

Are Rape Jokes Funny?

Abortion was still illegal in 1970. At the time, as both an underground abortion referral service and a stand-up satirist, I faced an undefined paradox. I wouldn't allow victims to become the target of my humor, yet there was one particular routine I did that called for a "rape-in" of legislators' wives in order to impregnate them so that they would then convince their husbands to decriminalize abortion.

When abortion was against the law, I thought it would never be legalized in my lifetime. But then, after *Roe vs Wade*, I thought abortion would never be *illegal* again. So now, in 2012, it's been disheartening to see the right-wing religious conservative movement that supposedly wants to keep government out of our lives, while simultaneously promulgating compulsory transvaginal ultrasound probes, in the process of trying to *re-criminalize* reproduction rights in my lifetime.

Things seem to be going backward. The Dinosaur Follies--better known as the Republican presidential primaries--were bizarre and surrealistic. Most despicable was the way they all pandered to their fanatical anti-choice constituents. My unofficial Campaign Pandering Award went to the Champion of Anti-Choice, Mitt Romney. He wanted to destroy Planned Parenthood and to overturn *Roe vs. Wade*.

But, returning to my rape-in concept, feminist friends objected. I resisted at first, because it was such a well-intentioned joke. And then I reconsidered. Even in a joke, why should women be assaulted because men made the laws? Legislators' wives were the victims in that joke, but the legislators themselves were the oppressors, and their hypocrisy was really my target. But for me to stop doing that bit of comedy wasn't chickenshit censorship, it was empathetic editing.

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Now, in July 2012, more than four decades later, rape-joking triggered a widespread controversy when a woman who prefers to remain anonymous went to a comedy club, expecting to be entertained. She chose the Laugh Factory in Hollywood because Dane Cook was on the bill, but he was followed by Daniel Tosh, and she had never heard of him.

In an email to her *Tumblr* blogger friend, she accused Tosh of saying that "rape jokes are always funny, how can a rape joke not be funny, rape jokes are hilarious." She was so offended that she felt morally compelled to shout, "Actually, rape jokes are *never* funny!" Tosh paused and then seized the opportunity, responding, "Wouldn't it be funny if that girl got raped by like five guys? Like right now? What if

a bunch of guys just raped her?" The audience laughed raucously. After all, isn't anyone who yells at a comedian practically asking to become an immediate target? But this woman was stunned and humiliated, and she left. In the lobby, she demanded to see the manager, who apologized profusely and gave her free tickets for another night--admitting, however, that she understood if this woman never wanted to return.

In her email, she concluded that, "having to basically flee while Tosh was enthusing about how hilarious it would be if I was gang-raped in that small, claustrophobic room was pretty viscerally terrifying and threatening all the same, even if the actual scenario was unlikely to take place. The suggestion of it is violent enough and was meant to put me in my place." She added, "Please re-blog and spread the word." And indeed, it went viral.

Coincidentally, on the same night that Tosh, in his signature sarcastic approach to reality, provoked the woman, Sarah Silverman was performing at Foxwords Casino, and she touched upon the same taboo subject: "We need more rape jokes. We really do. Needless to say, rape, the most heinous crime imaginable, seems it's a comic's dream, though. It's because it seems when you do rape jokes, that the

material is so dangerous and edgy, and the truth is, it's like the safest area to talk about in comedy 'cause who's gonna complain about a rape joke? Rape victims? They don't even *report* rape. They're just traditionally not complainers."

Ironically, in *The Aristocrats*, a documentary entirely about a classic joke of the same name, Silverman complained (facetiously) that she was once raped by show-biz legend Joe Franklin. Also, her rape tips for men include, "Carry a rape whistle. If you find that you are about to rape someone, blow the whistle until someone comes to stop you." However, another joke of hers goes like this: "I was raped by a doctor—which is so bittersweet for a Jewish girl."

In the magazine *Bitch* ("Feminist Response to Pop Culture"), an article titled "Laughing It Off: What Happens When Women Tell Rape Jokes?" by Katherine Leyton stated: "Some female comics tell jokes that clearly target rape culture, such as one classic skit by veteran comedian Wanda Sykes, 'Even as little girls we're taught we have something everybody wants—you gotta protect it, you gotta be careful, you gotta cherish it. That's a lot of fucking pressure! I would like a break! You know what would make my life so much easier? Wouldn't it be wonderful if our *pussies* were *detachable*?' The joke goes on to detail situations where you could leave your 'detachable pussy' at home, mainly to avoid the chance of rape."

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In the fall of 1981, I booked myself for a cross-country tour, from New York to Chicago, Minneapolis, San Francisco and Los Angeles.

While I was in New York, a nun was raped. When I got to Chicago, the rapist was also there. He had given himself up to the police. On stage I explained the true reason why: "He heard that the Mafia, in a rush of Christian compassion, put a \$25,000 contract out on his life." That part was true. "So now I'm asking the Mafia to use their clout to end the war in El Salvador since *four* nuns were raped and killed there." They must've heard my request. By the time I got to Los Angeles, the *Herald-Examiner* was reporting that the Mafia was "probably the largest source of arms for the rebels in El Salvador."

In the spring of 1982, there was a Radical Humor Festival at New York University. That weekend, the festival sponsored an evening of radical comedy. The next day, my performance was analyzed by an unofficial women's caucus. Robin Tyler ("I am not a lesbian comic--I am a comic who is a lesbian") served as the spokesperson for their conclusions. What had caused a stir was my reference to the use of turkey basters by single mothers-to-be who were attempting to impregnate themselves by artificial insemination. Tyler explained to me, "You have to understand, some women still have a hang-up about penetration."

Well, I must have been suffering from Delayed Punchline Syndrome, because it wasn't until I was returning on a plane,

contemplating the notion that freedom of absurdity transcends gender difference, that I finally did respond, in absentia: "Yeah, but *you* have to understand, some men still feel threatened by turkey basters."

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The Onion posted a story about a college dorm that was nicknamed "The Rape Hall." And an *Ironic Times* headline stated, "Quaaludes Ends Its Relationship With Bill Cosby." Earlier in Amy Schumer's stand-up career, she told this joke: "I used to date Hispanic guys, but now I prefer consensual." She has since been accused of racist comedy. "I used to do a lot of short dumb joke like that," she responded. "I played a dumb white girl onstage. I am evolving as an artist. I am taking responsibility and hope I haven't hurt anyone. I apologize if I did."

Indeed, in an episode of *Inside Amy Schumer* on Comedy Central, a sketch--*Football Town Nights* parodying *Friday Night Lights*--featured a Texas town's new high school football coach. He informs his teenage squad that he's going to be doing things differently. There's going to be a no-huddle offense. Two-a-day practices are mandatory. And there will be no raping. "But we play football!," one player cries. The rest of the team chimes in: "But we play football!" "What if she thinks it's rape, but I don't?" "What about at-away games?" "What if my mom is the DA and won't prosecute, can I rape?" The whole town bullies this

coach for taking something away from the players that they obviously need.

In another sketch, Schumer plays a flirtatious lawyer ironically *defending* Bill by bedazzling the judge as well as the jury. On *Late Night*, Seth Myers rhetorically asks, "Why did Bill Cosby cross the road?" He answers himself, "To avoid a reporter who was asking about sexual assault allegations."

At the National Association of Television Program Executives conference, Jay Leno commented on the allegations against Bill Cosby: "I don't know why it's so hard to believe women. You go to Saudi Arabia and you need two women to testify against a man. Here you need twenty-five [now forty-five]." Leno also used one of Justin Bieber's song hits for a punchline, pointing out that Bieber "wouldn't want to sing 'I Wanna Be Your 'Boyfriend'' to guys in prison."

On *The Daily Show*, Jon Stewart aimed his arrow at presidential candidate Donald Trump, the great Greekish god of Narcissism. Stewart shouts, "There are probably some non-rapists caught up in that tide, whether they're unable to rape for medical reasons, or whether they're just all raped-out." A clip shows Trump reading out loud from a report that "80% of Central American women and girls are raped crossing into the United States." CNN's Don Lemon tells Trump. "That's about women being raped, it's not about criminals coming across the border or entering the country."

Trump: "Somebody's doing the raping, Don."

"*Touche!*," said Stewart. "I believe we have our campaign slogan: *Trump 2016--Somebody's Doing the Raping.*"

Immediately after *The Daily Show* came *The Nightly Show* with Larry Wilmore. He plays the same clip just a slightly bit longer: Trump spouting, "Somebody's doing the raping, Don. I mean, you know, somebody's *doing* the rapiing, You think the women are being raped. Well, who's *doing* the raping?" Wilmore repeats: "*Who's doing the raping?* Okay, who's bringing the chips? Who's bringing the beer? *Wait, wait.* *Who's doing the raping?* Oh, okay, sorry about that. I didn't know, I had to ask. I have to tell you, though, as far as campaign slogans go: *Donald Trump 2016--Who's Doing the Raping?*" Hey, it sounds familiar already.

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Although Daniel Tosh is a consistently unapologetic performer for the sardonic material he exudes on his Comedy Central series--which features a running theme of rape jokes, even including one about his sister--for this occasion he decided to go the Twitter route: "All the out of context misquotes aside, █ like to sincerely apologize." He also tweeted, "The point I was making before I was heckled is there are awful things in the world but you can still make jokes about them."

According to Jamie Masada, owner of the Laugh Factory, Tosh asked the audience, "What you guys wanna talk about?" Someone

called out "Rape," and a woman in the audience started screaming, "No, rape is painful, don't talk about it." Then, says Masada, "Daniel came in, and he said, 'Well, it sounds like she's been raped by five guys'—something like that. I didn't hear properly. It was a comment—it wasn't a joke at the expense of this girl." Masada claims that she sat through the rest of Tosh's performance, which received a standing ovation, before she complained to the manager.

Fellow comedians defended Tosh with their own tweets. Dane Cook: "If you journey through this life easily offended by other peoples words I think it's best for everyone if you just kill yourself." Doug Stanhope: "You're hilarious. If you ever apologize to a heckler again I will rape you." Louis C.K.: "Your show makes me laugh every time I watch it. And you have pretty eyes"--except that he wrote it after watching Tosh on TV, but before he learned about the Laugh Factory incident. Nevertheless, he was excoriated and accused of being a "rape apologist."

But C.K. himself is no stranger to sexual-assault jokes. Onstage, he has said that he's against rape--"unless you have a reason, like you

wanna fuck someone and they won't let you, in which case what other option do you have?"

Conversely, in an episode of his TV series, *Louie*, he reversed such roles. After leaving a bar with an especially aggressive woman, Laurie (played by Melissa Leo), that he had inadvertently met earlier, she performs fellatio on him in her pickup truck, then insists that he in turn perform cunnilingus on her. And he refuses. So, she attacks him physically with unabashed viciousness, mounts him, and he gives in to her demand. In other words, Laurie rapes Louie. No joke. To watch this scene was positively jaw-dropping. It served as a reminder of how often comedians--and their jaded audiences--find prison-rape jokes not only to be funny, but also, as in the case of pedophile Jerry Sandusky, an act of delayed justice resulting in laughter that morphs into applause. A ■■■. Post headline about pedophile Subway pitchman: "Enjoy a foot long in jail." And "Don't drop the soap" even made its way to the animated *Family Guy*.

Meanwhile, reacting to the Tosh tirade, Julie Burton, president of the Women's Media Center, stated: "If free speech permits a comedian to suggest a woman in his audience should be gang-raped, then it certainly permits us to object, and to ask what message this sends to survivors or to perpetrators. Tosh's comment was just one extreme example of pop culture's dismissive treatment of sexualized violence, which desensitizes audiences to enormous human suffering. Internet outcry is encouraging, but popular media needs to push back too."

And the original blogger posted another message:

"My friend and I wanted to thank everyone for there *[sic]* support and for getting this story out there. We just wanted everyone to know what Daniel Tosh had done and if you didn't agree then to stop following him. My friend is surprised to have gotten any form of an apology and doesn't wish to press any further charges against [him]."

What? Press charges? Rape is a crime. Rape jokes aren't. They are the risk of free speech. The blog concluded, "She does plan on returning to comedy shows in the future, but to see comedians that she's seen before or to at least look up artists before going to their shows."

Wait till she finds out that Dane Cook suggested she kill herself.

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Now, over forty years since I stopped presenting my concept about a rape-in of legislators' wives, I sent the first draft of this piece around to several friends, and I was particularly touched by a response from Emma Cofod, production manager at my then-publisher, Soft Skull Press:

"Thank you for sharing this! I truly appreciate your thoughts here. I read about this woman's complaint last week, and the whole event turned my stomach. What Tosh did was personally threatening, which is not OK. But even though I fall neatly into the feminist camp, I think your original joke is hilarious—within context, and coming from a comedian whose philosophy I identify with. Color me conflicted."

I think that kind of conflict is healthy. And then there was Louis C.K.'s appearance on *The Daily Show*. This is what he told Jon Stewart between interruptions:

"If this [controversy about Tosh] is like a fight between comedians and bloggers--hyperbole and garbage comes out of those two places, just uneducated, unfettered--it's also a fight between comedians and feminists, because they're natural enemies, because, stereotypically speaking, feminists can't take a joke, and on the other side, comedians can't take criticism. Comedians are big pussies. So to one side you say, 'If you don't like a joke, stay out of the comedy clubs.' To the other side you say, 'If you don't like criticism, stop Googling

yourself every ten seconds, because nobody's making you read it.' It's positive. To me, all dialogue is positive. I think you should listen.

"If somebody has the opposite feeling from me, I wanna *hear* it so I can *add* to mine. I don't wanna obliterate theirs with mine, that's how I feel. Now, a lot of people don't feel that way. For me, any joke about anything bad is great, that's how *I* feel. Any joke about rape, a Holocaust, the Mets--*aarrgghh*, whatever--any joke about something bad is a positive thing. But now I've read some blogs during this whole [controversy] that made me enlightened at things I didn't know. This woman said how rape is something that polices women's lives, they have a narrow corridor, they can't go out late, they can't go to certain neighborhoods, they can't dress a certain way, because they might--I never--that's part of me now that wasn't before, and I can still enjoy the rape jokes.

"But this is also about men and women, because a lot of people are trading blogs with each other, couples are fighting about Daniel Tosh and rape jokes--that's what I've been reading in blogs--but they're both making a classic gender mistake, because the women are saying, 'Here's how *I* feel about this,' but they're also saying, 'My feelings should be everyone's primary concern.' Now the men are making this mistake, they're saying, 'Your feelings don't matter, your feelings are wrong and your feelings are stupid.' If you've ever lived with a woman, you can't step in shit worse than that, than to tell a

woman that her feelings don't matter. So, to the men I say, 'Listen to what the women are saying about this.' To the women I say, "Now that we heard you, shut the fuck up for a minute, and let's all get back together and kill the Jews.' That's all I have to say about it."

The audience laughed and applauded, as they did fifty years ago when Lenny Bruce ended a riff on prejudice: "Randy, it won't matter any more even if you are colored and █ Jewish, and even if Fritz is Japanese, and Wong is Greek, because then we're all gonna stick together—and beat up the Polacks."

My notion of a rape-in of legislators' wives in order to impregnate them was no more meant to be taken literally than Louis C.K.'s killing the Jews or Lenny's beating up the Polacks. Rape-in was a misunderstood metaphor; a pro-choice parable that unfortunately has become timely again, but now my target has been clarified, though it's still those increasingly incredible sexist legislators.

Take Missouri Senator Todd Akin—please. Referring to conception during a rape, when he said, "If it's a legitimate rape, the female body has ways to try to shut that whole thing down," he jumped the proverbial shark. And when Indiana Senate candidate Richard Mourdock said that if a woman is impregnated by a rapist, "it is something that God intended to happen," he jumped the sperm whale.

No professional comedian had the imagination to come up with such tragicomic satirical concepts as those. The funniest thing is that neither Akin nor Mourdock was trying to be funny. They were simply being their ignorant selves, a pair of religious fanatics who worship a micromanaging deity that made them legitimate assholes in the first place. The good news is that they both were defeated on Election Day. The Republican presidential campaign was crystallized by "Keep the government out of my Medicare," and the Democratic presidential campaign was crystallized by "Keep the government out of my vagina."

While Mitt Romney believes that life begins at conception, Rick Santorum believes that life begins at foreplay. He has gone way beyond his frenzied position against women's right to abortion. He's also against birth control, even though that would *prevent* the need for an abortion. He claims that "contraception is *not* okay" and that it turns sex into "simply pleasure." He has also vowed to "ban all pornography," even though watching porn would *prevent* the need for contraception.

And so it came to pass that Barack Obama was re-elected. His opponent, Romney, fell to his knees and pleaded, "Oh, dear Lord, you promised that I would win. Why hast thou forsaken me?" And the voice of God boomed out, "*HEY, MITT, LISTEN--I WAS JUST FUCKIN' WITH YA . . .*"