

### Cartesian meditations

It is ironic that the recent focus on a woman's exercise of her 'free choice' in sexual matters has happened just at the time that neuroscientists and psychologists are rejecting the very notion of unconstrained free will (Wegner, 2003). The 'freely-choosing' self championed by the feminists is predicated on Descartes' conception of the disembodied mental subject acting independently of body and environment, thus the notion of 'consent' is viewed as absolute.

But this view has to be misguided, as volitional consent at the time of sexual intercourse is clearly a product of a complex combination of cognitive, emotional, hormonal, pharmaceutical and environmental factors (including alcohol consumption). On the absolutist criterion, at what precise frame in *The Postman Always Rings Twice* did the coupling in the famous kitchen-table scene make the transition from rape to consensual sex (or, more controversially, in Peckinpah's *Straw Dogs*)? The question is just as undecidable as the issue of at exactly what point a foetus becomes a human infant (an issue on which pro-choice feminists take a rather different philosophical position).

This absolutist view of free choice is also extended to the supposed assailant – men being required to stoically ignore any degree of provocation, encouragement or enticement. The traditional, prudential wisdom that a girl out on a Saturday night wearing next to nothing and with half a bottle of vodka inside her was 'asking for it' falls foul of the Cartesian ethics beloved of the feminists.

Psychologists are also equally disinclined to accord privileged status to memory or a subject's perception of an incident. After the demise of the computational analogy in psychology, memory is now largely seen as a process of construction, which may explain the frequent delays in reporting alleged rapes. Psychologists have found that new (and false) memories can easily be constructed by a simple process of mis-remembering or suggestion, a condition known as false-memory syndrome – the basis of many cases of supposed child-abuse (Loftus and Ketcham, 1994). The retrospective redefinition of rape as consensual sex once a relationship has been re-established shows just how malleable and constructed perception, memory and volition is, and the consequent folly of making the criminal law dependent on this alone.



*Feminist metaphysics – stuck in a Cartesian time-warp*