 years of age."
(Are you quoting Oregon's law here? Otherwise delete the quotations.)

[47] It should be noted that none of these laws use the term rape, but instead use some form of sexual mis/conduct, "sexual assault," "sexual battery," "carnal knowledge," "sexual contact," and "sexual exploitation," which furthers the tension between inclusivity and lack of clarity.

[48] Montana, Nebraska, and Nevada.

[49] While survivor is a popularized term in cultural discourse, it is never used within the laws.

[50] Similarly to the other laws, some states prefer the term "sexual assault," some use the term "rape," some use "sexual abuse," others use "mis/conduct" and then there are several additional ways states describe their laws regarding minors. Some laws have age in the law title, such as the "Carnal Knowledge of a child between 13-15 years of age" in Virginia and the "Lewd or indecent proposals or acts as to child under 16 or person believed to be under 16" law in Oklahoma.
(Self-referring endnote numbers in this endnote.)

[51] Which has implications in cases where youth are forced into marriages.

[52] Nevada, for example, does not use the term "sodomy" but does say a person is guilty of sexual assault if, "The person subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim…"

[53] Alabama, California, Kentucky, Missouri, Oregon, Utah, and Virginia.

[54] "Definition of DEVIATE," accessed June 22, 2020, https://www.merriam-webster.com/dictionary/deviate.

[55] This paragraph displays the difficulties of trying to linguistically distinguish sex and violence, as their boundaries, definitions, and social distinctions are messy.

[56] Sex acts are also unable to be separated from the body. So, two different bodies experiencing the same sex act may find themselves in different parts of the hierarchy, based on how the definitions are applied onto their bodies.

[57] The law states: "A person commits unlawful sexual conduct with a minor if, under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault or an attempt to commit any of these offenses, if, the person engages in sexual conduct with a minor and: The person is 7 or more years older but less than 10 years older than the minor at the time of the sexual conduct, and the person knew or reasonably should have known the age of the minor, or 10 or more years older than the minor at the time of the sexual conduct; or Holds a relationship of special trust as an adult teacher, employee or volunteer at a public or private elementary school or secondary school, and who is 18 years of age or older, Sexual conduct: (i) Sexual intercourse with the minor, or (ii) Any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant, (iii) Penetration, however slight, of the genital or anal opening of the minor by a foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant, or (iv) Touching the anus, buttocks, or any part of the genitals of a minor or breast of a female minor, or otherwise taking indecent liberties with the minor, or causing a minor to take indecent liberties with the actor or another person, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant."

[58] MacKinnon, "Feminism, Marxism, Method, and the State," 648.

[59] Arkansas' Law.

Chapter 4: The Babe.net Controversy: The Emotional Habitus of Sex and Sexualized Violence

On January 13th, 2018, Babe.net released a news article that detailed the experiences of a woman during her date with actor, comedian, and author Aziz Ansari. Under the pseudonym Grace, she told journalist Katie Way an "extremely common and rarely discussed" heterosexual story of discomfort during the intimate encounters of the date.[1] Initially, this story seemed to be the next example in the evolving #MeToo movement, with the article gaining over 2.5 million views within two days.[2] However, Grace's story received more conflicting and polarizing responses than previous accusations from communities working to change the culture of sexual harassment and assault.[3] The crux of the controversy surrounding the Babe.net article is rooted in the public's disagreement about how to categorize this incident—was what happened between Grace and Ansari sex or did it qualify as sexual assault?[4]

This public controversy highlights the importance of definitional labels and the complicated nuances influencing these labels within public discourses of sex and sexualized violence. As discussed in the previous chapter, legal definitions intend to draw the lines of what sexual behaviors are criminalized, but they are written from a specific viewpoint, benefiting some bodies over others. MacKinnon argues sexual violence laws facilitate the distinction between sex and violence "by adjudicating the level of acceptable force starting just above the level set by what is seen as normal male sexual behavior, rather than at the victim's, or women's, point of violation."[5] Legal definitions are not isolated—they are entwined with bias and harmful social norms that have been historically constructed within a culture. The way our criminal system has been constructed makes it "incredibly hard for victims to push back against a system constructed to protect those who abuse their power."[6] Recognizing the constructed, biased nature of the law, Jessica Valenti tweeted in response to the Babe.net article, "Our standard for sexual behavior has to be more than what's legal or illegal—it needs to be about what's right."[7] A natural follow-up would be to think about who is

determining what is "right." Based on the legal system's inability to handle the conflict around sexualized violence from multiple social perspectives, it is unsurprising these discussions surrounding boundaries of sex and sexualized violence are unfolding through public discourse. Laws impact this discourse, but many other components, such as historical precedent and the media, factor into the constructed social scripts. These public discourses are relying on and impacting the culturally created social scripts of sex and sexualized violence.[8]

The Babe.net controversy highlights the conflicts within social scripts produced from the definitional crisis surrounding sex, sexuality, and sexualized violence. Social scripts allow individuals access to shared meaning to produce a culturally acknowledged understanding. The development of social scripts allows communicative short cuts within specific contexts, acting as cultural guides for how to understand and then behave within situations. These scripts are sometimes overtly taught, such as those taught by parents or teachers, but are frequently learned indirectly from messaging, such as those scripts being produced and promoted in media.[9] While these scripts exist culturally beyond the individual, the relationship between the body and these scripts is co-constitutive—individual bodies impact social scripts while the social scripts influence individual bodies. Spieldenner and Genn clarify, "Scripts rely on the understanding of situational norms for identities…Knowing the identity norm, and practising [*sic*] it, dynamically involves the individual (through actions and beliefs) and the larger society (through community interaction or media portrayal)."[10] Having socially recognized social scripts makes it easier for people to communicate and understand, but these scripts also create expectations, with some behavior being accepted and rewarded while other actions are punished or marginalized. Accessing social scripts and their associative values depends on experience, positionality, and emotional processing. The way these expected behaviors are understood is impacted by social characteristics and context.[11]

The divisions that surfaced in response to the Babe.net article illustrate the complexity of public understanding around the delineations between sex and sexualized violence, specifically how bodily experience feeds conflict within social scripts. In reflecting on the allegations of the article, Amanda Alcantara explains, "Many are operating under the assumption that the movement for consent has found us in a place with equal power when it comes to intimacy. It has not."[12] Consent has not been able to solve these conflicts because discussions of consent do not always consider the complicated power structures surrounding bodies of different social characteristics, backgrounds, and experiences. Many scholars have turned to the concept of affect in order to explain these complicated nuances of symbolic communication, but affect is problematic *because* of its inherent inability to be captured through symbolization. The untraceable quality of affect proves difficult to understand. While researchers are not able to determine how a person felt within a moment or the details of how their emotions influenced their rhetorical actions, affected bodies are connected to the way meaning is publicly negotiated within social scripts. Thinking about how different affected bodies access social scripts aids in understanding the different interpretations of symbolic communication within public controversies. I am specifically interested in how examining conflicts within social scripts can help navigate the rhetorical complexities of the multifaceted context of an intimate encounter and its subsequent interpretations.

Public controversies, such as the one surrounding the Babe.net article, show the manifestation and implications of the definitional crisis within sex and sexualized violence discourse.[13] I analyze the controversy spurred by the Babe.net article by teasing out the conflicting social scripts present to better understand why one incident conjures varying social understandings, how these conflicting operationalized definitions are functioning within public discourse, and in what ways they are influencing conversations of sex and sexualized violence. My analysis is concerned with both how the social scripts are at play within the intimate encounter and also how

responders within the public controversy invoke social scripts to interpret the encounter. This controversy provides a space to explore the relationships between the definitional crisis and public feelings, furthering understandings of how power impacts social scripts and subsequent definitions of sex and sexualized violence, showing how some definitions and scripts are publicly valued over others. This specific case highlights how the definition a victim/survivor gives of an event is regularly marginalized in favor of other socially produced definitions. In this chapter, I am interested in the way definitions are impacted by how affected bodies access and participate in social scripts, both at an individual level as well as how publics constitute and negotiate definitions produced by bodies within the definitional crisis surrounding sex and sexualized violence.

To gain this understanding, I first contextualize the Babe.net controversy within larger public discussions of sexualized violence, specifically within 1) the #MeToo movement and 2) how online articles function as public conversation. Then I discuss affect, emotions, and social scripts, developing a framework for how social scripts function within intimate encounters, specifically how scripts are accessed, interpreted, and conflict. With these foundations in mind, I build the boundaries of the Babe.net controversy and then analyze the public discourse in order to better understand how affected bodies participate in social scripts and how these scripts impact the co-constitution of operationalized definitions surrounding sex and sexualized violence. Finally, I discuss the implications of this type of negotiating within a definitional crisis.

The Babe.net Public Controversy Contextualized

Within the #MeToo Movement

In her article "#AzizAnsariToo?: Desi Masculinity in America and Performing Funny Cute," Ali Na argues that the Babe.net article shifted the conversation surrounding the #MeToo movement. To understand why this specific case is unique in how it uncovers the complexities of public shared meaning around sex and sexualized violence, the Babe.net article controversy must be

contextualized within the media landscape of the #MeToo movement. On October 15th, 2017, three months before the Babe.net article was released, actress Alyssa Milano tweeted, "If you've been sexually harassed or assaulted write 'Me too' as a reply to this tweet," which launched the hashtag that spurred the #MeToo movement to previously unseen recognition.[14] However, the concept of "Me Too" precedes the hashtag by over ten years, originally born from the work of activist and community organizer Tarana Burke.[15] Burke founded the "Me Too" movement in 2006 to create "empowerment through empathy" for individuals who have lived through sexualized violence, specifically women and girls of color.[16] Milano's tweet occurred in response to multiple public accusations of sexual harassment and assault within Hollywood, especially the Harvey Weinstein cases.[17] The flood of accusations driving the #MeToo campaign, as well as other movements such as #TimesUp, "sparked a moment of national reckoning," creating an unparalleled momentum of public awareness and action in regard to sexualized violence.[18]

The #MeToo movement re-established how sexualized violence, specifically sexual harassment and sexual assault, is being constituted and discussed. The public accusations against Al Franken, Louis C.K., Matt Lauer, and numerous other powerful men fostered a shift in how both public and private discourses around sexualized violence function.[19] The movement has progressed across political parties and occupations, continually furthering the discourse around sexualized violence in our culture. Despite originally being created by a woman of color for the specific needs of girls and women of color, the #MeToo movement has largely been characterized by the stories and experiences of white, cisgender, upper-class, straight women.[20] This fairly narrow focus has led critics to challenge the ways that the movement privileges certain stories over others, with some working to shift who #MeToo benefits.[21]

Though #MeToo is "an old idea: that survivors, sharing their stories of sexual harassment and abuse, can change society for the better," this movement stands out as uniquely viral by multiple

measures.[22] At first, the Babe.net article appeared to be just the next story in the public reckoning, the downfall of yet another powerful male in Hollywood. However, the article received conflicting media responses that previous accusations within the ongoing #MeToo and #TimesUp movements had not. The logistics of the Babe.net report were "markedly different" from any of the other accounts, leading critics to question its place next to other accusations within the movement.[23] For example, Sonny Bunch of *The Washington Post* contends that "this story about Ansari is nothing like the ugly tales of sexual abuse that have wafted out of Hollywood" in the preceding six months, maintaining this story "not only harms the #MeToo narrative writ large, it totally derails any future stories about Ansari that may come out."[24] Yet Megan Garber makes the case that criticisms like Bunch's minimize "the messily human complications that whisper their way, stubbornly sotto voce, into our lingering sexual scripts."[25] Despite the conflict, many feel Grace's is a necessary narrative, one that connects to the common, complicated nature of sex in our culture beyond the manipulations of powerful men in Hollywood. Despite the heavy criticism against the Babe.net article, there have been many responses that confirm a familiarity in the story, showing how this incident has brought the very real impacts of interpersonal sexual communication to a publicly mediated controversy, demonstrating the material connections between meaning within the macro, meso, and micro levels of society.[26]

The Babe.net article, and the controversy surrounding it, hits at a critical time in public debate over how we understand instances of sex and sexualized violence, highlighting the gray, blurry lines evident within the co-constitutive connections between intimate sexual encounters and the discourse that surrounds them. The controversy about this encounter reveals how the public labeling of intimate encounters can vary greatly based on individualized perspective and bodily experience; it illustrates that the tools we use to label intimate encounters are still unstable concepts influenced by social power, identity, and embodiment.

Within Mainstream Media

The multiplicative nature of mainstream media (MSM) complicates how artifacts are understood and contained, specifically in terms of the sensitive nature of sexualized violence reporting. In her article concerning how newspapers report sexual assault, Barnett states, "In a profession where news is the chief product delivered to consumers, stories about crime and violence are thought to attract readers and viewers with their mixture of conflict, drama, villains, and heroes."[27] The qualities Barnett focuses on within MSM are amplified with the increase of online news media. Additionally, Julianne Escobedo Shepherd argues that the recent increase of sexual assault and harassment reporting has shifted these stories from their long-time confinement to explicitly feminist outlets to now being considered general-interest prestige reporting. She argues, "Reporting on sexual violence and misconduct is an incredibly delicate undertaking that requires a working understanding about how best to do it," yet most of these news outlets handle these types of stories with evident inexperience that does a disservice to both the topic and the victims/survivors.[28]

On top of the inexperience of reporting on such a topic, there are many logistical issues that complicate the rhetorical nature of public discourse within MSM. While many traditional outlets, such as CNN, NBC, BBC, *The Washington Post*, *The Guardian* just to name a few, responded to the original Babe.net piece, many responses also came from newer and lesser known outlets. Some of these news sources function only online, while others are offshoots of a larger company doing multiple types of news reporting. Other aspects complicate the messaging of these outlets, such as the speed in which a story can be released and spread. The sheer number of articles about this incident influences how the public understands the details. A Google search for "Aziz Ansari Sexual Assault" limited to the date range of January 13th 2018 (when the Babe.net article was published) to January 18th 2018 yields over 13,000 results. Another media issue that complicates how the incident

is being publicly understood is the combination of types of articles circulating. Some outlets present as fact-based reporting sites and others cater more to opinion readers. Often, a story is not clearly labeled what type of reporting it is conveying. The sheer number of articles and the variety of news sources reveal the complicated communicative nature of the public controversy.

Additionally, social media and MSM interact with each other. Thomas A. Salak argues that in order to start these types of online controversies, social media users and MSM journalists "work in tandem to create conflict based on the presentation of information."[29] Though I am focusing on MSM articles and not specifically examining social media, it is important to note how social media fuels the types of articles and opinion pieces I am focusing on. While gathering articles about the controversy, it was not uncommon to find opposing viewpoints published from the same outlet. This complicated messaging impacts the reading audience's understanding of the nature of the public controversy, and ultimately alters the discussion of the highlighted topics. A person will get a specific message concerning the issue of the controversy depending on the type of article the person is reading.[30] These articles then influence the readers' understanding of related topics, such as consent, sexualized violence, "bad sex," agency, power, etc. The discussion is diverse, with many moving parts, illustrating a connection between individualized embodied experiences and social sexual scripts. My hope is that by digging into this specific controversy, I can advance understandings of how social scripts function through the public discourse within MSM, specifically surrounding sex and sexualized violence.

As an Artifact

The Babe.net public controversy centers on the events that took place on a date between Grace and Aziz Ansari. Complicating the examination of the public controversy is the blurring of rhetorical sites of communication within the incident. Both Grace and Ansari's bodies are rhetorical sites. The acts that occurred that night are rhetorical in nature, but a public audience does not have

access to those texts. Rather, the events are manifested through the narratives of what happened that night. The Babe.net article becomes the first retelling of what transpired. This text is significant because it is the main source of information for the public. A few days after the story was published, Ansari released a short response to the allegations.[31] Unlike Grace's narrative, Ansari offered very few details. While some authors refer to Ansari's statement in their responses, the majority focus on Grace's narration in the Babe.net article. About a year and a half after the Babe.net article was published, Ansari released a stand-up comedy special on Netflix where he addressed the public controversy.[32] Due to the fast-paced nature of discourses motivated by online MSM, this came long after the MSM responses.

The responses to the Babe.net article, and subsequently, Ansari's statement, are rhetorical within themselves. Some of the responses validate Grace's story as an incident in the #MeToo movement, but other responses pull evidence from the Babe.net article to validate their own understanding of what happened. While the events of the intimate encounter and Grace's narrative in the Babe.net article are separate rhetorical texts, many of the responses to the Babe.net article entwine them, treating her narrative as inseparable from the actual event. This rhetorical slippage regularly goes unacknowledged; some reference that their information comes from Grace's telling, but often the information in the Babe.net article becomes the public's understanding of the rhetorical incident.[33] This rhetorical slippage marginalizes Grace's body as a necessary component of the narrative, leaving her recounting of the incident open to public interpretation.

Many of the response articles reinterpret what happens, creating another rhetorical manifestation of the events. The way each author uses the Babe.net article rearticulates the events rhetorically. Therefore, depending on what response articles a reader accesses, they may receive a different rhetorical understanding of the original event. For example, Bari Weiss of the *New York Times* chooses specific pieces of the original story to argue her point. Yet Weiss' retelling leaves out

several details present in Grace's original narrative.[34] Each article within the controversy becomes an interpretation of the events, rhetorically constructing what happened. Further, the rhetorical nature of these pieces is interconnected within the controversy. Julianne Escobedo Shepherd argues in a *Jezebel* article, "Because of the amateurish way the Babe report was handled…and the way it was written with an almost prurient and unnecessarily macabre interest in the minute details of their interactions…it left the subject open to further attacks, the kind that are entirely, exhaustingly predictable."[35] The constructed nature of these rhetorical retellings complicates how the incident is publicly understood. The impossible search for the truth--determining exactly what happened--becomes more important in the public discussion than what Grace is saying she experienced. Through the frame of the search for truth, Grace's narrative is dismissed as just her side of the story. But in terms of trying to understand how definitions of sex and sexualized violence are validated and marginalized, it is a very rich text.[36]

Starting with the Babe.net article as the main text, I then analyzed a representative sample of responses to that article in order to identify the various social scripts at play within the public controversy. I particularly focused on the articles that were the most read and circulated within the weeks following the publication of the Babe.net article. I also made sure to read all of the articles that were referenced or cited within the articles I read, to best understand how the responses of the public controversy were connected to each other. I attempted to read enough articles to gain a saturation of how the individualized perspectives within the public controversy connected to the conflicting social scripts in order to further explore how differing affected bodies use, modify, and challenge scripts surrounding sex and sexualized violence.

Social Scripts, Affect, & Embodiment

The Necessity of Studying Emotion

The study of emotions and feelings has often been marginalized in favor of thoughts and logic, due to the Western hierarchical duality between the mind and body.[37] There is a distinct cultural resistance to the intangible sentimentality surrounding emotion, despite the study of emotions having roots back to ancient Greece. Emotions are frequently held against rational thinking, labeled as irrational instead of rational, chaotic instead of ordered, unintellectual instead of reasonable, and therefore, presenting a danger.[38] Fortunately, many scholars, specifically feminist, critical, and queer scholars, are challenging these value hierarchies by arguing for the importance of emotions and the affected body.

Rationality and cognitive understanding are important aspects to human meaning-making but provide a flat picture of reality that does not account for all of the nuances of human behavior.[39] Humans are also moved affectively. Deborah Gould argues that instead of thinking of emotions as an interference with reason that should be removed from the public and political spheres, emotion can be "viewed as a crucial means by which human beings come to know and understand themselves and their contexts, their interests and commitments, their needs and their options in securing those needs."[40] Though studying emotional responses does give us insight into individual reactions, emotions are larger than individual affected feelings. Scholars, such as Sara Ahmed, draw attention to how our understanding of emotions opens up when we break the assumption that feelings are conscious, internal creations that start with an individual and only move outward.[41] Emotions can function socially, impact shared meaning, and affectively filter symbolic understanding.

Distinctions Between Emotions and Affect

The distinctions between emotions and affect are complicated. Their interconnectivity plays a role in how people understand the world and communicate their perceptions to others. The way emotions and affect connect to each other causes unclear boundaries in trying to distinguish their differences. For the purpose of my analysis, I am characterizing these two concepts by referring to emotions as the tangible way humans encounter the world—how we interact with things and people.[42] Affect is the processing—the body's continuous and "relatively amorphous inventory-taking" of our experiences.[43] By contrast, affect can never be fully grasped or realized because of its inherently indeterminant nature.[44] Instead of only recognizing emotions as tangible concepts to be valued, affect conceptualizes how the act of feeling flows through all interactions and phenomena. Gould clarifies that affect is the unspecified and unstructured bodily sensations filled with potential, whereas emotion describes when affect is actualized in the "flow of living."[45] Emotions can be named, but affect is uncapturable through symbolization, which complicates how we might rhetorically understand it. While emotions and affect are separate concepts, the illusive, slippery nature of affect is often amalgamated with the more tangible existence of emotion.[46] Gould explains how these concepts dance together:

> In practice, affect and emotions usually are simultaneously in play and can be difficult to distinguish. Affective states, for example, often generate immediate emotional displays, creating a sense that affect and emotional expression are one and the same. In addition, because human beings are oriented toward making sense of their experiences and expressing them to others, affective states can instantaneously be fixed into named emotions (although always incompletely). It is easy, then, to understand a named emotion or an emotional display as an expression of, and thus evidence of, a specific affective state or as the sum total of what someone is feeling. Doing so would ignore the unstructured, indeterminate, nonlinguistic, and noncognitive nature of affect, but I raise the point here to indicate that, in the flow of living, it is often difficult to disentangle affect and emotions and precisely demarcate one from the other.[47]

Because affect cannot be symbolically pinned down, it is incredibly difficult to study, understand, and extricate. Part of the complication of studying affect (and emotions, to some extent) is its ability

to exist outside of linguistic communication. Obviously, words and labels carry emotional appeal and can create affective responses, but language functions as a symbolic system which only represents a partial understanding of the emotional aspect of communication. The body's ability to communicate its feelings and understandings outside linguistic frameworks complicates meaning-making. Pulling from Kristeva, Ott and Keeling give the example of how pregnant bodies are in communication with their unborn offspring as an example of how the body communicates affectively outside of the sphere of language.[48] This example highlights pre-linguistic communication in a situation where linguistic communication is not available. It is equally important to recognize the body's ability to communicate outside of linguistic communication even when the option for language is present.

The affective processing of a body and the body's ability to communicate outside of linguistic communication is impacted by the positionality of that body. A person's social characteristics influence the affective way a person processes experiences, as well as how their subsequent emotional reactions are then read. My analysis deals with how different types of bodies understand intimate interactions with each other, as well as how people interpret the intimate interactions of others. Affect, or the constant, intangible processing of our experiences, deeply factors into people's actions and how they are understood within our culture.

Why Take the Risk?

The indiscernible nature of affect creates problems in analysis, risking the cross over into the realm of the irrational.[49] If the study of affect is problematic, what are the gains that make it worth the risk? Gould lays out three insights acquired from an affective ontology: 1) the complexity and indeterminacy of human motivation and behavior, 2) social reproduction and social change, and 3) meaning-making within social movements. Gould's goal is to reveal how focusing on affect can bring clarity to our understanding of political action and inaction. Matthew S. May echoes these

sentiments by contending that a reason scholars turn to affect is to "locate political value in the transformative power of the body," which puts emphasis on how the body is valued beyond its awareness of itself.[50] Recognizing affect highlights how emotional processing is continually impacting life outside of the body.

Another reason the risk is worth it is the benefit to bodies and groups marginalized by the hegemonic rationality of the current social structure. It is unsurprising that the study of emotions and affect is linked to the expansion of scholarship done by marginalized bodies. Rand argues, "Both the development and the deployment of the affective turn has found especially fecund grounds in the work of feminist and queer scholars, in no small part because feminist and queer scholarship often highlights gendered, raced, and sexualized embodiment, is attentive to the ways that the capacity to act is embedded within relations of power, and aims for the horizon of potentiality in unsettling the status quo."[51] A main motivation for scholars across disciplines tuning into affect theory is that affect demands we validate the role of bodies, not just how our particular bodies impact our understanding of the world, but also how social processes are embodied. Affect allows marginalized bodies to make meaning from their own emotions, perspectives, and experiences, located in their bodies. While the socialization of emotions can lead to further marginalization or invalidation of affective response, the acknowledgement of rhetorical affect legitimizes the experiences of different bodies and recognizes their ability to label and define their own experiences.

Social Scripts and the Affected Body

Social scripts manifest in our culture in a variety of ways. First, scripts function as normative guides for navigating social behavior.[52] Simon and Gagnon explain, "Scripts are a metaphor for conceptualizing the production of behavior within social life. Most of the time, social life must operate under the guidance of an operating syntax, much as language is a precondition for speech.

For behavior to occur, something resembling scripting must occur on three distinct levels: cultural scenarios, interpersonal scripts, and intrapsychic scripts."[53] Parker shows how these three levels are connected.[54] He starts with cultural scenarios, "systems of signs and symbols through which the requirements for the practice of specific roles are given," highlighting how Gagnon and Simon argue that the abstractness of cultural scenarios does not allow them to be applied in all situations. Parker explains, "The possibility of a lack of congruence between the abstract scenario and the concrete situation must be resolved by the creation of interpersonal scripts."[55] An individual's need to both script their own behavior and anticipate the scripted behavior of others creates an "internal rehearsal" or the intra-psychic scripting. These three levels of scripting emphasize the rhetorical connection between the body of an individual and the meanings produced in social interaction.

Social scripts function both as communitive tools used by individuals to navigate situations and as a way social stereotypes and expectations get scripted onto bodies. The social characteristics of an individual body impacts scripts at all of the levels. First, several theorists discuss how social messaging about different types of bodies, specifically from media, creates and influences social scripts.[56] Representations in the media reinforce how situations play out, contributing to our scripted knowledge of how to behave in social situations. Additionally, these expectations are also scripted on the body. Spieldenner and Glen describe this by showing how African American men have particular scripts in the U.S. that are "historically rooted racial projections onto the Black male body."[57] They explain that these assumptions remain as part of the text surrounding bodies regardless of whether an individual expresses or experiences these social assumptions. Social expectations scripted on a body have implications for how individual bodies interact with each other, particularly in intimate encounters.

Much of the scripting literature focuses specifically on intimate encounters or sexual scripts. Sexual scripts are determined through culture—shaped by history, laws, social interactions, and

expectations—creating meaning and desire as they enable individuals to predict the behavior of themselves and others in intimate situations.[58] Sexual scripts provide an understanding about the details of an intimate encounter, such as who is involved, what each participant should do, where encounters take place, and even what qualifies as sex.[59] Sexual scripts are sometimes referred to as static creations that reference how social behavior should play out, such as how La France describes the traditional sexual script where men are the initiators and women act as gatekeepers of sexual invitations.[60] Of course, there are many different sexual scripts continually developing and being remodified, some of which conflict with each other. This conflict can be seen in the double standards around femme bodies, which are often expected to resist sexual advances while being sexually powerful.

Scripting is a moving, evolving process, both at the individual and the cultural level. Instead of focusing on how different types of sexual scripts have been identified, I am more interested in the complicated way different scripts are accessed by bodies and how they conflict within intimate encounters. Doing so makes it important to think about how affect, or the continual bodily processing of emotional understanding, impacts both an individual's understanding of social scripts and how bodies read each other within intimate encounters. The Babe.net public controversy displays several different social and sexual scripts, with some conflicting each other. In her retelling of the intimate encounter with Ansari, Grace's description of the events that happened, along with her feelings in the encounter, illustrate the social scripts she believes she is accessing. She also expresses her reactions to Ansari's violation and dismissal of those scripts. In the public responses, there are examples of both support of Grace's scripts as well as different interpretations of the scripts Grace is using. We do not hear Ansari's perspective during the timeframe of the controversy, but he does discuss in his stand-up comedy special the following year how he has a completely

different understanding of what happened in the intimate encounter, indicating he may have been following different scripts.

Even though the untraceable nature of affect makes the rhetorical exploration of affected bodies a messy and risky endeavor, social scripts become a way to think about affect's involvement in interactions because of the connection between the individual and social meaning in social scripts. Parker explains when individual bodies try to reconcile their own behavior and the possible behavior of others with cultural expectations, that internal processing becomes the "symbolic reorganization of reality in ways that allow individual desires to be linked to social meanings."[61] Different bodies have different affected experiences, therefore, it is unsurprising that individuals link to these social meanings in different ways.

Differences in bodily experience have regularly surfaced as contributing to conflict within issues of sex and sexualized violence. Thinking about how an affected body impacts a person's understanding of social scripts, and then how those individualized views ultimately impact public understanding of social scripts, gives insight into how conflict within and surrounding intimate encounters can be created and perpetuated. One critique to utilizing affect within rhetorical criticism is we do not know how a person is feeling or the details of their embodied experience. But we do know how their (re)actions fit or push against social scripts, giving some indication of how bodies impact communication.

Locating how affected bodies manifest themselves in social relations and practices pushes against the assumption that feelings are internally individualized.[62] Gould addresses this complexity through her concept of *emotional habitus*—"the socially constituted, prevailing ways of feeling and emoting, as well as the embodied, axiomatic understandings and norms about feelings and their expressions."[63] Gould likes the term "habitus" because it highlights the "noncognitive, nonconscious, bodily, and indeed affective processes through which we become enculturated,"

illuminating the ways in which we are "unwittingly but willingly" scripted into the social.[64] While social scripts operate within public spheres, they are directly connected to individualized embodiment and identity. Gould's concept of emotional habitus highlights these connections between the individual and the social in terms of feeling. Expanding this concept, I am interested in the ways differing bodies access social scripts, and then how those scripts and bodies are (de)valued within public discourse. I am not trying to analyze for emotion or affect in and of themselves, but rather explore the ways different affected bodies may access, participate in, reject, or change social scripts.

Marginalized Bodies: Gender and Race as Sexual Scripts

The social characteristics of a body create the standpoint from which the body is affectively processing reality. Throughout the last section, I referred to the differences of bodies, noting how individual bodies are connected to socially (re)iterated expectations. The study of affective processing and its role within social scripts necessitates the recognition of how the complicated interplay of social characteristics, such as gender, race, class, etc., impacts intimate encounters and their subsequent discourses. A person's physical association to socially understood ideas of personal characteristics creates differences in positionality, emotional processing, and individualized understanding at the micro level, but also connects the body and its experiences to social expectations within the larger societal landscape of the macro and meso levels.

It is imperative to recognize how differing social characteristics impact the affective interactions of bodies within intimate encounters and their discourses, particularly identifying how power is involved in the social manifestations of these pieces of identity. Notions of power are always complicated, especially within the nexus of intersections. The Babe.net controversy highlights complications of power dynamics between bodies because the individuals involved each have characteristics associated with both privilege and oppression. In the case of Grace and Ansari, both

of their bodies fit historically marginalized groups in differing capacities, leading to complicated notions of who has power within the situation.

The intersections of race and gender within the Babe.net public controversy must be recognized to fully understand how social scripts are functioning. Previous sections of this dissertation focused on the ways gender differences complicate sexual interactions, specifically how the sexuality and preferences of femme bodies are systemically oppressed within our American culture. I also indicated how it is necessary to identify the intersections, such as how race impacts gender. The Babe.net controversy forces the realization that these intersections do not always align to create clear understandings of power dynamics. Grace's narrative aligns with the numerous other women who have come forward to accuse a male body of sexualized violence. However, the racial implications of a white woman accusing a man of color of sexualized violence associates this incident with the long, complicated history of how sexualized violence has been racialized.

Bodies are always raced, even when, often especially when, race is absent from discourse. As detailed in the analysis, some of the responses to the Babe.net article recognize race as a factor within the intimate encounter and the public controversy, but many of the responses do not take into consideration the racial implications of the situation. Lisa Flores reminds us of our responsibility as rhetorical critics to consider race in our work:

> Prompted by these various insistencies that rhetorical criticism—the study of rhetors and audiences, of public and presidential address, of bodies and meanings, of politics, culture, and practice—is, at its soul, deeply invested in meanings and matters, in judgment and evaluation, I maintain that race is foundational to the work of rhetorical criticism and that any criticism void of this consideration is incomplete, partial, if not irresponsible.[65]

The purposeful recognition of race within rhetorical scholarship works to interrogate societal spaces that further racial oppression by picking and choosing when to discuss race and when to mark it as absent through lack of acknowledgement. For example, Park, Holody, and Zhang discuss how race functions in media coverage of school shootings, pointing out how a "race" angle is absent in cases

where the perpetrators are white, but the mention of race and ethnicity in cases of non-white perpetrators furthers their "otherness," especially if they belong to groups who are already marginalized or viewed as dangerous.[66] In terms of the meso level, race factors into how rhetorical acts and social movements are perceived. For example, Winderman highlights how aggression and anger within the #MeToo movement has been influenced by racial dynamics.[67] Interrogating the racial pieces of a rhetorical incident or movement reveals the power dynamics of intersecting aspects that service whiteness while devaluing non-white perspectives.

The boundaries of sex and violence are particularly racialized. Historically, white women are represented as helpless victims and Black/Brown men are represented as dangerous sexual predators.[68] This trope has been produced and perpetuated within our American culture by institutional systems, the friends and relatives of white women accusers, and white women themselves. A few of these cases have hit our social consciousness, such as the Emmitt Till case in 1955. Yet, even with egregious examples, such as Till, where the white woman eventually admitted Till never abused her and the men who murdered Till were released, there are still examples of this dynamic in American society.[69] Conflict within intimate encounters that fit the trope of a white woman accusing a man of color of sexualized violence connect to multiple complicated social scripts. Although the script of a man endangering a woman is still present, it is complicated by the addition of the stereotypes given to men of color. There is also a connection to historical instances of white women falsely accusing men of color because of these harmful socially perpetuated stereotypes. These social scripts are woven together, impacting how individual instances are perceived by the public.

The rhetorical nuances of white women accusing men of color within an intimate encounter are further complicated by the ways different races are constructed in American culture. For example, pan-Asian American masculinity is scripted very differently than Black masculinity. In her

analysis, Ali Na argues Ansari is framed as being "simultaneously desexualized as sexually undesirable *and* sexually deviant in his noncompliance with white normative masculinity," contending that the conflicting feminist responses reflect the historical American cultural understandings of racialized masculinity and sexuality.[70] Race is clearly not the only aspect at play, and is inseparable from the sex/gender dynamics within the intimate encounter and the subsequent responses. Na explains how race is not indicative of innocence or guilt, but "operates to infiltrate social conceptions of guilt and innocence."[71] The recognition of race continues to complicate how scripts are at play, how bodies are viewed within the situation, and how power dynamics are being interpreted.

Analysis: The Conflicting Social Scripts of Consent, Agency, and Violence

The Babe.net controversy displays how the differing social scripts accessed by different bodies can conflict within intimate encounters and then manifest with public controversy over those intimate encounters. This analysis seeks to tease out the connections between the affected body and the social scripts employed to make meaning within intimate encounters.[72] The navigation of social scripts is complicated by how each script is distinctive but also intertwines with other scripts. In the same way a tapestry has multiple individual strands which weave together to form the larger fabric, a multitude of individualized social scripts weave together to form social and cultural communication. The connection between individuals and these scripts is co-constitutive—people are impacted by the cultural social scripts while impacting those scripts through their own behavior. Additionally, social scripts impact each other, complicating how meaning might be understood. In what follows, I examine the conflicting nature of social scripts within the Babe.net controversy. I have identified three general areas of scripts where there is conflict—consent, agency, and violence. While I am pulling out these strands, I acknowledge that they are inextricably woven around other social scripts.[73] Analyzing Grace's recounting of the incident and exploring the responses to her narrative

gives insight to how shared meaning in dyadic encounters is impacted by individualized, socialized bodies and how those bodies, in turn, impact sexual scripts.[74] To trace how conflict is produced from the different ways affected bodies understand and connect to social sexual scripts ultimately demonstrates how power dynamics are at play within intimate encounters and their connected discourses, revealing the complicated impacts of dominant discourses in our culture.

Scripts of Consent

Currently, consent operates at the crux of public definitional conflict around intimate encounters. Since consent is culturally seen as the separation between sex and violence, public discourse surrounding sexualized violence often circulates around how to categorize intimate encounters. These debates create "a neatly halved sexual universe, in which there is either assault or there is sex positivity."[75] Though this is far too simplistic to include all actual lived experiences, this binary often becomes the measure for how sexual scripts are read—if there is consent, an event can be labeled as sex. If there is not consent, the event is labeled as sexual assault. This false dichotomy creates a scenario where there is a lot at stake for where and how an incident is rhetorically situated. Grace herself acknowledges the perceived binary, stating, "It took a really long time for me to validate this as sexual assault…I was debating if this was an awkward sexual experience or sexual assault."[76] This split exposes the multiple conflicting social scripts at play, highlighting the complexity of communication around consent, as well as questioning who has the power to value scripts of consent in order to determine the meanings that prevail. Consent is sometimes simplified as the act of just saying yes or no, but Grace's story illustrates the complicated nature of how bodies physically communicate boundaries.

Grace's narrative clearly shows that Grace believes she did not give consent to the physical acts that were initiated. Way, the author of the article, recounts a text message Grace sent to her friend on the Uber ride home: "'I had to say no a lot. He wanted sex. He wanted to get me drunk

and then fuck me.'"[77] Interestingly, Grace only recounts one time where she verbalizes saying the word no. Leading up to this one instance, Grace explains that she "used verbal and non-verbal cues to indicate how uncomfortable and distressed she was."[78] In the Babe.net article, both Grace and Way accent these instances as clear markers of her not giving consent, conveying the affected essence of "no" without invoking the actual word. For example, Grace describes how, "'He probably moved my hand to his dick five to seven times…he really kept doing it after I moved it away.'"[79] Her action and his reaction here shows how it is normalized for physical communication within intimate encounters to be interpreted in multiple ways. In many other social situations, pulling one's hand away signals the socially shared understanding of not wanting to touch or be touched. But cultural sexual scripts dictate women repeatedly reject and men repeatedly pursue. This is in clear conflict with scripts that signal rejection in the act of pulling the hand away.

There is certainly merit analyzing the value and critiquing the different sex scripts surrounding consent, such as demonstrating how women's choices are marginalized in the script of repeated rejection and pursual. However, I am more interested in interrogating the implications of when different scripts are being used within intimate encounters and their discourses, specifically who has the power to determine the dominant script. These actions go beyond non-verbal communication, as the behaviors of the body carry with them emotions, intentions, desires, and social expectations. This type of affected interaction highlights how more is happening beyond a straightforward action—both bodies are communicating what they want and what they expect. Within that communication is also the acceptance or denial of what the other person is communicating. While there is no way to know why Ansari moved Grace's hand back, we do know his action counters hers.

Grace describes how she used her body to indicate she was not okay with what was happening. She explains, "'Most of my discomfort was expressed in me pulling away and mumbling.

I know that my hand stopped moving at some points…I stopped moving my lips and turned cold."[80] Grace describes how her body communicated lack of interest and displayed bodily autonomy. She moves her hand away, indicating she does not want it there. Grace stops moving her lips and turned cold in hopes of communicating with another person that she does not want what is happening to her. These actions connect to socially shared meaning, enacting and becoming part of the scripts that argue consent must be given clearly and enthusiastically. Grace's description of her embodied experiences connects to the larger social discussion of consent; her bodily knowledge becomes part of and impacts the social scripts around consent. If sex is seen as a mutually enthusiastic event, she is clearly communicating she does not want to participate.

Consent has gone through many different iterations in our culture, from "no means no" to "yes means yes" to enthusiastic consent. But despite its evolvement, consent still involves the complex communication of different bodies that have been socialized within our culture. In her response, Garber explores the paradox of "no," entertaining why other means might be seen as sufficient for not consenting in a sexual instant. Garber argues, "The Ansari story, as told by Way, is on top of everything else one of a woman who tried, repeatedly, to communicate 'no' without actually saying it—until, finally, she had no other choice."[81] Garber gets at the complication of communication within consent, maintaining that the story of Grace and Ansari is at once an inversion and an endorsement of the #MeToo movement recognizing structures of power. Public dissention around Grace's narrative in the Babe.net article overshadows the fact that Grace and numerous responders read these actions as not giving consent. Individuals claiming violence against their bodies are allowed to have power, but only if done correctly in terms of social standards—only if the actions count for what can be culturally recognized as not consenting.

This specific situation is further complicated by Grace being a non-famous white woman who is accusing a well-known Asian American actor and comedian. Since context plays such a large

role in how the public judges consent, these standards are constantly shifting. One main contextual piece contributing to how consent scripts are interpreted deals with how risk or danger is read within the situation. Implicitly woven into the responses that critique Grace's actions is the assumption that she was not in danger and had the ability to act differently without being harmed. These assumptions are formed because of the specifics of the situation, such as who the other person is and how their body is read. Ansari is potentially interpreted as non-threatening because of the social assumptions around his race in general, and his specific comedic persona. Na argues that Ansari's public image involves how the characters he plays are usually similar to his own identity categories.[82] Thus the way he is represented, both as an individual comedian and as an Asian American male, impact the response to Ansari in this incident[83]. In American culture, Asian men are often read as non-threatening and asexual, and Ansari's small stature reinforces the perception that he is not a threat. Black and Latino men, on the other hand, are often read as threatening to white women regardless of their actions. Both racialized social scripts are a form of power that influence perceptions of consent, sex, and sexualized violence. If Ansari is read in a way that is non-threatening, it is easier to assign Grace responsibility for confirming consent because there is no danger in doing so.

Unfortunately, public recognition of consent is a moving target, with the responsibility placed on the victims/survivors. Saying "no" is socially recognized as a clear sex script, yet this is not realized within all situations. Ansari's response states that the sexual activity was completely consensual "by all indications."[84] His and other responses illustrate how social scripts work to validate or marginalize behavior within public discourse. If the author of the response accepts the social scripts Grace is accessing and validates Grace's description of events, they will read her affected body as communicating the lack of consent, therefore interpreting Ansari's actions as a violation of that boundary. But many authors do not validate her actions. In a *New York Times*

editorial, Bari Weiss gives a dramatic retelling of the only instance in which Grace uses the word "no" in her story:

> At last, she uttered the word "no" for the first time during their encounter, to Mr. Ansari's suggestion that they have sex in front of a mirror. He responded, "How about we just chill, but this time with our clothes on?" They dressed, sat on the couch and watched Seinfeld. She told him, "You guys are all the same." He called her an Uber. She cried on the way home. Fin.

This interpretation changes the details Grace describes in her narrative by picking and choosing which details to include. For example, Weiss leaves out the detailed description in Grace's account of Ansari's sexual actions towards her after she says "no."[85] Weiss' reaction not only assumes Ansari's actions as non-threatening, but also blatantly rejects Grace's bodily communication as valid. Interpretations such as Weiss' marginalize Grace's communication in favor of the social scripts that normalize behavior like Ansari's within an intimate encounter. Instead of Ansari violating boundaries, it becomes a case of Grace and Ansari wanting different things and Grace just not getting what she wants. These public interpretations depend on how Grace and Ansari's bodies are being read, how their social scripts are being interpreted, and how their actions are being publicly valued.

Even though the actions of both Grace and Ansari are being evaluated (both explicitly and implicitly), many responses place the responsibility of the situation on Grace's actions. The way her actions are read by the public are complicated by the various, shifting consent scripts that exist around intimate encounters. Grace states, "I know I was physically giving off cues that I wasn't interested. I don't think that was noticed at all, or if it was, it was ignored."[86] Another possibility is her behavior is being read through the social scripts where women moving away is an invitation to follow. There is a plethora of media examples, such as romantic comedies, where the rejection of a woman is encultured as an invitation to fight harder. Grace also describes how Ansari would not allow her to move away, recounting how she would move, and then he would follow her and stick

his fingers down her throat again—"It felt like a fucking game."[87] In many ways, our culture normalizes this "game," connotating a pulling away as a challenge instead of a legitimate decision of an autonomous body.

While it is impossible to know how Ansari read her actions, there is an ability to read Grace's actions within our culturally accepted scripts around sex. Caitlin Flanagan of *The Atlantic* demonstrates how Grace's actions are connected to these socially expected scripts by using them to interpret Grace's actions and limit her choices within the situation:

> Was Grace frozen, terrified, stuck? No. She tells us that she wanted something from Ansari and that she was trying to figure out how to get it. She wanted affection, kindness, attention. Perhaps she hoped to maybe even become the famous man's girlfriend. He wasn't interested. What she felt afterward—rejected yet another time, by yet another man—was regret. And what she and the writer who told her story created was 3,000 words of revenge porn. The clinical detail in which the story is told is intended not to validate her account as much as it is to hurt and humiliate Ansari. Together, the two women may have destroyed Ansari's career, which is now the punishment for every kind of male sexual misconduct, from the grotesque to the disappointing.[88]

Flanagan makes detailed assumptions about Grace—her feelings and motives—based on interpreting her actions within cultural expectations, such as what women want or need in an intimate encounter and what they will do if they do not get it. Responses like Flanagan's limit Grace's options—the only way she can opt out of the situation (the game) is to leave, which assumes she is safely able to do so. Flanagan references that each of them want different things, but she privileges Ansari's desires over Grace's. According to this author, Grace has the responsibility to leave, whereas Ansari is not given the responsibility to change his behavior. Grace is not even able to validate her own experiences within the intimate encounter without it being read as "humiliating" the person she is with, while Ansari's actions are not read in the same way.

These dominant assumptions around both Grace and Ansari's bodies influence the communicative nature of intimate encounters, as well as impact how the public reads and categorizes narratives like Grace's and bodies like Ansari's. Many of the responses do not code

Grace's behaviors as refusals of consent, but rather normalize them as common within consensual intimate encounters. Weiss claims Grace was angry at Ansari for not being able to read her mind.[89] Responses of this nature de-privilege Grace's affected body, dismissing the social scripts Grace is using, while dismissing Ansari as non-threatening and overlooking his behavior. In multiple other social situations, Grace's physical actions would be clear markers of her communicating "no," but our social understanding of sexual intimate encounters differs from other social interactions. Public incongruity also indicates that socially normative scripts are more important than an individual's understanding of their experience. Grace clearly states in her narrative that Ansari's acts were a violation to her. Responses that dismiss these claims, such as the ones by Weiss and Flanagan, take away the locus of power from Grace's body. This not only denies Grace's desires and individual assessment of the situation, but also rejects the social scripts which validate the bodily autonomy of similar bodies.

Scripts of Agency

Agency deals with the ability individuals have to act, connecting their ability to make choices with the resulting impacts. Agency refers to the control a person has to influence what happens to them, and is often associated with power, specifically over one's thoughts, feelings, and actions. Discussions of agency almost always involve the tensions between personal actions and social constraints—though a person may have agency over themselves, that control only extends as far as social constructs allow. As the previous chapter highlights, sex scripts rely on the agency of individuals, and written in those scripts is the assumption that those individuals have control over what happens to them in an intimate encounter. However, the Babe.net public controversy reveals several conflicting scripts of agency, complicating how power functions for the individuals involved.

In many ways, Grace is given agency within the situation. First, by giving the interview to Babe.net, Grace asserts agency over the situation by dictating the first public account of what

happened on the date. Grace gets to be the one to tell her story and articulate her experiences. Some responses give her even more agency. In Flanagan's response, as quoted in the previous section, she makes Grace the agent in most of her sentences. Grace is the one who has the power to "hurt and humiliate" Ansari. Grace, along with Way, have the power to "destroy" Ansari's career. While agency is often seen as something to be valued, sex scripts attach responsibility to agency. Grace is the one held accountable for what happened, with the discourse circulating around her choices. Sonny Bunch of *The Washington Post* displays this attachment to responsibility pointedly in the last line of his essay. Bunch argues that news stories such as the one published in Babe.net take away attention from other, more abusive incidents. He quips, "But, hey, who has time for all that when we're leering and gagging at the thought of Aziz Ansari maladroitly pursuing a grown woman who regretted her decisions?"[90] Ansari's behavior is labeled as "maladroitly"—awkward, bumbling, or tactless and again, it is important to question how Ansari's social characteristics, specifically his race, influence this image of him. Conversely, Grace's decisions are the one's focused on, specifically that she "regretted" the choices she made. The normalization, and even dismissal, of Ansari's behavior, as just awkward or inept, puts the focus on Grace's actions and attaches the responsibility to her choices.

The focus on Grace's actions is further shown in how several of the responses argued Grace had more agency than she exercised. For example, leaving is marked as the ultimate refusal, with much of the discourse centering around why she did not leave sooner. The agency falls to Grace to alter her behavior in the moment instead of assigning Ansari agency to alter his behavior so she would not need to leave. The public centers the responsibility on Grace, leaving her with a limited choice: She can either stay and be fine with whatever Ansari wants to do or she can leave. There is no space within these agency scripts for Grace to stay and make choices within the intimate

interaction. In many ways, this choice limits Grace's agency, both within the situation and in terms of how the public reads her choices, and allows critics to claim she could have asserted more agency.

Grace's narrative shows multiple instances where Grace expresses a lack of agency over what happens to her and her body. She cites multiple examples of her actions being immediately contradicted, dismissed, or countered. She moves her hand away; he puts it back. She moves away from him, he follows. She describes several things he does to her physically that she does not know how to stop or alter. She states, "I just felt really pressured" to do the things he asked her to do. After she physically stands up to remove herself from the situation and says, "no, I don't think I'm ready to do this, I really don't think I'm going to do this," he later "kissed her again, stuck his fingers down her throat again, and moved to undo her pants."[91] It is difficult to reconcile the claims of agency by responders like Flanagan and Bunch when Grace's description of events gives so many examples of her not being listened to, her suggestions not being taken, and her actions not being recognized.

Grace is held responsible for both the choices she makes and the choices she does not make. This focus on Grace's choices shields Ansari from responsibility for his choices. There is not a focus on Ansari's agency—many do not question why he did not change his behavior based on her actions. These conflicting social scripts of agency decenter bodies like Grace's, while still holding them responsible for what happens.

Scripts of Violence

The violence infused within our social scripts is complicated by the various forms violence can take. Additionally, some forms of violence are more likely to be socially recognized as violence, whereas others have been more normalized into our social interactions. Extending this, *sexualized* violence also has scripts that have been more recognized as violence than others. A main reason that Grace's narrative received such conflicting public responses is that it does not fit neatly into the

current public connotations of sexualized violence. The normalized connotations of sexualized violence allow public responses to Grace's narrative to dismiss the idea that Grace's situation could be considered violent. In her response, Framke describes Grace's story as painting "a picture of lines blurring and solidifying and blurring again, a situation so banal that calling it sexual assault would mean that sexual assault is deeply, inescapably omnipresent."[92] To code this situation as sexualized violence would force the public to reconcile the violence within common social scripts of heterosexual intimate encounters. Currently, theses normalized sexual scripts are often inherently woven with the violation and marginalization of certain bodies' needs, desires, and emotions. Leading up to the Babe.net controversy, previous cases of sexualized violence in the #MeToo movement which hit public consciousness were situated more firmly within the accepted narratives of sexualized violence, strengthening the binary of sex and sexualized violence within the public eye. However, Grace's story critiques engrained and socially accepted norms, questioning the normalized violence within intimate encounters.

Part of the challenge of identifying social scripts of sexualized violence is that they have shifted throughout the years, making it easy for comparison to function as a way of dismissing violence within intimate encounters. Many of the acts we as a society now include in sexualized violence were not seen as violence at other points of our history. Therefore, comparison is often used in justifying those acts as violent, while dismissing instances that are not as obviously violent. In his opinion piece for the *Washington Post,* Sonny Bunch states:

> The #MeToo movement's story has been a relatively straightforward one that garners support from both sides of the aisle and all decent people, because it is a tale of how powerful people humiliate and subjugate those who want nothing more than a chance to chase their dreams. The babe story is not about this. It is about a date that went badly, one that did not live up to the expectations of the woman involved."[93]

For people like Bunch, "badly" is not enough to warrant the label of violence because other examples are easier to constitute as violence. Since those other examples are culturally accepted

situations of sexualized violence, and Grace's experiences are different, her experiences are excluded from being labeled as sexual assault.

In many ways, social scripts of agency enhance understandings of violence, maintaining that victims/survivors should be able to avoid violence, to a certain extent. The #MeToo movement pushes against this script, working to remove the responsibility from the victim/survivor. However, several responses from people who identify themselves with the movement argue that this case did not fit the script of sexualized violence. Flanagan recounts, "The world in which [Grace's narrative] constituted an episode of sexual assault was so far from my own two experiences of near date rape…that I just couldn't pick up the tune."[94] Using personal experience as the emotional standard of sexualized violence was common in the responses to Grace's story. Some people use their personal experiences to lead them to critical reflection in order to validate Grace's story, such as Abby Honold illustrates in her beautifully nuanced blog post.[95] But others used their similar experiences to dismiss Grace's experiences; since they do not consider their similar situations sexualized violence, Grace's also do not fit. Weiss writes:

> I'm sorry this woman had this experience. I too have had lousy romantic encounters, as has every adult woman I know. I have regretted these encounters, and not said anything at all. I have regretted them and said so, as she did. And I know I am lucky that these unpleasant moments were far from being anything approaching assault or rape, or even the worst night of my life.[96]

Using personal experience to understand another person's sexual experiences often leads to empathy, especially in a culture where definitions are volatile, and shift based on context. Experiences can be one of the ways individuals and groups find shared meaning within a definitional crisis. But many of the responders who used their own experience or judgements to define sexualized violence actively dismissed Grace's personal experiences. Grace states that she now sees this event as being sexual assault, claiming, "I was violated…That that whole experience was actually horrible…I believe that I was taken advantage of by Aziz. I was not listened to and ignored."[97]

Ignoring Grace's claim that she felt violated refuses her the ability to define her own experiences and privileges certain bodily definitions over others based on how they do or do not align with socialized norms of sexualized violence.

The calls for Grace to enact more agency ignore the potential cultural scripts of violence. Responding to Grace's narrative has the benefit of knowing the outcome, but Grace is recounting decisions she had to make in the moment of the encounter. We currently live in a culture where it is a regular occurrence for women to be assaulted, harmed, and even killed for rejecting men's advances.[98] While we might associate this type of violent behavior with established relationships, violence happens in all types of situations, included situations where women do not know their attacker very well.[99] This phenomenon is so engrained in our cultural scripts of heterosexual interaction that even *Playboy* has an article detailing the danger of male rejection.[100] The unpredictable reactions of males is a well-documented script of violence. However, this script is impacted by how bodies are racialized. In some ways, Ansari's body is othered because he does not fit the convention of white male masculinity. While some scripts might ascribe danger to a masculine "other," Asian men have historically been feminized within American culture.[101] The emasculation of Ansari's body dismisses his ability to be violent, causing some responders to ignore the potential risks of the situation.

The responses that call for Grace to have behaved differently ignore some of the potential outcomes of those choices. For many bodies, violence is always a potential, a fear that could become reality at any moment. Thousands of women are dying each year for saying "no."[102] For many bodies, the possibility of violence is always present within intimate encounters, which then impacts how sexual scripts are enacted.

The Positionality of the Affected Body

Tracing the conflicting social scripts within the areas of consent, agency, and violence draws out how bodies use social scripts differently based on their experience, positionality, and emotional processing. These concepts are often discussed with the assumption that they have shared meaning within our society. And yet, bodies have been encultured in different ways, causing them to have different affected understandings of what constitutes as consent, agency, and violence.

While this may seem like a simple assessment, the impacts that come from bodies accessing social scripts differently is anything but simple. Exploring the nuances of the social scripts in these three areas demonstrates how the public valuing of intimate encounters is impacted by positionality. The analysis emphasizes the cultural phenomenon of how it can be difficult for individuals to understand how another affected body accesses a certain social script if it does not match their paradigm. This is especially underscored when a person's experiences push against dominant scripts. If a person can empathize, they are more likely to support a victim/survivor. But lacking empathy, an individual defaults to their own definitions based on the scripts they recognize.

In her response to the Babe.net controversy, Molly Roberts observes, "In the wake of the Ansari allegation, women seemed able to agree on one thing, or at least a variation on it: 'I don't think there's anyone who doesn't know a woman who has experienced this.'"[103] Despite this consensus, opinions split on how an experience of this nature should be labeled, ranging from deeming the behavior as normal to some arguing most women have experienced sexual assault. Many of the responses situate Grace's narrative in relation to themselves. Alcantara reflects, "When I read the account, I didn't see anything wrong with it at first. Yet, I was incredibly triggered by the account and felt disgusted. I've had similar encounters, and this story validated my own experiences."[104] The embodied experiences of others are able to be understood through social scripts. But Alcantara also demonstrates how these scripts normalize the marginalization of certain bodies. This marginalization is reinforced by those who do not validate Grace's narrative *because* of

their personal experience. When Grace's account, and the emotions associated with the experience, do not align with how the individual understands sexualized violence, Grace's narrative is easier to dismiss.

One issue that comes out of this analysis is how personal experiences lead to shared meaning within subgroups. Instead of operating only on an individualized basis, personal experience and empathy problematize larger socially constructed understandings to create groups with shared meaning. However, the ways these experiences translate to publicly shared meaning is complex. As demonstrated above, it is not as simple as everyone who has similar personal experiences has empathy for each other. Rather, the body is a complicated site of social characteristics that impacts a person's embodied experiences. Situations like Grace's are complicated by our social stereotypes around empathy. We have a social stereotype of who is able to be empathetic—who is able to tap into differing social scripts and meet people where they are within their own experiences. But when there are divisions within groups that are expected to be supported, inequalities are highlighted. The responses that dismiss Grace's experiences by defaulting to socially normative scripts emphasize the nuanced privilege assumed of bodies. It is much easier to support a normative script if it does not directly impact you. For example, it is easier for Weiss to argue for leaving if she believes she could have left. But not all bodies have the ability to leave in that situation. The reinforcement of these dominant social scripts underscores the fact that some social scripts are easier for some bodies to access. The subgroups that form seem to indicate different understandings of experiences and privileges within the discourse of sex and sexualized violence.

The divisions in understanding among previously united groups could also indicate the impact social characteristics have on the public's interpretation of how scripts are functioning. Although the focus of most of the responses that push back against Grace's definitions of the situations focus on her actions and body, Ansari's body also impacts the way the intimate encounter

is publicly understood. Ansari's gender and race impact how his sexuality is publicly viewed and valued. Ansari's race is inextricably linked to his characters and public persona, which evoke assumptions about him as an Asian American man. Several of the responses that pushed back against Grace's narrative pointed out that this situation did not have similar power dynamics as previous #MeToo accusations, specifically referring to how Ansari did not have power over her in a work situation. But dismissing the power dynamics within the situation because they do not match previous examples ignores the complex undercurrents present within heterosexual encounters. It is important to inquire how much of this dismissal is impacted by how Ansari's raced body is read within the intimate encounter.

Despite the large amount of conflict around the Babe.net article, there seems to be an agreement about how common these types of experiences are in American culture. Roberts argues in her response that the commonality of this type of sexual experience says less about Ansari and more about the gendered, social understandings of sex.[105] The general understanding of personal experience seems to indicate shared emotional understanding at some level, specifically around the commonality of sexual situations of this nature. But the varied reaction to these experiences' points to the body as a space of complicated communicative understanding. For example, Weiss argues, "the solution to these problems does not begin with women torching men for failing to understand their 'nonverbal cues.' It is for women to be more verbal. It's to say, 'This is what turns me on.' It's to say, 'I don't want to do that.' And, yes, sometimes it means saying goodbye."[106] Putting herself in the situation, Weiss is able to find the solution based on her own capabilities. The call to these "solutions" ignores Grace's affected body within the intimate encounter, placing the responsibility on Grace as being able to avoid or change this unwanted situation. Weiss' response does not hold Ansari's actions to the same standard; he is not responsible for asking if she wants these actions. Her response also leads us to wonder if she would feel as capable in all intimate encounters of this

nature, or if her response is impacted by Ansari's persona as a non-threatening Asian American comedian.

Jackson Katz critiques the idea that women and other persecuted bodies should be responsible for changing sexualized violence, revealing how damaging it is to place the focus and responsibility on victims/survivors and their choices. Using the fictional scenario of Mary and John, he argues:

> Let's be clear. Asking questions about Mary is not going to get us anywhere in terms of preventing violence. We have to ask a different set of questions and you can see where I'm going with this, right? The questions are not about Mary, they are about John. The questions include things like, why does John beat Mary? Why is domestic violence still a big problem in the Unites States and all over the world? What's going on? Why so many men abuse physically, emotionally, verbally and in other ways the women and girls and the men and boys that they claim to love? What's going on with men? Why do so many adult men sexually abuse little girls and little boys? Why is that a common problem in our society and all over the world today? Why we hear over and over again about new scandals erupting in major institutions like the Catholic Church or the Penn State Football Program or the Boy Scouts of America? On and on and on! And in local communities all over the country and all over the world. We hear about it all the time – sexual abuse of children. What's going on with men? Why do so many men rape women in our society and around the world? Why do so many men rape other men? What is going on with men?[107]

It is startling to think how different the responses to this public controversy would look if the focus was on Ansari's actions instead of Grace's: Why does Ansari continue to touch and pursue Grace even after she tells him she does not want to have sex? Why does Ansari have her stay there if what he wants does not align with what she wants? Why doesn't Ansari have her leave when he realizes she does not want to have sex with him? I mirror these as the parallel questions being regularly asked about Grace. Yet, these questions do not easily come to our social tongues, for they ask us to interrogate the power dynamics normalized on gendered and raced bodies within intimate encounters.

Conclusions

The long history of understanding consent, agency and violence within intimate encounters in our culture feeds into how we currently discuss those scripts. However, the magnitude of

movements like #MeToo gives a unique space to explore how these scripts are continually evolving. Other incidents, such as the release of the story "Cat Person" in December 2017, have also challenged these messy boundaries of consent and highlighted how they are socially discussed.[108] But the Babe.net controversy is distinctive in how it exposes these conflicts within an actual intimate encounter with this larger movement of change.

As this analysis highlights, sexualized violence has precarious definitions at the meso level which are currently determined by socially normative scripts. Grace's narrative is clear that she believes that her body was violated. However, this definition is critiqued by some of the public responses, demonstrating how meaning making is processed at the meso level. The conflict within the public controversy shows how definitions are established beyond the victim/survivor, marginalizing their experience. While some responses do support Grace, much of the public sphere deems Grace's affected definitions as, at best, one of many factors, and, at worse, an vindictive overreaction. While this is unsurprising for our current culture, the details of this public controversy do trace understandings about how personal experiences and cultural assumptions intersect with social scripts within this definitional crisis.

The binary thinking around sex and sexual assault narrow the definitions to include some experiences while dismissing others. This division is solidified by using comparison as a way to judge the happenings within intimate encounters. For example, in order to support the claims that Grace's experience is not sexual assault, Bunch details the story of actress Eliza Dushku, arguing her more important story got lost in the news cycle. "Dushku…accused a then-36-year-old stunt coordinator of molesting her at the age of 12. It's a horrifying story, every parent's worst nightmare — and an actual crime, an actual abuse of power and trust."[109] Comparing Grace's narrative to other stories that have been held up to the false binary of sex versus sexualized violence and been found definitively as sexualized violence complicates how culturally constructed emotional scripts are

attached to our discussions around consent, agency, and violence. Labeling a story as legitimate needs other stories defined as illegitimate for comparison. Instead of looking to the bodily knowledge of the individualized narratives, those evaluating the situation in the public eye compare and contrast incidents from their own viewpoints. Continuing to operate competitively for these labels further limits how affected narratives could help us understand the complexities of sexualized violence. The de-privileging of self-labeling is reflected in the systems that govern sexualized violence. The dismissal of Grace's affected body calls to who has the power to define a situation, how the specific details of that situation may impact the public's labeling, and how communication functions both within these interpersonal incidents and in the culture reading them. I am not arguing that the affected body's definition should be the only one. But currently, it is not even universally recognized as an option within public discourse. This controversy happened within communities who are supportive of movements such as #MeToo. If these communities are unable to validate the narratives of bodies such as Grace's, there will be an even larger challenge when moving to even more contested spaces, such as the legal sphere.

To privilege outside definitions over the affected body continues to marginalize how bodies understand their experiences and contributes to reaffirming oppressive social norms. It is problematic to have an outside group determining whether someone counts as a victim/survivor if they themselves define as one, just as it is problematic for an outside group to determine they are one if they have not defined themselves as one. Basing understanding on shifting, re-constituted definitions is not always problematic, but when combined with the marginalization of the affected body, these predisposed definitions impact how sexualized violence is culturally understood. Having the public determine if others are *actually* victims and survivors reinforces the myth that these concepts have stable definitions and ultimately harms our continuing understanding of how consent, agency, and violence operate in public discussions.

The shift of sexual assault from an event seen as caused by strangers in the dark to an issue that most often happens with someone you know and trust was fundamental in the continual understanding of sexualized violence. Similarly, rhetorical critics must continue to examine how controversies and everyday discourses define consent to help inform our understanding of how the public conceptualizes sexualized violence. I am not suggesting we shift the focus away from victims and survivors, but we should interrogate the socialization of individuals perpetuating harm who are involved in these situations. We must question how we as a society can contend with individuals, such as Ansari, who claim to not realize the implications of their behavior. Moreover, our current cultural avoidance of discussing nuances surrounding these incidents for fear of being labeled on one distinct side or another limits our ability to intervene and foster better definitions. The labeling of events matters for how those events are understood socially. An incident deemed as sexualized violence receives specific recognition and resources, whereas an incident which is not coded in this manner is denied those privileges and is potentially shamed for attempting to mask as sexual assault. These definitions are not operating in isolation. They are connected to other definitions and, for many of us, our core identities.

When I finally committed the emotional energy to reading the Babe.net article, I found myself empathizing with the situation because of my own experiences. When I read the numerous responses that discredited Grace's perspective, I found myself unsurprised with the division within public responses to Grace's story. I myself am guilty of using my own definitions and experiences to judge the narratives of others, which in some cases has caused harm. And when I committed myself to rhetorically analyzing the public controversy, I found a messy entanglement of multiple affected perspectives instead of a clear argument for how we should be defining these concepts. There is no definitive understanding for how to concretely define these concepts within the public sphere. Yet, the existence of responses which did acknowledge Grace's story and validate her affected

definitions, thus creating a public controversy to hash out this conflict, shows we are working to shift how we understand the social scripts around sex and sexualized violence within public culture.

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1 Megan Garber, "Aziz Ansari and the Paradox of 'No,'" The Atlantic, January 16, 2018, https://www.theatlantic.com/entertainment/archive/2018/01/aziz-ansari-and-the-paradox-of-no/550556/.

2 Brian Stelter, "Babe Editor Stands by Aziz Ansari Story," *CNNMoney*, January 15, 2018, https://money.cnn.com/2018/01/15/media/aziz-ansari-babe-editor-interview/index.html.

3 Ali Na, "#AzizAnsariToo?: Desi Masculinity in America and Performing Funny Cute," *Women's Studies in Communication* 42, no. 3 (July 3, 2019): 309, doi:10.1080/07491409.2019.1639573.

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5 MacKinnon, "Feminism, Marxism, Method, and the State," 649.

6 Caroline Framke, "How the Aziz Ansari Story Deepened a Crucial Divide in the #MeToo Reckoning," *Vox*, January 17, 2018, https://www.vox.com/culture/2018/1/17/16897440/aziz-ansari-allegations-babe-me-too.

7 Stelter, "Babe Editor Stands by Aziz Ansari Story."

8 Andrew R. Spieldenner and Cerise L. Glenn, "Scripting Hate Crimes: Victim, Space and Perpetrator Defining Hate," *Continuum* 28, no. 1 (January 2, 2014): 123–35, doi:10.1080/10304312.2013.854873.

9 Emily Moyer-Gusé, Adrienne H. Chung, and Parul Jain, "Identification with Characters and Discussion of Taboo Topics After Exposure to an Entertainment Narrative About Sexual Health," *Journal of Communication* 61, no. 3 (June 2011): 388, doi:10.1111/j.1460-2466.2011.01551.x.

10 Spieldenner and Glenn, "Scripting Hate Crimes," January 2, 2014.

11 The case of Grace and Ansari specifically demonstrates how differing social scripts might influence interpersonal interactions. For example, in her book "The Art of Asking," Amanda Palmer describes being physically ill in front of her husband, Neil Gaiman for the first time. She was expecting him to take care of her, nurture her, and provide lots of physical comfort and was disappointed when he gave her distance and did not engage with her. When she confronted him, she learned that he had grown up being taught that sick people needed space and quiet and should not be disturbed in order to heal. The social expectations of, in this case, how to react to a sick person

vary based on the codes and expectations culturally taught and available to an individual. Amanda Palmer, *The Art of Asking: How I Learned to Stop Worrying and Let People Help*, Reprint edition (New York: Grand Central Publishing, 2015).

12 Amanda Alcantara, "What the Aziz Ansari Allegation Teaches Us about Consent," *The Lily*, January 14, 2018, accessed August 1, 2018, https://www.thelily.com/what-the-aziz-ansari-allegation-teaches-us-about-consent/.

13 West, "What's the Matter with Kansas and New York City?," 165.

14 Alyssa Milano, "If You've Been Sexually Harassed or Assaulted Write 'Me Too' as a Reply to This Tweet.Pic.Twitter.Com/K2oeCiUf9n," Tweet, *@alyssa_milano* (blog), October 15, 2017, https://twitter.com/alyssa_milano/status/919659438700670976?lang=en.

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19 Glamour, "Every Powerful Man Facing Sexual Harassment Allegations," Glamour, June 15, 2018, https://www.glamour.com/gallery/post-weinstein-these-are-the-powerful-men-facing-sexual-harassment-allegations.

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21 "'Tarana Burke Says 'Pain' of Minority Women Never Prioritized'," *Time*, April 23, 2019, accessed November 3, 2019, https://time.com/5574163/tarana-burke-MeToo-time-100-summit/.

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23 Framke, "How the Aziz Ansari Story Deepened a Crucial Divide in the #MeToo Reckoning."

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[25] Garber, "Aziz Ansari and the Paradox of 'No.'"

[26] Anna North, "The Aziz Ansari Story Is Ordinary. That's Why We Have to Talk about It," *Vox*, January 16, 2018, https://www.vox.com/identities/2018/1/16/16894722/aziz-ansari-grace-babe-me-too.

[27] Barnett, "How Newspapers Frame Rape Allegations," 12.

[28] Julianne Escobedo Shepherd, "Babe, What Are You Doing?," *Jezebel*, January 16, 2018, https://jezebel.com/babe-what-are-you-doing-1822114753.

[29] Thomas A. Salek, "Controversy Trending: The Rhetorical Form of Mia and Ronan Farrow's 2014 Online Firestorm Against #WoodyAllen: Controversy Trending," *Communication, Culture & Critique* 9, no. 3 (September 2016): 479, doi:10.1111/cccr.12123.

[30] Thomas A. Salek, "Controversy Trending: The Rhetorical Form of Mia and Ronan Farrow's 2014 Online Firestorm Against #WoodyAllen,".

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[32] *Right Now*, Comedy, 2019, https://www.netflix.com/title/81098589.

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[34] Bari Weiss, "Aziz Ansari Is Guilty. Of Not Being a Mind Reader," *The New York Times*, January 15, 2018, https://www.nytimes.com/2018/01/15/opinion/aziz-ansari-babe-sexual-harassment.html.

[35] Shepherd, "Babe, What Are You Doing?"

[36] The date between Grace and Aziz presents a dyadic encounter that then was verbalized to others with other motivations than formal research. While Grace's narrative is filtered through Katie Way, (the reporter who approached her) and Aziz's Netflix special comes months later, both oddly function as rich sources of data, providing insight that is rhetorically different than what would be gained through organized surveys or interviews.

[37] Jeannette M. Haviland-Jones and Michael Lewis, eds., *Handbook of Emotions* (New York: Guilford Press, 1993), ix; Deborah B. Gould, *Moving Politics: Emotion and ACT UP's Fight against AIDS* (Chicago: University of Chicago Press, 2009), 14–15.

[38] Catherine A. Lutz, "Engendered Emotion: Gender, Power, and the Rhetoric of Emotional Control in American Discourse," in *The Emotions: Social, Cultural and Biological Dimensions*, ed. Rom Harre and W. Gerrod Parrott (London: SAGE Publications, 1996), 151, doi:10.4135/9781446221952.n11.

[39] Gould, *Moving Politics*, 15.

[40] Gould, *Moving Politics*, 17.

[41] Sara Ahmed, *The Cultural Politics of Emotion* (New York: Routledge, 2004), 208.

[42] Ahmed, *The Cultural Politics of Emotion,* 208.

[43] Gould, *Moving Politics*, 20.

[44] Julie D. Nelson, "Phantom Rhetorics: From Pathos to Affect" (Dissertation, Milwaukee, University of Wisconsin, Milwaukee, 2014), 57.

[45] Gould, *Moving Politics*, 20.

[46] Feminist scholars such as Ahmed have challenged distinctive separations of emotions and affect. For more, see: Ahmed, *The Cultural Politics of Emotion*, 205–11.

[47] Gould, *Moving Politics*, 22.

[48] Brian L. Ott and Diane Marie Keeling, "Cinema and Choric Connection: *Lost in Translation* as Sensual Experience," *Quarterly Journal of Speech* 97, no. 4 (November 2011): 366, doi:10.1080/00335630.2011.608704.

[49] Gould, *Moving Politics*, 24.

[50] Matthew S. May, "Spinoza and Class Struggle," *Communication and Critical/Cultural Studies* 6, no. 2 (June 2009): 204, doi:10.1080/14791420902867948.

[51] Erin J. Rand, "Bad Feelings in Public: Rhetoric, Affect, and Emotion," *Rhetoric & Public Affairs* 18, no. 1 (2015): 161–62, doi:10.14321/rhetpublaffa.18.1.0161.

[52] William Simon and John H. Gagnon, "Sexual Scripts," *Society* 22 (December 1984): 53–60; Richard Parker, "Reinventing Sexual Scripts: Sexuality and Social Change in the Twenty-First Century (The 2008 John H. Gagnon Distinguished Lecture on Sexuality, Modernity and Change)," *Sexuality Research and Social Policy* 7, no. 1 (March 2010): 58–66, doi:10.1007/s13178-010-0004-3; Kathryn M.

Ryan, "The Relationship between Rape Myths and Sexual Scripts: The Social Construction of Rape," *Sex Roles* 65, no. 11–12 (December 2011): 774–82, doi:10.1007/s11199-011-0033-2; Roger C. Schank and Robert P. Abelson, *Scripts, Plans, Goals, and Understanding: An Inquiry into Human Knowledge Structures*, Artificial Intelligence Series (Hillsdale, NJ: Lawrence Erlbaum Associates 1977).

[53] Simon and Gagnon, "Sexual Scripts," 53.

[54] Thinking of these three scripting levels in conjunction with the levels of society I am using throughout this dissertation has cultural scenarios happening in the macro and meso levels, whereas interpersonal and intrapsychic scripts are functioning at the micro level.

[55] Parker, "Reinventing Sexual Scripts," 59.

[56] Jennifer Stevens Aubrey, Hilary Gamble, and Rachel Hahn, "Empowered Sexual Objects? The Priming Influence of Self-Sexualization on Thoughts and Beliefs Related to Gender, Sex, and Power," *Western Journal of Communication* 81, no. 3 (May 27, 2017): 362–84, doi:10.1080/10570314.2016.1257822; Elke Van Damme, "Gender and Sexual Scripts in Popular US Teen Series: A Study on the Gendered Discourses in *One Tree Hill* and *Gossip Girl*," *Catalan Journal of Communication & Cultural Studies* 2, no. 1 (June 2010): 77–92, doi:10.1386/cjcs.2.1.77_1; Verena Klein et al., "Perceptions of Sexual Script Deviation in Women and Men," *Archives of Sexual Behavior* 48, no. 2 (February 2019): 631–44, doi:10.1007/s10508-018-1280-x; Hannah Frith, "Sexual Scripts, Sexual Refusals and Rape," in *Rape: Challenging Contemporary Thinking*, n.d., 24; Betty La France, "What Verbal and Nonverbal Communication Cues Lead to Sex?: An Analysis of the Traditional Sexual Script," *Communication Quarterly* 58, no. 3 (January 2010): 297–318, doi:10.1080/01463373.2010.503161; Moyer-Gusé, Chung, and Jain, "Identification With Characters and Discussion of Taboo Topics After Exposure to an Entertainment Narrative About Sexual Health."

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[59] La France, "What Verbal and Nonverbal Communication Cues Lead to Sex?"; Frith, "Sexual Scripts, Sexual Refusals and Rape."

[60] La France, "What Verbal and Nonverbal Communication Cues Lead to Sex?," 299.

[61] Parker, "Reinventing Sexual Scripts," 59.

[62] Gould, *Moving Politics*, 35.

[63] Gould, *Moving Politics*, 10.

[64] Gould, *Moving Politics*, 33–34.

[65] Lisa A. Flores, "Between Abundance and Marginalization: The Imperative of Racial Rhetorical Criticism," *Review of Communication* 16, no. 1 (January 2, 2016): 6, doi:10.1080/15358593.2016.1183871.

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[67] Emily Winderman, "Anger's Volumes: Rhetorics of Amplification and Aggregation in #MeToo," *Women's Studies in Communication* 42, no. 3 (July 3, 2019): 342, doi:10.1080/07491409.2019.1632234.

[68] William Lewis, "1955/1995: Emmett Till and the Rhetoric of Racial Injustice," n.d., 8; Davis W. Houck, "Killing Emmett," *Rhetoric & Public Affairs* 8, no. 2 (2005): 225–62; Leslie J. Harris, "Rhetorical Mobilities and the City: The White Slavery Controversy and Racialized Protection of Women in the U.S.," *Quarterly Journal of Speech* 104, no. 1 (January 2, 2018): 22–46, doi:10.1080/00335630.2017.1401221; Scott Parrott and Caroline Titcomb Parrott, "U.S. Television's 'Mean World' for White Women: The Portrayal of Gender and Race on Fictional Crime Dramas," *Sex Roles* 73, no. 1–2 (July 2015): 70–82, doi:10.1007/s11199-015-0505-x; "The Intersection of Race and Rape Viewed through the Prism of a Modern-Day Emmett Till," accessed August 12, 2020, https://www.americanbar.org/groups/litigation/committees/diversity-inclusion/articles/2019/summer2019-intersection-of-race-and-rape/; "Why #MeToo Needs to Talk About Predatory White Women," *Dame Magazine*, October 23, 2018, https://www.damemagazine.com/2018/10/23/why-metoo-needs-to-talk-about-predatory-white-women/; Petula Dvorak, "Black Men — Not White Guys — Face False Allegations and a Presumption of Guilt," *The Washington Post*, accessed August 12, 2020, https://www.washingtonpost.com/local/black-men--not-white-guys--face-false-allegations-and-a-presumption-of-guilt/2018/10/08/a397fb44-cb06-11e8-a3e6-44daa3d35ede_story.html; Timothy B. Tyson, *The Blood of Emmett Till* (New York: Simon & Schuster, 2017).

[69] Patton, "Why #MeToo Needs to Talk About Predatory White Women."

[70] Na, "#AzizAnsariToo?," 310.

[71] Na, "#AzizAnsariToo?," 311.

[72] I am always talking both about the intimate encounters themselves and also how those are read and understood within public discourse.

[73] For example, I do not focus specifically the social scripts around women's sexuality, but those scripts are woven through the ones I am identifying.

[74] My analysis focuses more on Grace and her narrative because she is the one who first put out a text about the incident. As I have acknowledged in other parts of the dissertation, texts of an interpersonal nature can be hard to access. I have chosen to frame my analysis around Grace's narrative in the Babe.net article and the responses to that article. For an analysis which focuses on Ansari, see: Na, "#AzizAnsariToo?"

[75] Garber, "Aziz Ansari and the Paradox of 'No.'"

[76] Katie Way, "I Went on a Date with Aziz Ansari. It Turned into the Worst Night of My Life," *Babe*, January 14, 2018, https://babe.net/2018/01/13/aziz-ansari-28355.

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[79] Way, "I Went on a Date with Aziz Ansari."

[80] Way, "I Went on a Date with Aziz Ansari."

[81] Garber, "Aziz Ansari and the Paradox of 'No.'"

[82] Na, "#AzizAnsariToo?," 313.

[83] Na, "#AzizAnsariToo?," 313.

[84] Way, "I Went on a Date with Aziz Ansari. It Turned into the Worst Night of My Life. It Turned into the Worst Night of My Life."

[85] Grace's account explains that after she said "no" and Ansari suggested chilling, "the TV played in the background, he kissed her again, stuck his fingers down her throat again, and moved to undo her pants." Way.

[86] Way, "I Went on a Date with Aziz Ansari. It Turned into the Worst Night of My Life."

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[88] Caitlin Flanagan, "The Humiliation of Aziz Ansari," *The Atlantic*, January 14, 2018, https://www.theatlantic.com/entertainment/archive/2018/01/the-humiliation-of-aziz-ansari/550541/.

[89] Weiss, "Aziz Ansari Is Guilty. Of Not Being a Mind Reader."

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99 Alex Horton, "A Woman Ignored a Man's Catcalls — so He Chased Her down and Killed Her, Prosecutors Say," *The Washington Post*, October 24, 2017, https://www.washingtonpost.com/crime-law/2019/11/27/woman-ignored-mans-catcalls-so-he-chased-her-down-killed-her-prosecutors-say/.

100 Bruna, "Why She Can't 'Just Say No,' or the Danger of Male Rejection," *Playboy*, August 14, 2018, https://www.playboy.com/read/why-she-can-t-just-say-no-or-the-danger-of-male-rejection.

101 Na, "#AzizAnsariToo?"; Emy P Takinami, "Feminized Asians and Masculinized Blacks: The Construction of Gendered Races in the United States" (Honors College Thesis, Burlington, University of Vermont, 2016), 17–36.

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103 Molly Roberts, "Aziz Ansari Sexual-Misconduct Allegation: We're All Very Sick," *The Washington Post*, January 15, 2018, https://www.washingtonpost.com/blogs/post-partisan/wp/2018/01/15/what-happens-to-aziz-ansari-isnt-the-point/?utm_term=.3353d2738137.

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108 Kristen Roupenian, "'Cat Person' | The New Yorker," December 4, 2017, https://www.newyorker.com/magazine/2017/12/11/cat-person; Roberts, "Aziz Ansari Sexual-

Misconduct Allegation: We're All Very Sick - The Washington Post." "It's easy enough to speak about how wrong it is to touch a woman without her consent, or masturbate in front of her, or make lewd comments to her or ask her to carry your wife's children — but it's harder to articulate the more ambiguous pressures surrounding sex that result from the same broken system."

[109] Bunch, "Babe's Aziz Ansari Piece Was a Gift to Anyone Who Wants to Derail #MeToo."

Chapter 5: Would You Say You Had Sex If… You Are Queer?

In January of 1999, President Bill Clinton famously stated, "I did not have sexual relations with that woman, Miss Lewinsky."[1] In addition to the impact this statement had on the political sphere, it also initiated an unprecedented public discussion about what counts as sex.[2] The same month Clinton stated this famous sentence in his impeachment trial, George D. Lundberg, the editor of the *Journal of the American Medical Association (JAMA)* fast-tracked Sanders and Reinisch's article "Would You Say You 'Had Sex' If…?", which was the first study of its kind. Their article, which came out of the Kinsey Institute, was generally regarded as containing "information that is creditable and useful to the social science and public health communities."[3] But regardless, Lundberg was fired from his 17-year-long post as editor, with the executive vice-president of the AMA arguing that Lundberg had been removed for putting *JAMA* at the forefront of a political debate that did not deal with science or medicine.[4]

This action triggered a major reaction by worldwide members of science and medical communities, criticizing *JAMA* for its lack of academic freedom. While the nation was aware of the continual public fallout after Clinton's statement, the connection between Clinton and sex constitution research was lesser known. Clinton's incident and the connected study spurred controversy and several subsequent studies surrounding the topic of what constitutes sex. While a small amount of research had been done prior, it was only after the late 1990s that an intentional focus in the area of sex constitution emerged among scholars and became embedded into the public consciousness.

Over 15 years after Clinton's comment, I was sitting on a couch in the house of a person I had just met. It was a Sunday afternoon and I was conducting my third interview of this study. We wanted to do the interview on the porch, but it was colder than either of us anticipated. Leo identifies as genderqueer or non-binary, owns two cats and has an infectious laugh. We paused the

interview a few times so that I could go to the bathroom and Leo could go out on the porch and have a smoke. A major theme throughout the interview was that Leo, in their personal life, does not discuss sex very much. This was not brought up as a challenge to my questions, but just a noticeable theme of their answers. As we were nearing the end of our almost hour-long interview, I asked Leo if they had any questions. After lingering in the pause together, I interrupted and said, "Can I ask you one more question that's personal to you?" Leo burst out laughing. "Sure—like, none of these were but yeah." I quickly responded, laughing, "Yeah, unlike all of these other super personal questions. Actually, that's the question! You've referenced several times that you don't like talking about sex." Leo responded, "I don't." I then carefully asked, "Why did you volunteer to be interviewed for my survey?" Leo looked at me knowingly as they said, "Because I think it's important. Because even though I think it's uncomfortable, um, but doing it in a space where I know it will be used for something that's probably needed, do you know what I mean?" I gratefully knew what they meant.

While Clinton's situation inspired an entire area of study, queer bodies like mine and Leo's are distinctly absent and abject within sex construction research.[5] The marginalization manifests in several ways. First, the pervasive heteronormative assumptions inherently engrained in the public discussion of sex practices are also ever-present in the research. While there have been numerous studies done on how individuals constitute sex, most of these surveys had participant rates of 96% or higher of heterosexual individuals. The few times there were participants of other sexualities, they were not recognized or focused on in the results. The most blatant example of this is the Randall and Byers study, which purposely kept individuals outside of the sexual norm out of the results all together, viewing them as statistical outliers.[6] Second, any type of identity outside of heterosexuality is amalgamated together, which further marginalizes queer sexualities that don't fit into homonormativity. As I will detail, there is a limited amount of the sex construction research that

gives space to some individuals within the LGTBQ+ community, such as gay men and lesbians.[7] However, the studies on any type of non-heterosexual groups are very limited and rarely included identities that inhabit the fluid "borderlands" between the binaries.[8] Gay men and lesbian women are represented in very limited ways within the research, but queer bodies that don't fit into these categories are very absent. There is a clear need for additional research focusing on perspectives beyond heterosexual individuals and even beyond the socially normalized category of homosexuality.[9]

Queer individuals should be present in the research because they exist and are a part of our society. The *JAMA* controversy triggered a worldwide reaction by members of science and medical communities, many of them criticizing *JAMA* for its censorship, arguing:

> Studying sexual behavior is important to both the social science and public health communities. Sex behavior is central to a variety of medical matters (e.g., AIDS and other sexually transmitted diseases, attempts to both conceive and avoid conception, and impotency and other sexual dysfunctions), legal concerns (e.g., rape, sexual harassment, and determining paternity), and social problems (e.g., teenage and unwanted pregnancies, single parenthood, and infidelity and divorce).[10]

A large body of research, which I detail below, was developed in response because of the important implications of understanding sexual behavior. And yet, the sexual behavior of queer individuals is absent, meaning that the benefits of studying and understanding sex behavior are not yet available to those who do not operate within normative sexual identities and practices. While it is important to justify the motives for research, academic communities seem to have an easier time accepting why we should study phenomena that impact those who comprise the social norm—in this case, heterosexual individuals. To focus on the experiences of those outside of these boundaries seems to take extra justification.

There is a special kind of exhaustion that comes with having to justify why your existence matters, why understanding the behavior of queer bodies is important. Justin Rudnick articulates this exhaustion as he describes being interviewed to publicize a fellowship awarded for his work on

queer identity presentation in everyday life:

> My interviewer, JoAnne, though undoubtedly well-meaning, berates me with varied versions of the same question: *why does this matter?* Despite my best and most articulate attempts to convey the urgency of my research, I cannot help her—a presumably straight white woman—understand the frustration, the struggle, or the risk of everyday queer performances. Recognition, visibility, authenticity—these themes simply fail to resonate with her. As our conversation continues, JoAnne tries ever more incessantly to get a response that satisfies her need for meaningful contribution. I try, with mounting frustration, to satiate her appetite. Ultimately I am unsuccessful; after the interview, I receive an email from JoAnne stating that she and her editor have decided to delay publishing the essay until I have more time to think through the significance of my research. That time never comes.[11]

Queer people should not have to beg to be included in research. Ethically, research should seek to examine the nuances of all reality. Our bodies and experiences should not be left out of the conversation.

Queer bodies also provide a unique perspective within sex constitution research, as they do not fit the assumed stereotypes and heterosexual norm. Gaining a better understanding of how marginalized bodies negotiate themselves within definitions of sex provides valuable insight on how bodies are controlled by, as well as push against, these definitional norms. In terms of my research specifically, queer bodies are an ideal place to gather information, as they are constantly navigating the normative definitions that don't necessarily fit their bodies. A deeper understanding of how queer people conceptualize sex and navigate their intimate experiences within, or potentially despite, normative discourses is necessary in the quest for minimizing harm around discourses of sex and sexualized violence.

In addition to exploring queer perspectives, my research continues to expand the ways sex constitution research is approached. The majority of past studies have focused on survey methods, which has limited the nuance of previous findings. Often, surveys were given to fairly homogeneous samples despite pulling broader applications from their results. These studies have been very valuable, but it is also important to continue exploring the details of sex constitution, leading me to craft an interview study that focuses on queer bodies. The goal of this study is to continue

broadening our understanding of sex practices—how they are discussed, constituted and validated. Leo is right: these discussions around sex are important. But this area of research has been actively excluding and marginalizing bodies that do not fit and perform within the heterosexual norm. The behavior of queer individuals does not fit into the heteronormative definitions of sex, and its distinction of violence, forcing queer individuals to be self-reflective about their sexual practices, as they do not have the luxury of socially shared meaning. This study seeks to include and honor those voices. In doing so, I argue that queer bodies work to challenge and expand normative definitions by putting individuals at the center of definitions and utilizing communication to clarify meaning within intimate encounters at the micro level, which then impacts the meso and macro levels of society.

In order to further the research on how individuals conceptualize and discuss sex, I first discuss previous research which has built a foundation for this study. Then I detail my specific method, including participants, recruitment, and analysis. Finally, I discuss how queer bodies negotiate heteronormativity, enact their identities, redefine concepts, and utilize communication, ending with some limitations and possible areas for further research.

Sex Constitution Research

"Sex is a term frequently used, and yet poorly defined."-Randall and Byers

Sexual acts are paradoxical in our current culture. In many ways, sex is not hidden. Representations of sex are common in our media, fill the lyrics of our music, and announce themselves in the bellies of pregnant bodies.[12] However, the narrow boundaries around the acceptability of how sex is performed and discussed are unstable, shifting based on context. The impacts of this instability are palpable. For example, breasts are common on magazine covers, but public breastfeeding was not legal in all 50 states until 2018.[13] In order to think about how power operates, it is important to understand the detailed workings within these material situations.[14] Additionally, the social systems of privilege and power impact how sex practices are related to their

surrounding discourses.

My desires to think and talk about sex have always been accompanied by the negotiation of trying to fit into a society that only values sexual activity within certain contexts for specific people. The social stigma around sex is so powerful in the U.S. that it has historically dictated public discourse of the subject while impacting related areas of education, research, health, etc. These trends continue despite overwhelming evidence that the social stigma surrounding sex causes harm. For example, comprehensive sexual education has been directly linked to reducing the number of unwanted pregnancies, lowering the STI rate, and raising sexual health and confidence.[15] Yet, abstinence education is still required in several states and currently promoted at the national level, often using funding as a way to ensure it is taught. Sex/uality is political, designated within systems of power which reward and promote some bodies and behaviors while punishing and oppressing others, creating a spectrum of stigmatization which increases as the bodies and behaviors move away from heterosexual normativity.[16] The stigmatization of sex contributes to a lack of discussion, exploration, research, and education, furthering the vagueness that surrounds the subject.

Despite the lack of clarity, there is an overwhelming interdisciplinary agreement that having an understanding of what is considered to be sex is important, and there is a robust and credible body of work that specifically calls to the importance of cross-cultural understanding of how sex is being designed, constituted, and used.[17] Some research was conducted in the 1970s and 1980s about how people understood the word "sex," but the majority of sex construction research was not conducted until the 21st century.[18] Starting with the study that was fast-tracked to be published during the impeachment trials, this research is overwhelmingly located in the U.S. and U.K. and focuses in on heterosexual sex as the norm. In the controversial *JAMA* study, Sanders and Reinisch surveyed 599 Midwestern college students with the objective of determining what interactions individuals would consider to be sex by giving them a list of categories to be marked yes or no

(Appendix A*)*. Along with the controversy distracting from the actual research, media outlets boiled the results down to oral sex not counting as sex, despite the fact the original survey purposely avoided using specific wording.[19]

Using Sanders and Reinisch's basic concept, a plethora of studies have been done since, altering the original study in specific ways to adapt, improve, or modify the scope. Some studies are very similar but focused on specific groups, such as looking at gender differences or using the same questions in the UK to reveal cultural changes in how individuals identify sexual behaviors.[20] Many studies took the basic concept of asking someone if they would say an act is sex, but changed how the questions are asked in order to shift the context. For example, a few surveys used fictional characters to see how situational factors would change responses.[21] One study looked at how individuals label self-behavior and then compared those answers to how they label a partner's behavior, showing that people are more likely to categorize an act as "sex" if it is done by their partner with someone else.[22] This study noted how cultural gender roles influence how people think of sex. The researchers discussed the sexual double standard found in their study, contending, "American undergraduate males have been culturally conditioned to view behaviors they engage in as sex because…it is socially desirable for them…Young women, however, have traditionally been subject to negative judgment in the culture if they engage in sex, …[and are] more likely to minimize their participation in these same behaviors by not labeling them as having sex."[23] Details of how social characteristics might impact the ways we think of sex reveal how miscommunication may happen in intimate moments between bodies of different lived experiences.

Moving beyond the template of the original study, other researchers focused on certain related aspects to uncover different perspectives. For example, some studies expanded the question list to focus in on specific behaviors.[24] One study centered on orgasms, showing that acts are more likely to be considered sex if it culminates in orgasm and that the person who received the orgasm

would be more likely to count the act as sex.[25] Other studies used textual analysis to derive conclusions about how people define sex, studying sex constitution in a way previous surveys had not.[26] These studies analyzed what people had said instead of asking them questions about sex. This change in perspective allowed these researchers access to what people were saying outside of being directly asked specific questions.

While the majority of sex constitution research has been predominantly quantitative, a few studies have used qualitative methods to capture nuances that had not yet shown up within the body of research.[27] Previous surveys asked hypothetical questions about sexual behavior within a specific context, but these interviews and open survey studies allowed individuals to make their own connections, providing "evidence that individuals' definitions of sex may be inconsistent and influenced by personal motives."[28] These qualitative studies expand the literature of sex constitution while supporting the previous quantitative studies.

Despite research advances, studies about sex have generally been heteronormative in their approaches to studying sex practices. These heteronormative aspects have shown up in the questions that are asked, the way the studies are designed and culminate in having predominantly heterosexual samples. Most studies that deviate from this norm focus on gay men, with only one major study including lesbian women as a third of their participants.[29] This particular study both confirmed previous research and added on the concept of hierarchical sex practices. Previous research had aligned with social assumptions, operationally using "sex" as a concrete, definable act. However, the authors explain:

> when dichotomous options are presented to participants, a relatively consistent hierarchy of sexual acts has been demonstrated through a sliding scale of percentages to which the acts are judged to equate to "having sex"…our research adds to this the finding that a very similar hierarchy is in evidence when any given individual is asked to rate the extent to which the same sorts of behaviors count as sex [30]

They argue that participants are more likely to include certain acts as compared to others, creating a

hierarchical order on which sexual behaviors fall. The idea of hierarchical scaffolding for sex acts may give more insight to related concepts, such as "motivation, attribution, and identity management."[31] Thinking about sex in terms of a hierarchical structure instead of one universal act has major implications in multiple areas, such as research, religion, and education.

While the majority of this research comes out of sex/uality journals that rely on interdisciplinary submissions, or are firmly in women's and gender studies, sociology, or psychology, there have been a few studies conducted specifically in the field of communication.[32] Most notably, Peck, Manning, Tri, Skrzypczynski, Summers, and Grubb recently published a chapter which purposely replicates the original Sanders and Reinisch study in order to update the 20+ year-old data. Shifting some of their recruitment tactics to have a more diverse group of participants, their contrasts and comparisons to the original study are extremely valuable in understanding how to move forward based on changes over the years. Arguably, the largest change these researchers found is the increase in both the number of people who consider manual genital stimulation (13.9% to 15.1% increased to 37.7% to 38.6%) and oral-genital contact (39.9%-40.2% increased to 57.7%-58.4%) as having "had sex."[33] They speculate these changes could be because of having a greater number of older participants (who are more likely to include touching) and lesbian/bisexual woman participants (who are more likely to include oral contact), but the authors call for further research to help discover the details behind this change.

Rhetorical Field Methods and Study Details

In Chapter 2, I detailed my methodological approaches to this dissertation, stressing my application of feminist and critical rhetorics within a mixed methods approach. The previous two chapters have focused on textual analysis in different ways. However, for this final content chapter, I am turning to rhetorical field methods in order to best access the "text" of lived experiences of queer bodies.

Rhetorical field methods are employed in order to access texts from counter publics and marginalized groups whose rhetorics are not preserved or accessible in our hegemonic culture. The practice of rhetorical field methods has been around for many years, but these methods have recently become more articulated and developed as ways to approach "live" and "*in situ*" rhetorics.[34] The rise of rhetorical field methods has been built off of the work of innovative rhetoric, communication, and performance studies scholars who demonstrate that "cultural processes and meaning systems, dynamics of space/place, body knowledge, embodiment, and the rhetorics of marginalized and excluded groups are often difficult to access through texts."[35] In cases where there are not preserved or archived texts, or the texts are hard to access, rhetorical field methods allow rhetoricians to engage with these types of rhetorics through methods of participatory rhetoric, observation, ethnographic interviews, focus groups, protest, and performance.[36] Pezzullo and de Onís point out that rhetorical field methods have functioned as both a "way to research emergent and/or marginalized communities" as well as an approach for exploring the evolving spaces of "meaning, identification, and community," demonstrating how field methods "identify and interpret rhetoric as a process that constantly is negotiated, rather than as a static object."[37] Because of the animate nature of these critical rhetorics, there is no monolithic approach to rhetorical field methods, but rather these methods have developed through generative discussion about the types of imperatives that should be motivating this type of in situ research.[38]

For my purposes, rhetorical field methods are necessary for the analysis of rhetoric at the micro level. Middleton, Senda-Cook, and Endres contend that, "rhetorical field methods are a practical and theoretical synthesis of CR (critical rhetoric), performance studies, and ethnography that function as an orientation that utilizes methodological tools from (but is not bound by) these subdisciplines in order to understand 'live' rhetorics."[39] Pulling from Conquergood, they argue that rhetorical field methods refer to a range of methods that include both 1) the critic's rhetorical

involvement in rhetorical spaces and actions in order to describe and interpret through engagement and 2) the participatory methods that allow the processual understanding of rhetorical action. [40] Middleton, Hess, Endres, and Senda-Cook focus more on participatory critical rhetoric, which ethnographically centers the rhetorical critic within the rhetorical events, such as in the case of protests, community activism, and advocacy.[41] Scholars such as McKinnon, Asen, Chávez, and Howard focus more on discussing how rhetorical method operates in the field through the concepts of text, context, audience, judgment, and ethics.[42] While these approaches vary in execution, they both include different types of critical, methodological combinations and boundary expansion.

As rhetorical field methods continue to be explored and validated, scholars have engaged in a variety of approaches to capture the "lived" rhetorical understandings that come from the embodied materiality of everyday experiences.[43] For example, Whitney Gent created focus groups to observe vernacular discourse because "policy is often shaped by attitudes and ideas that originate in discussions among everyday citizens in everyday talk" that are not recorded or represented in media.[44] Some scholars, such as Jenna N. Hanchey, Miriam Mara, and Andrew Mara, utilize rhetorical field methods as a way to access cross-cultural understandings of lived practices and assumptions.[45] Rhetorical field methods are often blended and used together, with many scholars combining methods such as interviews, field work, participant observations, etc.[46] Some scholars employ more participatory ethnography, whereas others utilize recognizable qualitative methods from a rhetorically critical perspective. These different approaches do not divide or dilute the impact of these methods, but rather provide a variety of tools for the continual analysis and understanding of every day rhetorical, embodied experiences.

In order to better uplift the voices and experiences of queer bodies regarding sex, sexuality, and sexualized violence, employing rhetorical field methods is essential. The research around sex constructions demonstrates how our culture thinks about sex, while simultaneously showing the

definitional instability surrounding understandings of sex. However, this research currently leaves out the experiences of queer individuals. Considering the majority of sex constitution research has been done with heterosexual participants, and there is a general shortage of qualitative research in this area, my inquiries guiding this chapter are very broad. First, how do queer (non-heterosexual) individuals constitute sex? This is the main inquiry because there is currently not a strongly supported answer to this in the research. Additional inquiries include: Does language (or lack thereof) impact how queer (non-heterosexual) individuals discuss their experiences? How do queer bodies negotiate definitions of sex when their bodies do not always match the normative definitions? And finally, how is identity impacted by both the understandings of sex and the language used to express it? To explore these questions, I conducted semi-structured interviews with queer participants in order to include their perspectives regarding sexual behaviors and the discourse surrounding them. Instead of searching for text that may be able to reveal how queer people see sex, creating an interview protocol (Appendix E) and asking individuals about themselves and their perspectives centers their experiences as part of sex constitution research.

Participants

The justification for focusing on queer participants is multilayered. First, as is clearly detailed above, individuals of nonnormative sexual orientations have been left out of previous research. Second, individuals who do not identify as heterosexual may have a different conceptualization of what counts as sex, considering the acts that have been consistently affirmed as sex (specifically penis in vagina or PIV intercourse) are not always applicable to queer bodies/partnerships. This interview study explores how queer bodies report navigating acts and language within intimate encounters. In my call for participants, I used the term non-heterosexual purposefully to get a rich group of participants. In the LGBTQ+ community, words have fluid definitions. Three people might have similar views of their sexuality, but one may identify as queer, one as bisexual, and the

other as pansexual. The word *queer* is often used as an inclusive umbrella term for the community. While I personally use it to describe my own body and argue it has power in academic writing, I did not want anyone to feel excluded, as the term queer still has negative connotations in certain groups. Additionally, while I did not want to include heterosexual individuals, I did not want to limit my study to specific categories within the LGBTQ+ community. Instead, any individual who identifies outside of the (hetero) norm was welcome to participate. I also did not put any limits on gender identification, welcoming any individual (cis, trans, fluid, genderqueer) as long as they identified in a non-heterosexual category for their sexual orientation.

Qualitative research in this area is lacking, thus I was purposefully inclusive in my participant call to potentially gain multiple perspectives. Other than being over the age of 18, I did not have any other specific age parameters. I did not want to limit my participants to college students as many previous studies have done. However, anyone above 18 years old who is sexually active, including college students, was welcome to participate.

Another purposeful choice was using the term "sexually active," in order to not limit recruitment based on relationship status. While monogamy is our culture's most popular form of romantic intimate partner relationships, sex can occur in multiple types of relationships. My study did not require the participant to currently be engaging in a sexual relationship, because they could recount memories or disclose viewpoints based on past experiences. I was less interested in who they are having sex with and more interested in how the person I was interviewing conceptualizes and talks about sex. This would only involve the sexual experiences (current or past) of the person I was interviewing.

It was my intention that these parameters would create a "purposeful sample" of participants.[47] In some ways, I intended to create a maximum variation sample by not limiting to specific sexualities within the LGBTQ+ community. Yet, at the same time, there is a level of critical

incident sampling, as non-heterosexual individuals, who have not been focused on in this area, would have a specific connection to the topic, as most language excludes their bodies and practices.[48]

Recruitments

In my search for participants, I relied upon multiple recruitment tactics. As a member of the queer community myself, I used my identifiers and my motives in my participant call to situate myself as someone interested in exploring this under-researched area and in giving a voice to the large population that does not identify as heterosexual (and therefore may not fit societally accustomed normative language). I made my call (Appendix C) available on my social media, both publicly and by sending specific messages to individuals who could spread the word about my study. I also sent direct emails to several individuals and groups at the University of Wisconsin-Milwaukee, including the LGBTQ+ Resource Center, the Women's Resource Center, and the Women's and Gender Studies Department. It should be noted that I did not interview people with whom I had any personal relationship, although in future research I may broaden my study to include friends and acquaintances who have volunteered.

Study Details

I completed six face-to-face interviews, ranging from twenty-eight minutes to over two hours. The participants ranged from age 22 to 47. Of the six individuals interviewed, three identify as cisgender females, two as non-binary, and one as a trans woman.[49] Most of the interviews took place in private homes and offices, with a couple in public coffee houses. All participants were given the option to choose where they wanted to meet, with each assuring me they felt comfortable discussing the topic in the chosen setting. A consent form (Appendix D) was provided to each participant, with many of them being emailed the form ahead of time. At the beginning of each interview, I offered to go over the consent material, asked if there were any questions, and offered

them a copy to keep. Before I began the interview, I reminded the participant they could choose to not answer any question or stop at any point.

I was loosely guided by an interview protocol I designed (Appendix E). As the interviews were semi-structured, the questions and order would change based on the participant. I attempted to allow the participant to lead, taking cues as to how much I should ask versus allowing them to talk continuously. By nature, I am an incredibly responsive, interactive person who bonds quickly with individuals. My personality has absolutely impacted the nature of the interviews, but only as much as the participants responded to it. If the participant was more conversational, I relied more on a friendship model, as that "intimate" nature can come into play and yield rich results.[50] In many cases, I built a "reciprocal relationship," as found in responsive interviewing.[51] This was especially useful when relating to a member of the same or similar communities. It seemed people trusted me with information and assumed I understood because of our connection within the LGBTQ+ community. Finally, I occasionally relied on both collaborative and pedagogical interviewing strategies.[52] While this has not been my main approach, I encountered several very educated individuals who appreciated my extensive background in gender communication. At times, I engaged the participant in scholarly lines of conversation to potentially enrich the results of the interview. Above all, the most important aspect was honoring the individuals and their stories, always attempting the most ethical approach to produce the richest and most honest information.

Data Analysis

I recorded each interview on a handheld device and then copied them to a hard drive for transcription. I did some of the transcriptions myself and used a transcription service for the remainder. I then double-checked each interview by relistening while following the transcript. As I did the analysis, I would go back to listen to the tapes if I needed any clarification. It was very important to me that each participant be represented in the research in the way they prefer. There

has been a big push in academic qualitative research to make everything anonymous, but it was important to me to give participants the range of choices of how they wanted to be present or removed in the research. Each participant was asked what name they would like used. Some have chosen meaningful pseudonyms while others have preferred to have their name attached to their stories. I generalized all specific details in order to keep the information de-identified and have removed all of the other names of people in the stories.[53]

My analysis was done through a combination of methodological approaches with myself as the crafter of how the information is understood. My desire as the crafter of the analysis is to help synthesize the information for others to consume. I also see myself as someone who is familiar with the sex construction literature and therefore, I am able to juxtapose the results of this study with the previous literature.

The main goal of this project is to give space for queer voices to impact the conversation of sex construction. With this goal in mind, I considered the literature from two distinct approaches: Both open coding and descriptive analysis were used in developing the results. First, open coding was used to discover commonalities amongst the data. Ryan and Bernard explain, "Analyzing text involves several tasks: (1) discovering themes and subthemes, (2) winnowing themes to a manageable few (i.e., deciding which themes are important in any project), (3) building hierarchies of themes… and (4) linking themes into theoretical models."[54] The benefit of open coding is the ability to see and build general themes and topics within the interviews. This type of qualitative analysis looks at the patterns in the information and is able to highlight the importance of these reoccurring themes within people's lived reality.

Qualitative and rhetorical methodologies are often taught and employed as distinct separate approaches. While these different methodologies do have distinct features, which can distinguish them from each other, I found myself pulling from their similarities in order to best emphasize the

words and meanings of my participants through rhetorical field methods. I am very familiar with Campbell and Burkholder's steps of descriptive analysis and found it useful when analyzing the interviews: "(1) Critics analyze a discourse or a group of discourses in order to identify distinctive characteristics. (2) They attempt to understand the discourse in relation to its milieu or context. (3) They select or create a critical perspective, approach, or system to guide the critique. (4) They make evaluative judgments of its quality, of its effects, or sometimes of both, based on explicit criteria that make the grounds for evaluation apparent to readers."[55] The benefit of rhetorical analysis is it recognizes the role of the person doing the analysis and calls to the critical systems in which the results are being understood. As a critical rhetorician, I find that these steps of approaching a text are very engrained and that, in some ways, I am always seeing information through the lens of discourse as a critic. But doing a strictly rhetorical analysis may have risked putting more emphasis on the critical perspective than the voices of my participants. Combining descriptive analysis with open coding allows there to also be a focus on the themes and material the participants are sharing. Using these two approaches for my analysis, I was able to inductively categorize while highlighting distinctive characteristics. Throughout the entire process, my main guideline was to produce an ethical, quality product that honors the participants and their stories.

Results

All of my participants described stages of their understandings of how normative sex and sexuality definitions functioned and how their bodies, desires, and behaviors were excluded from those normative definitions. Most of the people I interviewed described first learning how normative definitions function, behaving within them or trying to fit into the norm because they didn't know there was any other option. As they learned more about themselves, they became conscious of having to negotiate their body within these normative definitions of sex and sexuality. They talked about both themselves, as well as the different communities and situations they are in.

Finally, all of them described how they came to their own definitions in their current lives and behaviors. My analysis roughly follows this path, first setting up how heteronormativity forces queer bodies to have to negotiate themselves within normative expectations.

It is not my intention to indicate that all of my participants have similar pasts or experiences; in fact, even with only doing six interviews, everyone I have interviewed has a very different positionality and perspective that they brought to this research. Rather, I am drawing similarities in how our normative systems force queer bodies to have to negotiate themselves within these structures and the inevitable redefining that comes from that conflict.

Negotiation of Heteronormativity

Heteronormative perceptions of sex are the cultural default understandings of sexual activity, even when the bodies or people cannot or do not want to perform those behaviors. Queer individuals whose bodies and desires do not fit the heteronormative standardized expectations of sex are forced, sometimes unknowingly, to change their behavior in order to not be marginalized by both their close relationships, as well as larger societal structures. Several participants talked specifically about how they did not fit these normative assumptions. Leo, a white, non-binary queer individual, discussed how this impacted their understanding of their sexual identity:

> And I remember being younger and being like, 'I guess I'm just going to be a virgin forever' you know what I mean, because I've never had sex or sexual relations with a man…because like at that age you're not introduced to any other meaning and like I knew that I was having sexual relations with women at that time, but like, to the outside world, it wasn't me having sex.

Leo's statement illustrates the power of heteronormativity to dictate the definitions of sex. Heterosexual understandings underpin how sexual activity is conceptualized, validated, and communicated, creating a heteronormative lens through which individuals are forced to view their own body and acts. Several participants talked about how these social expectations impacted their behavior. Rachel, a white, queer female, explained that when she was young, she worried that if she

continued dating women, her family would be ashamed, and she would lose certain friendships. Ozilline, a white, 47-year-old lesbian, described how she was more promiscuous in high school than the average person because she was probably trying to convince herself she could be heterosexual: "I was in love with my best (female) friend. Um, she had a boyfriend. I, um, always had different boyfriends. Um, and it was, I was just doing it to fit in and I was doing it to try to convince myself that I could actually like it." May, who is a bisexual, polyamorous, Jewish Hispanic Latina talks about how she has to pick and choose when to share certain parts of her identity. For example, her family does not know she is bisexual and polyamorous because, "As much as I love my family, it's just not worth the rift that it would cause." She explained,

> Safety's generally my number one priority. And like these are really integral pieces of my identity and things that are really lovely about myself. Like the fact that I am poly and I have these beautiful relationships, I wish I could talk more about to people. Because I love my relationships to all three of my partners and they bring such interesting things into my life….Um, yeah, having to hide that language and hide pronouns. I've gotten really good at speaking without pronouns or plurals.

The heteronormative structures that culturally dictate sexual practices do not just privilege some bodies and behaviors over others, they influence our structures to devalue and even potentially harm individuals who fall outside of these normative expectations. This causes queer bodies to have to make constant choices for how to negotiate themselves within these systems.

Heteronormativity carries assumptions of value that work to restrict and standardize sexual practices to benefit some bodies and limit others, which impacts how people view themselves and their experiences. May spoke about a sexual experience with a woman early in her college years, demonstrating how heteronormativity creates a narrow scope which values and rewards the acts that fit inside and devalues and punishes the acts that fall outside of the definitions. In this dialogue between us, May detailed how she didn't think of her experience as sex at the time because it did not fit the standardized norm:

> digital penetration…and all clothing was off… both of us having orgasms….like great time but everything before that was just like exploring each other's bodies manually, lots of kissing, lots of cuddling and I don't think myself at that point would've called that sex. Cause like sex was like very much defined around like "is somebody having an orgasm?" typically is the male having an orgasm, to be very clear
> Megan: which is difficult when there's not male involved
> May: yes! (laughter)
> Megan: It's really hard to tell when you're done! (laughter)
> May: yeah, right! so getting to, um, and that only happened about halfway through college where I accepted the fact that like orgasm does not constitute sex…and that if no one has one, it's still a great time. And that one actually came MUCH later in college. I think in part because I finally figured out the biology of how female bodies work and how it's not really that simple. Because that was not information I was given (laughing)…I think possibly because all of my early sexual experiences were over the second the male partner had an orgasm. And then it was just done. Like regardless of whether or not I did. So I think I might have connected the like "oh we're finished. It's done. That was sex."

Inherent in these cultural stereotypes is the assumption of a male and a female both being present for sex to occur, with emphasis placed on the male's pleasure. Additionally, the gendered roles that are reinforced within heterosexual relationships illustrate the expectations of how certain bodies are expected to perform according to gendered roles. For example, May also indicated that in the atmosphere she grew up in, "it was not an expectation of men to give oral sex to women where it was very much an expectation in the other direction." Heteronormativity does not just dictate the presence of a male and a female (reinforcing a binary) but also includes expectations for those bodies.

Compulsory heterosexuality is woven throughout our social instructions, magnifying how and where these expectations are reinforced. The individuals I interviewed referenced religion, family structures, workplaces, educational systems, businesses, various social groups, etc., as spaces that taught, reinforced, or upheld normative understandings of sex and sexuality. May, who was raised in a very religious home and community, noted that she "was always really uncomfortable with the definition [of sex] given… it felt very constrained…very like, shame heavy, guilt heavy a lot of my sexual ed information just *horribly* inaccurate." The prolific nature of this messaging makes it difficult to form understandings that push against these prevailing definitions. May explained, "I had

a lot of friends who were like, 'anal sex and oral sex don't count. You're somehow still a virgin' and I'm like 'that strikes me as weird, guys. It's still intimate, why are we calling this not sex.'" The inability to recognize or validate behavior outside of the accepted norm can have a major impact on an individual who does not exist within it. Leo talked about how not being in the norm impacted their perception of themselves, saying, "I had a lot of guy friends growing up, [who] didn't take my relationships seriously…so that made me not take my relationships seriously." As is illustrated in the previous research, sex acts are connected to social systems, which impacts a person's interactions within relationships and communities. The overwhelming force of heteronormativity makes it difficult for individuals to have alternative definitions for themselves. Even beyond the fear of punishment, alternative definitions lack the ability to find shared meaning when communicating experiences or beliefs. Even when a person does not prescribe to these norms, the inability to communicate their reality has a powerful impact on their identity. Alison, a white, 30-year-old trans woman, indicated that when she would discuss losing her virginity, she felt she had to give two different dates—one that involved non-penetrative sexual activity and then a second one that fit the traditional definition of virginity loss. She reasoned, "Yeah, I think me having the two different losing the V card dates, like shows how dominant the like, 'penetrative sex is, like, sex' narrative is…I think it can make things confusing for younger queer people." Participants repeatedly noted the personal impact of these heteronormative assumptions and their inability or lack of desire to fit into them.

As a final note on structures and institutions, the social norms that surround sex are deeply embedded in language. Participants sometimes struggled to find words to adequately express what they were trying to explain and sometimes relied on language for its normative definitions. For example, in many cases, a participant would reference the first time they had sex and I would have to follow up with "when you say sex, you mean…." to clarify what they meant. In most cases, they

were using that word as a shorthand for intercourse, despite their current personal definitions of "sex" being more inclusive than just penetrative PIV intercourse. When I asked each participant to define what sex meant to them, it was incredibly challenging for them to articulate, because their definitions often used words that have normative connotations within our culture. Language, an inherently hegemonic system, hindered individuals from expressing definitions in the manner they wanted. For example, Alison answered the question of what she thinks sex is by saying, "I think of it as like any sort of intimate contact in order to get off." When I asked her to expand on the term "get off," she verbally had to work in order to stay inclusive: "So like, anything, like end goal being like pleasure. Not necessarily orgasm but like um, the goal of the contact is physical pleasure." "Get off" is often connotated to involve orgasming, which could exclude individuals who do not want to or cannot have orgasms. Kayla, who identifies as white, gender-fluid, and queer, also ran into this issue, clarifying, "Orgasm AND um, a pleasurable experience because there are people who cannot orgasm and that is perfectly okay. Orgasm is I think a happy side effect for some people but not an essential to any kind of definition of sex for me." Even in trying to inclusively define sex to expand out from the heteronormative default, they had to use other normative words that then lead to needing definitions. Normative assumptions in language were hard to get away from, with language being just one of the systems that are constantly reinforcing cultural norms and assumptions.

The Role of Identity

Discussions with my participants revealed how heteronormative structures impact identity development. When heteronormative standards lead to the dismissal of sexual desires and tendencies, those standards work to marginalize the whole person. Leo contemplated, "I didn't know what perspective to look at sex from…you know what I mean, because I was like well, I don't feel like I'm this and I don't feel like I'm that, so like, am I just not?" Leo illustrates how marginalizing these assumed definitions can be, showing how the dismissal of a person's body and

acts devalues them as a person. Discursively, there is a lack of place for Leo's identity, which means there is not space for Leo to identify. Demonstrating how pieces of an identity can be entwined, Leo explained:

> [I'm] gender queer or non-binary, so like I don't identify with being male or female…so that would be linked into my sexuality because you can't be a lesbian if you don't identify with being a female and you can't be straight if you don't identify with being, like a male and I don't know, so that's why I guess I ended up with queer [as a sexual identity].

This navigation of identity indicates the need for validation or existence. Despite the challenges posed by language, many of the people I interviewed indicated language as a necessary piece for validating their identity. May discussed the culture she grew up in and the lack of language to explain feelings, desires, and selfhood: "You just weren't supposed to feel those things period. So why would you need language to talk about them?" Not having ways to communicate about your own identity makes it difficult to validate and share your experiences.

Alison described her gender identity by remembering, "I found the word transgender. I was like, 'oooooh, that makes sense now.'" If feelings, desires, or acts exist but individuals lack language to validate them, it is very difficult to express, assert, or even communicate about one's self and behavior. Alison explained how important it is to have labels align with the presentation of an identity. "Even though, like, the only physical thing that changed [when I transitioned] was, like, me being on hormone therapy. As soon as I changed my outward presentation, my outward identity, sex was different. Um, I was less weird for like not being interested in penetrative sex. I started having partners that were also not interested in it and that were more creative. Um, and then just like an overall feeling. It's really hard to like, define. Stuff just felt different." For Alison and other participants, there is a connection between identity and the words used to discuss it. Finding the labels and connected behavior that felt genuine to them was an important part of identity development. May discussed going to college and learning more vocabulary which made everything "more comfortable." She explained, "I can actually have these conversations without feeling this

horrible sense of shame even asking questions." The language surrounding sex goes beyond describing the acts themselves—it allows a person to validate who they are—to express themselves purely without negative associations.

However, the way language narrows in on specific cultural connotations can make it difficult to navigate expression. Rachel is married to a man and has had a girlfriend for the last six years.[56] She discussed the complications of trying to figure out how to express her identity and her performance of it. She explained:

> It took me a while to figure out, uh, myself, I guess. Um, and when I came out as a lesbian, um, I was already in a relationship with a guy and now we're married. Um, but him and I, I, I tried breaking up with him when we, when I came out and we just loved each other so much that we didn't want to break up. We just wanted to stay together. And, um, so I kind of feel like when I tell people that I'm a lesbian, but I'm married to a man, it is really confusing to people. And that's when they start asking more questions about my sex life, than I am willing to talk about to like, you know, strangers or anybody…I feel like people really want to put everybody in some kind of box, some kind of label. And when you don't fit a label, I feel it makes your life difficult. (laughs)

Rachel explained that she has started using the term "queer" more because it's a more encompassing term that accommodates her. Kayla also said that they use the word queer because "it does move person to person rather than, um, any kind of, um, broad overlap." Some words that have been reclaimed, such as queer, work as terms to allow more inclusive or broad meanings. But it is still important to recognize that people like Kayla and Rachel lack terms to discuss and normalize their individualized experiences, feelings, and situations. "I think that if there was a word for my situation," Rachel stated, "that would help a lot when I'm talking to other people for sure." Words are powerful in creating and sharing the reality of experience. Without ways to express or describe an individual reality, that existence becomes easier to marginalize.

This cultural dismissal that happens without social validation exists at both the micro (intrapersonal, interpersonal) and the macro (institutional, governmental) levels. Language connects to how the functional reality of our society is formed. For example, Ozilline professed, "When I was

20 something, I never thought that marriage would be legal ever, uh, for same sex people to get married. I didn't even think that was a remote possibility." Now, Ozilline is married to a woman, and they have a child together. The validity that is given by having government acknowledgment of their family as legal is not just about self-actualization but is also connected to safety and public recognition.

Redefinition Starts at the Self

The pervasiveness of heteronormativity creates borders that dictate normative sexual practices, impacting individuals who exist outside of these boundaries. Warner argues for the purposeful shifting of boundaries: "Even when coupled with a toleration of minority sexualities, heteronormativity has a totalizing tendency that can only be overcome by actively imaging a necessarily and desirably queer world."[57] My interviews indicate that the creation of a queer world begins with the queer bodies living their experiences. Participants suggested an active and necessary shift of those boundaries in order to make space for themselves, their desires, their bodies, and their relationships. May described her "oh wait, I'm not straight" story:

> So I had this friend in high school and we like would have sleep overs and cuddle all night and then make out with each other practicing for when we had boyfriends…because heteronormativity. Um, and then at one point, I come home from college after my first winter break back, and she and I like hook up with each other yet again and then she looks at me and goes "you know, I think we might be bi…" and I was like "well, we're not straight! (laughter) like, we've established that."

If the bodies, desires and practices do not match the traditional definitions of sex, purposeful expansions must happen to include and validate the body and the experiences. Starting with the self allows the expansion of definitions to recognize one's own experiences. Kayla argued that definitions and understandings of sex are fluidly based around the individuals:

> I don't think I would, I could say for any given person, know what their little bit of sex, and there are a lot of it is sex looks like cause some people, and not get too graphic, but some people in order to like get off, they need like three dicks and like a, I dunno, a circus around them, you know, like it's not, that's a lot of sex to them and maybe everything else that some

> people would say "that's a lot of sex for me" might be like nothing to them, not even sex to them, you know.

Putting the individual at the center of the definition connects back to the bodies and experiences of individuals, specifically those that may be marginalized by normative discourses.

Several participants indicated emotional connection as indicative of sexual practices for them. Intimacy and vulnerability were repeated markers of constituting sexual interactions. Leo discussed their shift in constituting sex, explaining, "Now I think it's just like um, any part of you that feels like your giving yourself to someone else vulnerability wise…because each person views their autonomy differently." They also referenced how definitions can change for a person as they change. Kayla illustrated this by describing the emotional reactions she had the first time she saw her boyfriend's penis. She explained that, at the time, she didn't register the interaction as sex—"I didn't touch him or anything. Um, but NOW in my knowledge, I would consider that a sexual activity because it had that feeling behind it. That's only definable by an individual person." The experiences of the body became the place where participants realized their definitions needed expanding.

In some cases, participants expressed not feeling a connection when having normative sexual interactions and needing to expand their definitions when they were experiencing other types of sexual encounters. Rachel was one of the people who recalled, "Um, the first time I was with a guy, um, I was, uh, 15, um, I dunno, it wasn't really that memorable to be honest. It wasn't that great. (laughing)," but then describing her first girlfriend, she explained:

> That was, you know, that was the first time I had sex a woman, you know, and it was wonderful and I thought, "Oh my God, like this is, this is really what it is. Like this is what, this is what it should be like." Like it should be like, you know, you feel good and you're excited about it and you're, and, and you're enjoying every moment. And, um, so that really opened my eyes.

Much of the normative discourse feels very disconnected from actual experiences, yet participants repeatedly referenced their individual experiences as foundational in developing their understandings of sex and sexuality for themselves. In order to (re)validate their identity, their own definitions

needed to expand to include their own positive and meaningful experiences, despite them violating normative boundaries.

This necessary expansion of definitions and meanings occurs in response to the marginalizing nature of heteronormativity. The purposeful expansion of definitions places individuals, their practices, and identities at the center of characterizing sex. May and I ended our almost two-hour long interview by discussing her and her partners' individualized viewpoint of sex:

> May: [talking about sex with her, her primary partner and their girlfriend] …and it changes every time. And [my primary partner] had this great world view, I think, he doesn't try to like, make himself last longer because he's like, 'my partner's gonna get off regardless of when I do…which is non-issue!'
> Megan: which is a breakdown of those stereotypes, right?
> May: right
> Megan: that like, if the penis isn't necessary for sex or for female orgasm, you break that down and it's not anymore….
> May: and it's still considered sex. For us, specifically.
> Megan: That's a perfect place to end!
> May: yeah, right.
> Together: And it's still considered sex. For us, specifically.

This individualized definition becomes important because of inherent systems' power to de-privilege individuals and reaffirm systems of power. But by changing the language, communication, and labeling to put the individual at the center of the definition, these expansions work to counter the systems that marginalize the sexual behaviors of queer people.

Communication as a Component of Sex

Driving home the necessity of self-definition, Kayla exclaimed, "Sex is whatever the hell you want it to be!" This notion is particularly beneficial for individuals that have been marginalized or sit outside of the social norm. The ability to define sex and sexuality for oneself allows the individual access to comfort, safety, and power through the creation and validation of their own reality. However, one critique against self-definitions would be the challenge of creating shared meaning—if everyone is creating their own definitions based on their body and experiences, how will they express to others these individualized meanings? How can we accommodate individualized

definitions in public discourse? In analyzing the interviews, clear themes of communication being a component of sex were present. Participants demonstrated and called for empathetic and inclusive communication in their connection to both other individuals and social structures.

Communication about sex allows relational connections to develop from the self instead of relying on social scripts. Ozilline laughed as she said, "[My wife] will come out of the shower and if [our daughter is] taking a nap or something like that, um, (laughing) she'll walk over and like dance naked. And I know that that's a cue." Developing relational understandings from self-definitions allows individuals to have that shorthand or shared meaning between them. While this type of communication can happen in any type of relationship, the importance of relational communication is highlighted within relationships that cannot or do not want to connect to common social scripts of sex and sexuality. Alison explained:

> Yeah, it's been like very, like pleasantly surprising how many partners, like, post transition, um, will just straight up ask, "how does this work? Do you feel around this area? Um, do you wanna involve all of that?" um, whereas like, I don't I can't even remember having basic conversations of turn-ons and turn-offs before the first time having sex when it was like, a straight coupling. Um, so yeah…there's always been a talk of like, what do you like and what you don't like since.

This type of relational communication counters the need for assumptions based on normative social scripts and prevents miscommunication.

To enact this communication, both the necessity for and problematic nature of language ran throughout the interviews. Kayla discussed how reclaiming words for her own use works to push back against narrow assumptions of sex and how that changes based on the relational situation. She asserted:

> personally, I, I don't shy away from those words because if I can take them and reclaim them and redefine them, then like maybe we'll knock down some of this dominant narrative bullshit that happens, you know, so like,…like using sex when, I mean fingering with my girlfriend, so like, do you want to have sex tonight? She's not going to say, would you like me to finger your Gspot? Like, you know, that's going to not work for me, but like do you want me to fuck you is like, you know, that can mean different things. There are umbrella terms! I don't think we really need to pigeonhole these things into certain definitions and any sense

> because they're defined based on the couple. So, in my last relationship, do you want to have sex or do you want to fuck? is going to look different than in my current relationship is going to, if I have an extra relationship, it's going to look different in that one too.

Kayla's comments bring into focus our connection to the construct of language. Language only functions through use and the development of relational connotation. While normative narratives have overarching power to dictate meaning, these discourses can be pushed against by how individuals, and their subsequent communities, use and reclaim language.

May discussed how attention to language and communication can function relationally within a community. May is largely involved with the poly community in her city and regularly helps host lingerie parties. May described these gatherings as a group of around 35-40 people who come dressed in whatever makes them feel sexy.[58] For the first few hours, the gathering functions as a typical party. There is food and drink and they all play games and socialize. Then around midnight, she described how the people who stay usually play spin the bottle. There is a lot of kissing, "and then kind of divulges into like this whole wonderful group sex. Whether it be pockets of like people having various types of sex around the room or all together." There are four to five hosts for every party and everyone on the guest list is vetted by the hosts to make sure that their behavior fits the culture. May described the ways in which this community purposely uses communication to navigate these intimate encounters. She explained that everyone has a name tag that has the person's pronouns on it, creating a "gender friendly space." The name tags are also color coded to indicate the person's comfort level with physically intimate interaction. This coded system is coupled with the expectation of verbal consent at every level of physical interactions. May described what this looks like:

> So, lingerie party culture has these really high strict bars of consent…because of that culture, um everything that you ask of someone is VERY explicit. And every step, you ask consent. Like I will be making out with someone, kissing, um, and if I like, want to put their nipple in my mouth, I will very much ask, like "may I suck on your nipples" in that blunt, like use the correct anatomical name so there is nothing lost. There is no, like, "can we go to second base" because that's poorly defined. Like, you don't know what you are consenting to at that

> point. So I, I count myself as very lucky to fall into this community that wants specific consent language and it's not culturally weird. Because I feel like that's a big problem.

May noted how this type of clear, direct verbal conversation is not typically normalized when dating or interacting outside this community, but the community is going to great lengths to normalize this behavior to ensure the safety, comfort, and autonomy of all of the people involved. The individualized practices within this community impact the larger definitions of sex that are used in the community. May explained how, as a community, they are careful not to just count PIV intercourse and to have very broad definitions to be as inclusive to different bodies and experiences as possible. Communication is at the core because it allows multiple individuals to express what they want and need. The encouragement of communication and the guidelines for how to clearly do so work to allow each individual self-autonomy no matter how much or little their bodies fit into the assumed norms of sex and sexuality. These practices especially work to protect and empower marginalized bodies by altering the power dynamics. Needing verbal consent before every action can cut down on miscommunication that happens when assumptions are made in intimate encounters.

May's description of lingerie party culture reinforces how inclusive definitions and norms can be built. The individuals planning and hosting these parties do not expect everyone to be able to just do this. May explained, "When people come [into the community], we always sit them down—and like, outside of sexy spaces, we will meet in a coffee shop or like hang out and go rock climbing and have this conversation of, 'you need to use explicit language and we know you haven't been taught to use explicit language. Please practice before you come. So the words can actually leave your mouth.'" Explicitly introducing direct communicative practices into intimate encounters allows for the individuals to better control what is happening to their bodies.

Finally, language works as a way to determine that everyone involved has aligned definitions. Several of my participants talked about consent as a large determiner, guide, and boundary of what counts as sex. However, consent is only made real through communication. Sex is

best defined by the people enacting it, causing consensual understanding of all parties to be a major factor in knowing what activities count as sex. Leo discussed the pervasiveness of sex in our society and how they are not really interested in it. Laughing, Leo pondered, "But I guess over the years it's kind of like I don't really care. Because like, someone's sex life isn't my--, I don't care what you do. Is it consensual? Great! (laughs) …You're consenting, you don't feel this way, you don't feel that way, great. That's good. Keep doin' what you're doin'." Consent becomes the foundation for sexual experience, a practice that puts the individual and their identity at the center of the constitution. Kayla boldly stated, "It's not sex without consent. I mean, without consent, it's sexual assault." Most participants indicated this separation and the necessity to distinguish wanted sexual acts from unwanted acts put upon them. May, who experienced a brutal sexual assault at the age of 16, discussed how framing that incident was incredibly important to her identity and health. She explained:

> Because of the way I had been raised, this was the first time a penis had entered my body, therefore, I was no longer a virgin…—you already have all of the shame of surviving a rape and like not being able to fight back because my body just froze and everything you're typically dealing with on top of this…and I think it would've been a really great protective factor had PIV not been like the only kind of sex, if somebody…had talked about like non-consensual sex doesn't really count...it took me a very long time to internalize that, whether people use that as a definition or not, for me it had to become a definition as a survival mechanism.

If the individual is at the center of sex construction, then an act that they do not consent to does not count as sex. Having labels to distinguish the differences between consensual sexual activity and sexual assault allows individuals the power to navigate their sexual identities, what they are actively choosing to include, and then separating things that happen to them that they have no control over. These interviews show how important it is for individuals, specifically marginalized bodies, to be able to define these acts for themselves.

Conclusion

My attempt with this chapter was to expand sex constitution research by including queer narratives. This study is currently small, as Leo reminded us, but it is important. This type of interview work is necessary for expanding the previous research that has been typically quantitative and heterosexual. This study is a start, but much more could be done to gain additional perspectives. Currently, all six of my participants either fall into predominantly femme identities, being cis and trans women and genderqueer/non-binary (with only one participant presenting more masc or androgynous). I had originally been excited to continue expanding my interviews to include masculine and male participants to add their experiences and perspectives to my analysis, I realized this study benefits by allowing space for femme queer bodies. Therefore, more interview research should be done on other specific demographics within the LGBTQ+ community to see how they may differ from the types of bodies I interviewed. Also, eventually, more individualized studies will need to be done to explore specific communities and constitutions. There has not been much research of this nature conducted, so my intention was to draw a very broad framework to further knowledge in this area. This is a great start but does not allow many specific conclusions.

It is not my intention to suggest that looking to individual marginalized bodies is the only solution to the harms enacted around sex, sexuality, and sexualized violence. I am very aware that institutions and structures play a large role in how definitions are normalized and disseminated. But this chapter shows how the micro level of meaning-making can be influential to both the macro and meso levels by influencing individuals that construct and make up these structures and institutions.

As I emphasize throughout the chapter, definitions which are able to come from individualized experiences better serve individuals, especially those who do not fit normative social definitions. The analysis demonstrates the power of creating and/or shifting definitions to validate

the self. If individuals are able to shift social definitions to fit their body and behaviors, their enactments within intimate encounters become part of the social landscape that impacts the meso and micro levels of meaning-making.

My goal with these three content chapters is to focus in on the intersections of sex and sexualized violence while recognizing sexuality as the major contextual piece. Specifically, where harm is happening because of certain positionalities, social scripts, and behaviors being validated over others. This chapter utilizes the voices of individuals to challenge and push back against harmful normative scripts on the micro level, recognizing how these behaviors reverberate to both the meso and macro levels of society.

Appendix A

Sanders and Reinisch (1999) Question List

Would you say you 'had sex' with someone if the most intimate behavior you engaged in was ….(mark yes or no for each behavior):

(a) A person had oral (mouth) contact with your breasts or nipples?
(b) You touched, fondled or manually stimulated a person's genitals?
(c) You had oral (mouth) contact with a person's breasts or nipples?
(d) Penile-vaginal intercourse (penis in vagina)?
(e) You touched, fondled, or manually stimulated a person's breasts or nipples?
(f) A person had oral (mouth) contact with a person's genitals?
(g) Deep kissing (French or tongue kissing)?
(h) Penile-anal intercourse [penis in anus (rectum)]?
(i) A person touched fondled, or manually stimulated your breasts or nipples?
(j) A person touched, fondled or manually stimulated your genitals?

Appendix B

Randall and Byers (2003) Expanded Question List

Behaviors:
Deep kissing/tongue kissing
Oral Contact with breasts/nipples
They have oral contact with your breasts/nipples
They touch your genitals-with orgasm
They touch your genitals-**no** orgasm
Oral contact w/their genitals with orgasm
Oral contact w/their genitals-**no** orgasm
They have oral contact w/ your genitals w/ orgasm
They have oral contact w/ your genitals-**no** orgasm
Touching their genitals with orgasm
Touching their genitals with **no** orgasm
Penile-vaginal intercourse with orgasm
Penile-vaginal intercourse with **no** orgasm
Penile-anal intercourse with orgasm
Penile-anal intercourse-**no** orgasm
Masturbating to orgasm in each other's presence
Masturbating to orgasm while in telephone contact with each other
Masturbating to orgasm while in computer contact with each other

Appendix C

Sample Communication for Finding Participants

Hi friends,
I am currently conducting interview research as part of my Com 860 course at the University of Wisconsin-Milwaukee. I am hoping you would pass on this information to individuals you think may be interested in participating in my study. I looking to interview non-heterosexual sexually active adults about theirs views on sex -- specifically what they believe constitutes as sex and how they discuss sexual activity. I am not planning on interviewing individuals I know, but would really appreciate you passing the information below on to people you think might be interested in participating. Thank you so much!

Megan Orcholski

My name is Megan Orcholski. I am a PhD student at UW-Milwaukee in the Communication Department. I am currently conducting interviews with non-heterosexual sexually active adults about theirs views on sex -- specifically what they believe constitutes as sex and how they discuss sexual activity. As a queer female myself, I am interested in how we think about and discuss sex, specifically activities for bodies and partnerships that may not fit the socially accepted norm, as there is not much research in this specific area.

Participation in this research involves being interviewed in person and would take between 1-2 hours (the people I talk to will control of how much or little they share, so that's why it can vary). I work with each person to find a meeting place and time that we both feel comfortable with. I am happy to bring or provide food and drinks while we do the interview.

If you are interested in participating in this study, or if you want to ask me questions about it, call me at 630-730-6331 or email me at orchols6@uwm.edu. For confidentiality reasons, please reach out to me via phone, email or private message. Thank you!

Have a beautiful day,
Megan Orcholski

Appendix D
Consent Form

University of Wisconsin – Milwaukee
Consent to Participate in Interview Research

Study Title: Let's Talk About Sex: How Sex Acts are Constituted and Communicated Among Non-heterosexual Individuals.
Persons Responsible for Research: Megan Orcholski and Dr. Erin Parcell

Study Description: The purpose of this research study is to explore how individuals constitute sex and communicate about it, specifically those who do not identify as heterosexual (the norm). If you agree to participate, you will be asked to participate in an interview. During this interview you will be asked questions about what you believe constitutes as sex, how you discuss sexual activity, what have been your personal experiences, and how (if at all) this has changed over time. This will take approximately 1-2 hours of your time. The interview will take place in a location of your choosing and it will be audio recorded in order to assure accuracy.

Risks / Benefits: Risks that you may experience from participating are minimal. The telling of stories and sharing of information always has the potential to be vulnerable. These topics are considered private or sensitive to some, so there may be some emotional reaction to the discussion. There will be no costs for participating. The main benefit of participating is getting to share your perspective and contribute to the under researched area. It is the hope that participating in the interview will be enjoyable and if the opportunity to consume food or beverage during the interview arises, I will happily provide it. In addition to these, you would be part of furthering research in this area.

Confidentiality: Your responses will be treated as confidential and any use of your name and or identifying information about anyone else will be removed during the transcription process so that the transcript of our conversation is de-identified. All study results will be reported without identifying information so that no one viewing the results will ever be able to match you with your responses. You will be asked what name you would like used in the final report. If at that point, you would like to re-identify yourself with the information, you will have that choice. Direct quotes may be used in publications or presentations. Transcriptions form this study will be saved on a password protected computer and the recordings will be kept in a locked cabinet in a private office. Only the researchers will have access to your information. However, the Institutional Review Board at UW-Milwaukee or appropriate federal agencies like the Office for Human Research Protections may review this study's records. As employees of UWM, the researchers are both mandatory reporters. Thus any report of child maltreatment will result in the researcher breaking confidentiality to file a report.

Voluntary Participation: Your participation in this study is voluntary. You may choose not to take part in this study, or if you decide to take part, you can change your mind later and withdraw from the study. You are free to not answer any questions or withdraw at any time. Your decision will not change any present or future relationships with the University of Wisconsin Milwaukee.

Who do I contact for questions about the study: For more information about the study or study procedures, contact:

Megan Orcholski
Orchols6@uwm.edu

or

Dr. Erin Parcell
eparcell@uwm.edu

Who do I contact for questions about my rights or complaints towards my treatment as a research subject?
Contact the UWM IRB at 414-229-3173 or irbinfo@uwm.edu.

Research Subject's Consent to Participate in Research:
By participating in this interview, you are indicating that you have read the consent form, you are age 18 or older and that you voluntarily agree to participate in this research study.

Thank You!

Appendix E

Interview Protocol

Greet the participant and thank them for taking the time to meet with me.

Ask them how their day is going and discuss any other relevant topics.

Go over consent and remind them they are in control—they can choose when or when not to answer a question and can stop the interview at any time. I will also explain the semi-structured and responsible nature of the interview and tell them they are in charge of how much to share and how long the interview lasts. I certainly have questions planned but want to ultimately facilitate a space and time to talk. I am hoping we will both know when the interview is over but ultimately they are in control of how long the interaction lasts.

Explain a little bit about my interests in this topic and why I am choosing to explore these types of interviews. (I have some of this woven in later as well and will decide how much to say where based on how responsive my participant is).

The following are the questions I have prepared in the rough order I plan to ask them. I plan to do transitions, follow-ups, and ad-libs based on what is happening with the interviewee in the moment. Because my approach is very responsive and somewhat collaborative, I may adjust the order or add follow-ups based on my respondents:

Demographic questions:

What's your name?
How old are you?
What is your sexual identity?
Gender identity?
Racial identity?

Any other basic information you want me to know about you or that you think is important to note?

One of my main motivators for studying this is the details of what people think "counts" as sex or constitutes sex did not start being researched until the late 90's. In the studies that have been done so far, the majority of the participants have been heterosexual. So I'm curious, what do you specifically think of when someone uses the word "sex"?

a. How has that definition changed for you over time?
b. Do you think your sexual identity impacts how you view this word?

Are there any other words besides (or modifiers added to) the word sex which you regularly use to describe your intimate physical activities? (This can either be word used in the retelling of something you did or words used to invite someone to be intimate with you)
Example if needed: I often ask my partner if they want to make out to put the priority on the physical touching and kissing and not on the intercourse.

Has anything helped influence your understanding of sex and how you talk about it? (Religion? Porn? Culture? Family?)

Can you recall the first time you had sex? If so, why do you label this experience as the first time you had sex? If not, is there a specific reason you don't label one in this manner? **Just a reminder! I am a mandatory reporter. If your story involves anything I suspect to be child maltreatment, such as your first sexual encounter was before you were 18 with someone who is over 18, I will follow up to ask if they are still around children. If they are, I will have to file a report with the appropriate agency**

Have the physical acts involved in sexual activity for you changed over time? With partners? Any other reasons for the change?

How do you feel these experiences and how you are able to describe them are connected to who you are? (identity)

Potential follow ups:
Are other important physical moments which have happened to which you don't qualify as sex?

Think of a specific time recently you had sex. Do you mind describing to me what specifically that involved?
a. Potential follow ups based on the words they use.

As part of the LGTBQ+ community, do you ever find yourself in conversations with other community members where language or lack thereof, becomes important when talking about intimate encounters?

As a non-heterosexual person, how has heteronormativity (compulsive heterosexism) informed your understanding of sex? Do you think the queer community has found their own vocabulary? If so, is it for them or out of the need to validate/explain themselves to others?

Is there anything else you'd like to talk about or add?

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1 Even though it is not the focus of the chapter, it feels important to note how problematic these comments and proceedings were for Monica Lewinsky and many others (especially those who had experiences with sexual harassment, assault, or abuse).

2 L.L. Wynn, Angel M. Foster, and James Trussell, "Would You Say You Had Unprotected Sex If …? Sexual Health Language in Emails to a Reproductive Health Website," *Culture, Health & Sexuality* 12, no. 5 (June 2010): 499–514, doi:10.1080/13691051003653631.

3 Tom W. Smith, "The JAMA Controversy and the Meaning of Sex," *Public Opinion Quarterly* 63, no. 3 (1999): 388.

4 Smith, "The JAMA Controversy and the Meaning of Sex."

[5] I am using the term "queer" as an umbrella term for bodies whose desires and preferences exist outside the heterosexual norm. I do so with the awareness that not all of these bodies identify with the word queer. I also recognize the problematic impossibility of grouping all of these bodies together and only do so as a reference of who has been left out of the research—it is not my intention to claim similarity between them.

[6] Hilary E. Randall and E. Sandra Byers, "What Is Sex? Students' Definitions of Having Sex, Sexual Partner, and Unfaithful Sexual Behaviour," *The Canadian Journal of Human Sexuality* 12, no. 2 (Summer 2003): 87–96.

[7] Despite getting a little bit of recognition, gay men and lesbian women are still underrecognized within the research. There is also a trend to focus on gay men in connection to HIV, which limits how the sexuality of gay men is recognized.

[8] April Scarlette Callis, "Bisexual, Pansexual, Queer: Non-Binary Identities and the Sexual Borderlands," *Sexualities* 17, no. 1–2 (2014): 64, doi:10.1177/1363460713511094.

[9] I very purposely use the term "homosexuality" here to invoke the problematic history of how queer desire and relationships have been normalized into our culture. "GLAAD Media Reference Guide - Terms to Avoid," GLAAD, September 9, 2011, https://www.glaad.org/reference/offensive.

[10] Smith, "The JAMA Controversy and the Meaning of Sex," 395.

[11] Rudnick, "Performing, Sensing, Being: Queer Identity in Everyday Life," 85–86.

[12] It is not my intention to insinuate that intercourse is the only way to reach pregnancy, but rather to show the assumptive connection between intercourse and reproduction.

[13] Sonja Haller, "Finally! In 2018 It's Legal to Breastfeed in Public in All 50 States," *USA Today*, July 25, 2018, https://www.usatoday.com/story/life/allthemoms/2018/07/25/public-breastfeeding-now-legal-all-50-states/835372002/.

[14] Barad, "Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter," 17.

[15] Letizia Adams and Rajul Punjabi, "America's Crappy Sex Ed Policies Are Harming Us All," *Vice*, October 20, 2017, https://tonic.vice.com/en_us/article/zmzvv3/only-13-states-require-sex-ed-to-be-medically-accurate; "FoSE | Comprehensive Sex Education: Research and Results," accessed January 16, 2019, http://www.futureofsexed.org/compsexed.html; For a rhetorical perspective on sex education, see: Robin E. Jensen, *Dirty Words: The Rhetoric of Public Sex Education, 1870-1924*, 1st ed. (Urbana: University of Illinois Press, 2010).

[16] Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," 171.

[17] Ava D. Horowitz and Louise Spicer, "'Having Sex' as a Graded and Hierarchical Construct: A Comparison of Sexual Definitions among Heterosexual and Lesbian Emerging Adults in the UK," *Journal of Sex Research* 50, no. 2 (2013): 139, doi:10.1080/00224499.2011.635322; Laura M. Bogart et al., "Is It 'Sex'?: College Students' Interpretations of Sexual Behavior Terminology," *Journal of Sex Research* 37, no. 2 (2000): 108–116; Laura M. Carpenter, "The Ambiguity of 'Having Sex': The Subjective Experience of Virginity Loss in the United States," *Journal of Sex Research* 38, no. 2 (May 2001): 127–139; B.J. Hill et al., "The Semantics of Sexual Behavior and Their Implications for HIV/AIDS Research and Sexual Health: US and UK Gay Men's Definitions of Having 'Had Sex,'" *AIDS Care* 22, no. 10 (October 2010): 1245–51, doi:10.1080/09540121003668128; Stephanie A. Sanders and June Machover Reinisch, "Would You Say You 'Had Sex' If . . . ?," *JAMA* 281, no. 3 (January 20, 1999): 275–77, doi:10.1001/jama.281.3.275; Stephanie A. Sanders et al., "Misclassification Bias: Diversity in Conceptualisations about Having 'Had Sex,'" *Sexual Health* 7, no. 1 (2010): 31–34, doi:10.1071/SH09068; Wynn, Foster, and Trussell, "Would You Say You Had Unprotected Sex If …?"

[18] Bogart et al., "Is It 'Sex'?"

[19] Such as the terms "oral" or "anal"

[20] Marian Pitts and Qazi Rahman, "Which Behaviors Constitute 'Having Sex' among University Students in the UK?," *Archives of Sexual Behavior* 30, no. 2 (2001): 169–176.

[21] Bogart et al., "Is It 'Sex'?"; Heather Cecil et al., "Classifying a Person as a Sexual Partner: The Impact of Contextual Factors," *Psychology and Health* 17, no. 2 (2002): 221–234.

[22] Gary Gute, Elaine M. Eshbaugh, and Jacquelyn Wiersma, "Sex for You, But Not for Me: Discontinuity in Undergraduate Emerging Adults' Definitions of 'Having Sex,'" *Journal of Sex Research* 45, no. 4 (2008): 329–37, doi:10.1080/00224490802398332.

[23] Gute, Eshbaugh, and Wiersma, "Sex for You, But Not for Me," 333.

[24] Bogart et al., "Is It 'Sex'?"; Randall and Byers, "What Is Sex? Students' Definitions of Having Sex, Sexual Partner, and Unfaithful Sexual Behaviour."

[25] Bogart et al., "Is It 'Sex'?"

[26] Stephanie R. Medley-Rath, "'Am I Still a Virgin?': What Counts as Sex in 20 Years of Seventeen," *Sexuality and Culture* 11, no. 2 (September 17, 2007): 24–38, doi:10.1007/s12119-007-9002-x; Wynn, Foster, and Trussell, "Would You Say You Had Unprotected Sex If …?"

[27] Carpenter, "The Ambiguity of 'Having Sex'"; Zoe D. Peterson and Charlene L. Muehlenhard, "What Is Sex and Why Does It Matter? A Motivational Approach to Exploring Individuals' Definitions of Sex," *Journal of Sex Research* 44, no. 3 (2007): 256–268.

[28] Peterson and Muehlenhard, "What Is Sex and Why Does It Matter?"

[29] Hill et al., "The Semantics of Sexual Behavior and Their Implications for HIV/AIDS Research and Sexual Health"; Horowitz and Spicer, "'Having Sex' as a Graded and Hierarchical Construct."

[30] Horowitz and Spicer, "'Having Sex' as a Graded and Hierarchical Construct," 147.

[31] Horowitz and Spicer, "Having Sex," 147.

[32] Kami A. Kosenko, "The Safer Sex Communication of Transgender Adults: Processes and Problems," *Journal of Communication* 61, no. 3 (June 2011): 476–95, doi:10.1111/j.1460-2466.2011.01556.x.

[33] Brittnie Peck et al., "What Do People Mean When They Say They 'Had Sex'? Connecting Communication and Behavior," in *Contemporary Studies of Sexuality and Communication: Theoretical and Applied Perspectives*, ed. Jimmie Manning and Carey Noland (Dubuque, IA: Kendall Hunt, 2016), 10.

[34] Whitney Gent, "When Homelessness Becomes a 'Luxury': Neutrality as an Obstacle to Counterpublic Rights Claims," *Quarterly Journal of Speech* 103, no. 3 (July 3, 2017): 230–50, doi:10.1080/00335630.2017.1321133; Sara L. McKinnon et al., eds., *Text + Field: Innovations in Rhetorical Method*, 1st ed. (University Park, PA: Penn State University Press, 2016); Michael K. Middleton, Samantha Senda-Cook, and Danielle Endres, "Articulating Rhetorical Field Methods: Challenges and Tensions," *Western Journal of Communication* 75, no. 4 (July 2011): 386–406, doi:10.1080/10570314.2011.586969.

[35] McKinnon et al., *Text + Field*, 3.

[36] McKinnon et al., *Text + Field*; Middleton, Senda-Cook, and Endres, "Articulating Rhetorical Field Methods."

[37] Phaedra C. Pezzullo and Catalina M. de Onís, "Rethinking Rhetorical Field Methods on a Precarious Planet," *Communication Monographs* 85, no. 1 (January 2, 2018): 104, doi:10.1080/03637751.2017.1336780.

[38] Middleton, Senda-Cook, and Endres, "Articulating Rhetorical Field Methods," 388.

[39] Middleton, Senda-Cook, and Endres, "Articulating Rhetorical Field Methods," 388.

[40] Middleton, Senda-Cook, and Endres, "Articulating Rhetorical Field Methods," 387.

[41] Middleton et al., *Participatory Critical Rhetoric*.

[42] McKinnon et al., *Text + Field*, 3.

[43] Middleton, Senda-Cook, and Endres, "Articulating Rhetorical Field Methods," 394.

[44] Gent, "When Homelessness Becomes a 'Luxury,'" 235.

[45] Miriam Mara and Andrew Mara, "Blending Humanistic and Rhetorical Analysis to Locate Gendered Dimensions of Kenyan Medical Practitioner Attitudes About Cancer," *Technical Communication Quarterly* 27, no. 1 (January 2, 2018): 93–107, doi:10.1080/10572252.2018.1401344; Jenna N. Hanchey, "All of Us Phantasmic Saviors," *Communication and Critical/Cultural Studies* 15, no. 2 (April 3, 2018): 144–60, doi:10.1080/14791420.2018.1454969; Jenna N. Hanchey, "Doctors Without Burdens: The Neocolonial Ambivalence of White Masculinity in International Medical Aid," *Women's Studies in Communication* 42, no. 1 (January 2, 2019): 39–59, doi:10.1080/07491409.2019.1576084.

[46]Haliliuc, "Being, Evoking, and Reflecting from the Field: A Case for Critical Ethnography in Audience-Centered Rhetorical Criticism"; Hanchey, "All of Us Phantasmic Saviors"; J. David Maxson, "'Second Line to Bury White Supremacy': Take 'Em Down Nola, Monument Removal, and Residual Memory," *Quarterly Journal of Speech* 106, no. 1 (January 2, 2020): 48–71, doi:10.1080/00335630.2019.1704428; Joshua P. Ewalt, "Cultivating Consubstantiality with the Land Institute: Organizational Rhetoric and the Role of Place-Making in Generating Organizational Identification," *Communication Monographs* 85, no. 3 (July 3, 2018): 380–98, doi:10.1080/03637751.2018.1427880; Mara and Mara, "Blending Humanistic and Rhetorical Analysis to Locate Gendered Dimensions of Kenyan Medical Practitioner Attitudes About Cancer."

[47] Sarah J. Tracy, *Qualitative Research Methods: Collecting Evidence, Crafting Analysis, Communicating Impact* (Chichester, UK: Wiley-Blackwell, 2013), 134.

[48] Tracy, *Qualitative Research Methods*.

[49] I was initially disappointed at the lack of masculine participants within my study, but the femme and non-binary people who responded provided a very specific reflection of queer experience and was a nice foundation for this initial study.

[50] Tracy, *Qualitative Research Methods*, 142.

[51] Tracy, *Qualitative Research Methods*, 142.

[52] Tracy, *Qualitative Research Methods*.

[53] I have de-identified the other information even if people have requested to use their own name. None of the specific details were necessary for the analysis and this way any other people that would be associated with the people being interviewed were also de-identified, since they were not given a choice as to how to show up in the research.

[54] Gery W. Ryan and H. Russell Bernard, "Techniques to Identify Themes," *Field Methods* 15, no. 1 (February 2003): 85, doi:10.1177/1525822X02239569.

[55] Karlyn Kohrs Campbell and Thomas A. Burkholder, "Descriptive Analysis: The First Stage of Criticism," in *Critiques of Contemporary Rhetoric*, 2nd ed. (Belmont, CA: Wadsworth, 1997), 17.

[56] Both her husband and her girlfriend know about each other and are consensually in this situation. They purposely do not say they are in an "open" relationship because they aren't open beyond this situation, but they are all in this specific relationship.

[57] Michael Warner, "Introduction: Fear of a Queer Planet," *Social Text*, no. 29 (1991): 8.

[58] She described how some people come in classic lingerie, but others come in costumes or other outfits. She noted that her male partner came to the last one in his rock-climbing gear because that is what makes him feel sexy.

Chapter 6: Reflections, Implications, and Applications

I had a male friend in my master's program who I was very attracted to and wanted to make out with. We hung out together on his birthday, with me being the designated driver for him and his friends. The night had seemed to indicate that I may get what I had been hoping for, and I was pleased when we ended up back at his apartment and started kissing and touching. I had long developed my own boundaries within intimate encounters and didn't enjoy having PIV intercourse right away for a variety of reasons but loved doing plenty of other activities. In some cases, like this one, the person (usually man) I was with wanted to have PIV sex because this was the best way for them to get pleasure. I made it clear I did not want to have PIV sex, but as our bodies moved around each other, I often found myself in physical positions where I had to say the word "no" *multiple* times. At one point, after repeatedly saying no to that specific act, he moved in a way that would've allowed him to enter me and I held still, looked right at him and asked him why he was being an asshole. He quickly moved away, apologized, and we moved on to do other things. I don't remember how many times I verbally said the word "no" or explained that I did not want to do that specific act (while being open to plenty of other sexual acts), but it was numerous. I slept over and the next morning as we were getting dressed, he casually said, "I think if I had tried a little harder last night, we could've had sex." I was not articulate enough at the time to point out that we did have sex, just not a certain kind and that his comment sounded like he was saying that had he worked a little harder, he could've raped me. Based on our personal relationship, I could tell he didn't think of his sentiments in that way, but I also wasn't able to explain to him how dismissive and violating his actions and words were to me.

I have other examples of stories like this, as do my friends, family, and students. This particular story resonates because of the context details. This person was a friend, and I stayed connected to him as a friend for years after. I have also reflected on other experiences I have had

that could have gone a similar way, except my choices in the situation were different—in cases where I wanted to do the same activities as the other person, there was no conflict, and therefore, no ability to find out how they would have reacted in those moments. Finally, I think of the times people have said "no" to me, and I wonder how my reactions were interpreted by them. I would like to believe I was respectful of what they were communicating, but I also know we are not always aware of how our actions impact people. I also remember the times I've done something I didn't really want to because I didn't want to speak up or work to make them hear me. I think of the many others I know who have been in that situation.[1] I wonder if any of the people I have intimately been with have felt that way.

My graduate school story and my related wonderings highlight the material impacts of the definitional crisis within sex, sexuality, and sexualized violence. In this dissertation, I have laid out the definitional crisis at the macro level, demonstrated its impact at the meso level, and explored effects and possibilities for change on the micro level. This chapter contains reflections, implications, and applications that continue the quest to further understandings of meaning-making and minimize harm done to bodies.

First, it is important to recognize the rhetorical differences sexualized violence can take without marginalizing victims/survivors. There has long been a debate about the cause of sexualized violence, with some positing that this type of violence is purely about power, others arguing that sexual desire cannot be left out of the equation, and still others believing miscommunication fuels many instances of sexualized violence. My analysis on sexualized violence laws in Chapter 3 highlights the definitional crisis around definitions of sex, supporting that sexualized violence manifests in a multitude of ways. As I have referred to a few times, the publicly constructed false dichotomy between sex and sexualized violence creates high stakes for how a situation is rhetorically labeled and understood. This way of conceptualizing sexualized violence minimizes the various ways

sexualized violence can manifest. Discussions around sexualized violence have had to be extremist in their nature in order to validate sexualized violence as violence. Recognizing the different rhetorical enactments of violence would support multiple motivations for violence and therefore, multiple ways of socially minimizing it. But discussing nuances within sexualized violence is difficult, especially in a culture that still regularly oppresses those who claim violence has been done to their body. Discussions of violence also vary based on who is having them and how they play out: having a general discussion about different types of sexualized violence is rhetorically different than talking to a victim/survivor about the details of sexualized violence. As someone who spends a lot of time researching and discussing sexualized violence, I am interested in how we discuss the rhetorical variances in sexualized violence *without* negating the harm or blaming the victim/survivor. How do we reference different types of sexualized violence while holding all people perpetuating this type of violence accountable? As referenced in Chapter 3, the questions surrounding sexually violent incidents tend to put the focus and responsibility on the body of the victim/survivor. But I argue there are spaces and tools for integrating the nuances of sexualized violence further into our discourses without perpetuating apologist rhetoric.

To use common examples, how do we discuss the rhetorical differences between the public incidents of Al Franken and Harvey Weinstein while still holding them both accountable, as opposed to excusing Franken's behavior because it was different than Weinstein's? Especially at the meso level, meaning-making impacts how the public understands concepts of sex and sexualized violence. This dissertation recognizes the messier areas of these intersections, questioning how we can discuss nuance and rhetorical difference without dismissing or marginalizing bodies that have had different experiences. Chapter 4 displayed how easy it is for others to include or exclude the event of another person from the category of sexualized violence, particularly by comparing it to their personal experiences. My analyses ask us to think about the ways we can be inclusive while

acknowledging the rhetorically different ways sexualized violence manifests within intimate encounters.

Second, an exploration of meaning-making at the macro, meso, and micro level reinforces the importance of the connections between these levels. Many of our academic studies examine one of these levels at a time, but there are benefits in discussing these levels in relationship to each other. The definitional crisis around sex creates impossible social standards at the macro level for how sex should operate in a person's life at the micro level. The vague definitions create a moving target that is unable to be realized by most people. It is easy for individuals who don't perfectly fit into these narrow categories to feel shame, guilt, or confusion about their sexuality and sex practices. It is common in our society for people to worry that they want sex too much, that they don't want it enough, that they aren't doing it right, that they don't orgasm enough (if at all), that they don't like it enough, that they aren't adventurous enough, that they are too adventurous, etc. My research emphasizes how different bodies experience meaning depending on their body and positionality. However, when these individualized experiences and preferences are contextualized within the unachievable expectations of sex perpetuated at the macro and meso levels, there can be negative impacts at the micro level.

This dissonance specifically impacts individuals whose bodies don't match their specific expected norm, having very real, material impacts. I am reminded of a conversation I had with a 19-year-old male student while we were talking in my office after class. This was a student who enjoyed my class and my teaching style and clearly needed someone to listen to him talk about his life. Discussing class material led to more personal stories, such as his relationship with his girlfriend, his anxieties, and his self-doubt. I recognized in him what I had felt at that age, where everything was entwined, connected in his life, always weighing heavy. He told me how his girlfriend was the first person he had sex with and how he was not her first, which didn't bother him, but he worried about

being inexperienced. He kept talking about how he had sex so late in his life, making him inadequate for her. He didn't voice the details of that, but he didn't need to. Both of us were aware of the social pressure on young people, specifically male bodies, to have sex. It was clear he was not aware of the reality of people's experiences—that many people don't have intercourse by the age of 19, and many men don't have sex with many different people. After listening to many of his anxious thoughts, I finally asked him if it was okay if I shared some personal information about myself, and he eagerly replied, "yes! I'd love to learn from you." I told him that I knew many people who didn't have sex until later in life, people who didn't like it, or people who experienced pleasure in multiple different ways. I told him that I myself had not had what society "counts" as sex until I was in my mid-twenties and that age doesn't need to have bearing on your sex life or worth. He burst into tears and fell towards me into a hug, relieved that his unrealistic notions and fears about sex for himself weren't true.[2] The micro level is where socially constructed macro meaning can be broken down to better reflect the lived reality of bodies. Allowing context to form meaning for individual bodies matters in how those individuals construct their identities. My analysis illustrates the harm done to bodies by these social expectations. By thinking about the trace connections between the levels, it becomes easier to break down harmful social assumptions at the micro level, allowing bodies to find value in their own behavior.

Third, rhetorical scholars need to further recognize intimate encounters as a place of rhetorical significance. I have provided a model for this by 1) connecting intimate encounters to the other levels of social meaning-making, 2) utilizing a mixed method approach to expand understanding of the rhetorical significance of intimate encounters, and 3) connecting the rhetorical traces in texts to the relational meaning-making space of intimate encounters. The majority of rhetorical sex research focuses on acts at the macro and meso levels or individual bodies and their internalized self-identity or intra-communication within sexuality. Though sex can operate at an

individual level (sexuality, self-touch, etc.), the communicative potential between bodies is ever-present in sex/uality discourse; relational interactions are complicated spaces of meaning-making. Additionally, it is difficult to access texts directly at the interpersonal level of intimacy. In attempting to trace meaning-making to the relational level of intimate encounters, my analyses demonstrate how different discourses of sex would look if they shifted from seeking socially shared meaning and instead focused on shared meaning within the context of a relationship. I am aware that the term "relationship" conjures traditional interpretations of heterosexual, monogamous, long-term, commitment. But I use this term as a reference to being relational or concerning the ways people are connected.

I often wonder how discourses of sex would change if context were given the ability to produce the labels, definitions, and values of those situations. A friend who read my first chapter commented that she is very aware of how her education about sex did not detail that some people use sex for emotional intimacy and others do not. She described how long it took for her to realize that she does not find emotional intimacy in sex but her husband does, which caused conflict in their relationship. Unsurprisingly, she also feels pressure to have sex, because her partner enjoys it, and she has been socialized to believe it is necessary in an intimate partner relationship. I have had several other friends express to me that they do not often participate in sexual activities with their partners and that they feel guilty about that. My first question is always, "How does your partner feel?" In some cases, the partner also prefers it that way and yet, the guilt is still there. My research hopes to shift the conversation to focus on the pieces of the context, in this case, the people, to determine meaning-making and value. Recognizing the definitional crisis enables individuals to build meaning at the micro level, focusing on themselves and each other, instead of inheriting meaning from the macro and meso levels.[3]

As I pointed out in the previous paragraph, meaning-making happens at the identity level but is also important at the interpersonal level. It is easy to hear about multiple couples who do not have sex regularly and group them into the same category. But for me, the questions center around the rhetorical relations functioning in the context of the relationship: how do the people within the relationship value and understand sexual activity? Are they valuing their behavior the same way? If so, it is less important what that value is because they have found shared meaning together. What is a more critical situation is when individuals in relational connections and intimate encounters vary in their definitions and expectations. My research encourages us to ask how purposeful communication can seek to prevent harms that come from different rhetorical understandings within relational connections and intimate encounters. Shifting conversations about sex from meanings found in vague assumptions or social expectations to focus on those in a relational connection finding shared meaning would change how meanings around sex, sexuality, and sexualized violence are created, disseminated, and reinforced.

I have used the term "intimate encounters" throughout this dissertation to call to the moments bodies intimately interact. But time is another piece of context that matters in how meaning functions within relationships. An intimate encounter is impacted by how the bodies know each other and how often they have interacted this way. In many ways, my research is inspired by intimate encounters between bodies who do not have much of a history together, as there is more risk that there will be conflict in how they understand definitions and construct sexual meaning. But the ways meaning is created from the macro level and infused into individual's identities also has impact on long term relationships. I have had several friends and acquaintances detail to me about how they realized *years* into their relationship how differently they and their partner/spouse understood sex. In many cases, this conflict was incredibly problematic and disruptive in their relationship. The absence of shared meaning within these long-term relationships is perpetuated by

the taboo nature of discussing sex, the limited education young people receive, and the lack of genuine discourse around sex. This research pushes for more understanding and meaning-making at the micro level in any relational connection, and thus any intimate encounters, in order to build shared meaning or to realize earlier that shared meaning cannot be found within the relationship.

Finally, power operates at all of the levels, influencing their connections, and complicating how meaning is made. The expectations and social assumptions at the macro and meso levels impact communication at the micro level. It is vital to recognize how power impacts the communication at the micro level within relational connections. Several of the individuals I interviewed in Chapter 5 described how important open verbal communication is to them within their sexual encounters. But this assumes that all of the people involved are coming to that communication prioritizing listening, empathy, and concern for others involved. Along with recognizing the potential to build meaning at the micro level, there needs to be acknowledgement of how social influences at the macro and meso levels will impact this communication.

This leads to asking hard questions about how we deal with the harmful social impacts of the definitional crisis at the meso and micro levels. How do we break down the harmful socializations that lead to dissatisfaction at best and violence at worst? How do we recognize the very different realities created from the different understandings our bodies come to because of all of those experiences? What do we do with people who are harmful but do not fit the extremes of sexualized violence? A large motivator for this dissertation comes from my inability to know how to react to individuals who cause harm in these gray areas. Exile and prosecution have been the main answers to sexualized violence. But having the same reaction despite the differences in the rhetorical situations does not seem like it will minimize violence. Also, when individuals who cause harm are exiled (fired, kicked out of social groups, deleted from friends lists), there is a chance they will continue harming, just in different circles. How do we tackle power at the micro level, which has

been socialized by macro meaning, in order to make macro change? I referenced earlier the disconnect between recognizing rape but not wanting to label the people we know as "rapists"[4]—how do we reconcile the reality of our loved ones causing sexualized violence? We have collectively moved away from the social assumption that rape and violence are only caused by strange "others" lurking in the darkness. We know rationally that sexualized violence is most likely to be caused by someone we know, potentially trust, or even love. But delving into the definitional crisis asks us to confront what we do with the very real, complex people in our lives who, for a variety of reasons, perpetuate sexualized violence.

Beyond the individuals who I have had relations with, I think of the multiple students who I cared for deeply in class but who I suspect others saw as abusive. Like the boy who confessed to me he had cheated on his girlfriend from home with a girl in our class. He looked at me with shocked confusion as I pointed out that by sleeping with another person and then having unprotected sex again with his girlfriend without telling her, he was putting her health at risk… he had just never thought about it. Or the international student who told me that he was in trouble with campus police for assaulting his ex-girlfriend (who was also in my class), but that he didn't assault her, he "just pushed her." He was upset because she had broken up with him and had been talking to other men. I think of the lesbian woman from graduate school who was beloved in many circles but perpetuated clear and systemic abuse in both her intimate and professional relationships. I think about a former colleague in a different department on campus who was emotionally abusive, gaslit his ex-wife, froze her out of finances, tried to take her children from her, and then went to the women's center in town to file a complaint against her. He was a regular at all of the women's rights and sexualized violence meetings on campus, with many on campus trumpeting his good work. I think of a person I used to casually date whom I found out had been accused of sexual assault by several people and still uses his power over women in personal and work relationships. But he is a

young, beloved, small business owner in the community who is kind and charming. His public behavior does not fit violent sexual abuse, so he is hard to label or know what to do with.

I understand the argument that abuse is abuse and should be treated as such. But I wonder how we recognize the complicated intersections of abuse and other aspects of life. How do we reconcile a person's violent behavior with their other actions? At what point are people to be held accountable for their actions, even if those actions fit into how they were socialized within a culture? It is easy to think of conflicts in intimate encounters as misunderstandings, but how do we negotiate the very different realities people bring to an intimate encounter? How do we hold people accountable to regarding the other person, especially if society does not recognize their sexuality as valid or important?

I don't have the answer to these questions, but this dissertation is an attempt to move toward thinking about these complicated nuances. Sexualized violence is always implicated in power, but it is also implicated in rhetoric, sex, sexuality, and other related concepts. The nuances within sexualized violence and the connections to sex are complicated. It is necessary to actively interrogate these intersections and connections in order to fully and meaningfully address sexual trauma and sexualized violence in our culture. The work in this dissertation is a crucial step in furthering these discussions.

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1 I have such a clear memory of being in a car in high school with two friends and finding out one of them was sleeping with a guy in our grade. When I exclaimed, "whoa, you're sleeping with [his name]!?!?!?" and she dully responded, "I don't want to be. But I can't really say no." I felt so uncomfortable but didn't know what to do.

2 I want to note the additional implications of this story, as my male student and I were having this conversation in my office alone. If stripped of relational context, the logistics of the situation could signal to an observer a potential abuse of power or an inherent "inappropriateness." The majority of this dissertation has referenced examples of sexualized violence happening on the micro level without the recognition at the meso or macro levels. This example demonstrates a situation that could appear problematic at the macro level, but was actually the processing of sexual trauma at the micro level.

[3] I specifically reference couples in this section, but I want to make sure to recognize the further implications within poly relationships.

[4] MacKinnon, "Feminism, Marxism, Method, and the State," 654.

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Publications
(In Process) Orcholski, M. (2020, Spring). Francis Beal and the Shifting of Enemyship in the Fight for Civil Liberties for Black Women. ed. Timothy Shiell, in *Civil Liberties in Real Life,* Cambridge Scholars Publishing.
Rasmussen Lenox, T. & Orcholski, M. (2018) Transgressively tWERQing. *Women and Language Online*, 40(1), 145-159. https://docs.wixstatic.com/ugd/6c9b47_22716d48db4f46848cdf16ae2c06d1ee.pdf
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Orcholski, M. (2009). Emotions, chaos, & commotion: A family narrative. *Philament,* 15, 91-97. https://philamentjournal.files.wordpress.com/2016/01/orcholski_emotions.pdf

Paper Presentations (*indicates competitive papers)

*Orcholski, M. (2020, April). Would You Say You Had Sex if…You Were Quee? Exploring Sex Constitution and Discourse in Queer Communities. Central States Communication Association, Chicago, IL. (Top Paper in the Sexual Orientation and Gender Identity Caucus)

Orcholski, M. (2020, April). When you Can't Leave it at the Door: How Sexual Violence Impacts College Students. Central States Communication Association, Chicago, IL.

*Orcholski, M. (2019, November). Was it Consent? The Babe.net Controversy and the Definitional Marginalization of the Affected Body. National Communication Association Convention, Baltimore, MD.

*Orcholski, M. (2018, November). Black Women, Beal and the Shifting of Enemyship. National Communication Association Convention, Salt Lake City, UT

Orcholski, M. & Jagiello, K. (2018, November). Playing with Labels: LBGTQ+ Visibility in Relationship to the Acronym. National Communication Association Convention, Salt Lake City, UT.

*Orcholski, M. (2018, March). White Feminism and the Ego-Function of Constituting Social Movements. Central States Communication Association, Milwaukee, WI.

*Orcholski, M. (2018, March). Wondering Woman: Withholding Information as a Plot Device in Female Movie Relationships. Central States Communication Association, Milwaukee, WI.

*Orcholski, M. & Langston, D.V. (2018, March). Why Cry?: Exploring the Performance of Crying in Relationship to Communication, Emotion and Identity. Central States Communication Association, Milwaukee, WI. (Top Competitive Papers in Performance Studies and Autoethnography)

Orcholski, M. (2012, November). Why are you calling her a prostitute?: The Blunt Amendment, Vaginas, and the need for a Feminist Civility. National Communication Association Convention, Orlando, FL.

*Orcholski, M. (2011 November). Women Lack Penises: The Powerful Gap Between the Penis and the Phallus. National Communication Association Convention, New Orleans, LA.

Orcholski, M. & Wakefield, B. (2010 November). Queering to common: A critical analysis of Lady Gaga. National Communication Association Convention, San Francisco, CA.

Orcholski, M. (2010 April). Being a "Karaoke King" (or Queen): Aesthetic communication in karaoke performance. Graduate Research Conference, Minnesota State University, Mankato.

*Orcholski, M. (2009 November.) Writing the self: An exploration of feminine voice in *Oranges Are Not The Only Fruit*. National Communication Association Convention, Chicago, IL.

Cronn-Mills, D. & Orcholski, M. (2009 November.) They know what they are doing but they don't know why: A theoretical exploration of intertextuality in interpretation events." National Communication Association Convention, Chicago, IL.

Orcholski, M. (2009 April). A discussion of power? Graduate Research Conference, Minnesota State University, Mankato.

Panel Presentations

Orcholski, M. (2020, April). Being a Gender Social Justice Warrior in the Era of Trump: Performative Techniques. Central States Communication Association, Chicago, IL.

Orcholski, M. (2018, November). Intercultural Pedagogy: Bridging the Gap for International Students in the Public Speaking Course. National Communication Association Convention, Salt Lake City, UT.

Orcholski, M. (2018, November). Mindfulness Matters: A Collaboratory Dialogue. National Communication Association Convention, Salt Lake City, UT.

Orcholski, M. (2018, March). "Queer," Difference, and Shared Identity: Who (and What) Counts as Queer? Central States Communication Association, Milwaukee, WI.

Orcholski, M. (2018, March). Judging When Triggered: "Because Judges Have Experienced Trauma Too." Central States Communication Association, Milwaukee, WI.

Orcholski, M. (2018, March). Difference, Entitlement, and Power: Deconstructing the Privilege of Being a Communication Instructor. Central States Communication Association, Milwaukee, WI.

Orcholski, M. (2018, March). Inclusive Communication Strategies in the Classroom. Central States Communication Association, Milwaukee, WI.

Orcholski, M. (2018, March). Great Ideas for Teaching Speech: The Forensics Edition. Central States Communication Association, Milwaukee, WI.

Orcholski, M (2015 November). Wait, You Don't Have a Syllabus Yet? Engaging and Critiquing Critical Pedagogy Practices in the Communication Classroom from Teacher and Student Perspectives. National Communication Association, Las Vegas, NV.

Orcholski, M (2015 November). Fostering Advocacy among Hegemonic Students. National Communication Association, Las Vegas, NV.

Orcholski, M. (2014 November). The Presence of the Transgender Competitor: Multiple Pasts—Multiple Futures. National Communication Association Convention, Chicago, IL.

Orcholski, M. (2014 November). Pulling from our Past while Building for the Future: Training Resources and Techniques in the Individual Events. National Communication Association Convention, Chicago, IL.

Orcholski, M. (2013 November). Building a Legacy: Leaving a Forensics Footprint. National Communication Association Convention, Washington, DC.

Orcholski, M. (2013 November). Re-examining the Qualification Process: Better Connecting Students to the AFA-NIET. National Communication Association Convention, Washington, DC.

Orcholski, M. (2012 November). Creating COMMunity through Empowerment: Examining Methods of Creating Student Engagement in the Basic Course. National Communication Association Convention, Orlando, FL.

Orcholski, M (2011 September). Approaching Interp: Examining Why We Do What We Do in Forensics Interp Categories. Communication & Theater Association of Minnesota, St. Cloud, MN

Orcholski, M (2011 September). Forensics as Art: Exploring Social Impact Through Forensics Performance. Communication & Theater Association of Minnesota, St. Cloud, MN

Orcholski, M., Reid, A. & Lumberg, S. (2010 June). From reader (spectator) to author (spect-actor): Learning to fragment and reconstitute texts." Workshop Panel at the Annual Pedagogy of the Oppressed/Theater of the Oppressed Conference, Austin Texas.

Orcholski, M. (2009 November). From talking change to enacting change: Seeking an action centered model of critical (communication) pedagogy. National Communication Association Convention, Chicago, IL.

Orcholski, M. (2009 November). A question of merit: A discourse on our understanding of 'literary merit.'" National Communication Association, Chicago, IL.

Orcholski, M. (2009, September). A graduate student research panel: Rhetoric of protest and dissent. Communication & Theater Association of Minnesota, Rochester, MN.

White, L. & Orcholski, M. (2009, May). "Great ideas of teaching: Activism, community, and transformation. (GIFT-ACT). Pedagogy of the Oppressed/Theater of the Oppressed Conference, Minneapolis, MN.

Orcholski, M. (2009 April). Interpersonal Communication: Am I Just a Number. Graduate Research Conference, Minnesota State University, Mankato (Poster)

Performance Presentations

Orcholski, M. (2010 June). From me to you: An exploration of identity portrayal. Performance at the Annual Pedagogy of the Oppressed/Theater of the Oppressed Conference, Austin, TX.

Orcholski, M. (2010 April). Bridging identities: An exploration of identity portrayal in performance. Graduate Research Conference, Minnesota State University, Mankato.

Dimock, J. P. & Orcholski, M. (2009 May). One o'clock at the Hong Kong Noodle. Performance at the Annual Pedagogy of the Oppressed/Theater of the Oppressed Conference, Minneapolis, MN.

Orcholski, M. (2009 April). Seamless intertextuality: *I Kissed a Girl.* Graduate Research Conference, Minnesota State University, Mankato.

Symposium Sessions

Orcholski, M. (2018, November). Black Women, Beal and the Shifting of Enemyship. Civil Liberties Symposium, University of Wisconsin-Stout. *$1,000 Honorarium.*

Orcholski, M. (2019). The Power of (A) Reflection. Birds-of-a-Feather Session, Teaching and Learning Symposium, University of Wisconsin-Milwaukee.

Woodward, K., Harris, L., Orcholski, M. (2018). Books for All Students: Open Educational Resources (OER) as Initiatives for Student Success. Interactive Presentation, Teaching and Learning Symposium, University of Wisconsin-Milwaukee.

Orcholski, M. (2017). Basically Boring-Birds-of-a-Feather Session, Teaching and Learning Symposium University of Wisconsin-Milwaukee.

HONORS

Cooper Award Central States Communication Association 2020
Excellent teaching by a graduate student

Teaching Excellence Award Department of Communication Awards, University of Wisconsin-Milwaukee 2019

3nd Place Graduate Research Women's and Gender Studies Awards *$40 Honorarium* 2019
Was it Consent?: The Babe.net Controversy and the Definitional Marginalization of the Affected Body
University of Wisconsin-Milwaukee

International Communication Association Teaching Award- Department of Communication Awards 2018
University of Wisconsin-Milwaukee

John Paul Jones Memorial Trust 2017 & 2018
University of Wisconsin-Milwaukee

2nd Place Graduate Research- Women's and Gender Studies Awards *$50 Honorarium* 2018
Would You Say You Had Sex If You Were Queer? Exploring Sex Constitution and Discourse in Sexual Minority Communities
University of Wisconsin-Milwaukee

Namesake of "The Megan Orcholski Spirit Award"- A new award created by the seniors of the forensics team to allow students to honor exceptional peers 2015

Larry Schnoor District IV Distinguished Service Award- For outstanding service to the forensics community in District IV 2015

Writing Retreat- Selected to attend week-long, off-site workshop, Concordia College 2013

Grace Walsh Award- Grace Walsh Invitational 2012
Recognizes contributions in the community of forensics

Research and Professional Development Grant- President's Commission on the Status of Women 2010
$500 award from MSUM to attend the 16th Annual Pedagogy and Theatre of the Oppressed Conference

Andreas Graduate Scholar Recipient- Minnesota State University, Mankato 2009
Scholarship from the College of Arts and Humanities for excellence in performance

Outstanding Research Presentation- Graduate Research Conference at MSUM 2009
Award received for presentation of *Seamless Intertextuality: I Kissed a Girl*

Graduate Student Project of the Year Award-President's Commission on the Status of Women, MSUM 2009
Research award received for *Writing the Self: An Exploration of Feminine Voice in Oranges Are Not The Only Fruit*

Outstanding Senior Woman- Honors Convocation, North Central College 2005
Awarded to one female each year

Outstanding Major in Forensics- Honors Convocation, North Central College 2005
Awarded to one forensics student each year

All American, American Forensics Association-NIET- 1 of 11 selected nationally 2005
Recognizes excellence in forensics participation, academics and service

Illinois State Prose Champion- Illinois State Forensics Tournament 2005

Quarter Finalist in Poetry Interpretation- National Forensics Association Individual Events Tournament 2005

Presidential Scholarship Recipient- North Central College 2001-2005

Forensics Scholarship- North Central College 2001-2005

Invited Speaking Honors

F. Richard Beyer Fund for Campus Conversations on LGBTQ Issues Speaker October 2018
$1,500 Honorarium, St. Lawrence University, Canton, NY

Andreas Visiting Scholar October 2015
$1,500 Honorarium, Minnesota State University-Mankato, Mankato, MN

TEDxFargo "No Apology Living" July 2015
Fargo, ND

Invited Class Lectures 2009-Present
I am often asked to the classes of others to speak about my specialties, most often gender and sexuality

SERVICE

University of Wisconsin-Milwaukee

Public Speaking Showcase Co-coordinator, Volunteer,	2016-Present
Mentor to both undergraduate and graduate students	2016-Present
Recruitment volunteer	2016-Present
Regular Reviewer for Conferences (WSCA, CSCA, NCA)	2016-Present
Volunteer Speech Coaching- High school, College, Community	2016-Present
Photographer for Rhetorical Leadership Seminars	2016-Present
Professional Development Session Leader on Public Speaking	2019
Graduate Orientation Session Leader	2017, 2018, 2019
NCA Grad Fair	2018
Summer Reading Leader	2017

Concordia College

Concordia Poetry Society Mentor- Coordinate students, plan and host poetry open mics	2010-2015
Orientation Faculty Advisor- Participate in orientation activities as a faculty leader	2011- 2015
Planning Sub-Committee Member for *Celebration of Student Scholarship (*on-campus conference)	2012-2015
Summer Registration Advisor - Advise incoming students	2012-2015
Lead Now Mentor- Meet with and mentor students in the "Lead Now" program	2012-2015
Department Assessment Workshop	2012, 2013, 2014
Admissions Panelist- Answer questions to perspective students	2011, 2013, 2014
Faculty Learning Community- *Preparing Students to Take Intellectual Risk*	2014-2015
Presidential Scholarship Evaluator- Evaluate incoming students for scholarships	2014
MLK Week Open mic performance coordinator	2014
Tunnel of Oppression Faculty sub-group coordinator	2013
Centennial Scholar Mentor for Britt Aasmundstad	2012-2013
Centennial Scholar Mentor for Amber Morgan	2012-2013

Member of the Buildings Sub-group- Sustainability Committee 2011-2013
Embracing the Q- Proposed and ran faculty workshop on queer pedagogy 2012
Department Liaison for Cobber Celebration Recruitment Day 2010

Minnesota State University, Mankato
Graduate Advisory Council- Department of Communication Studies 2008-2010
Minnesota State University, Mankato

PROFESSIONAL DEVELOPMENT

UWM Profession Development Program 2016-2020
Variety of Professional Development Programs through the PhD Program
Devise it Your Way 2015
Two-week devised theater training by Chelsea Pace
Powers, Masculinities and Sexual Violence 2015
Sumer Workshop, Concordia College
Women's Studies, Gender Studies, Women and Gender Studies? 2014
Summer Workshop, Concordia College
Scholarship of Teaching and Learning 2014
Summer Workshop, Concordia College
Nuts and Bolts of Advising 2013, 2014
Summer Workshop, Concordia College
Teaching for Critical Thinking 2013
Summer Workshop, Concordia College
Embodying Interfaith Cooperation 2013
Summer Workshop, Concordia College
Equipping Students to Succeed 2013
Summer Workshop, Concordia College
Faculty Mentor Faith and Learning Program 2012-2013
Concordia College
Writing in the Inquiry Seminar 2010
Summer Workshop, Concordia College
Faculty Teaching Certificate Program- Center for Excellence in Teaching and Learning 2008-2010
Minnesota State University, Mankato
Rainbow of Desire, One-Day Workshop with Julian Boal 2008
Pedagogy and Theatre of the Oppressed Conference
Interpreter Training Program- American Sign Language 2005-2007
Waubonsee Community College, Sugar Grove, IL

Written and Assembled Performances
The 'Practicing' Professor (2013)
Author and Performer
https://www.youtube.com/watch?v=59CmPO7DCzU

People Speak (2013, 2104)
Script creator, faculty coordinator and host

From Me to You: An Exploration of Identity Portrayal (2010)
Devised the script and performed (Thesis Performance)

Confession of a Drunk Mother by Kristen Treinen (2012)
Script creator and editor

The Air That I Breathe by Leah White (2009)
Editor and assistant director

I also have extensive experience in acting, directing and devising. Please let me know if you would like to see more information about my background in those areas.