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## RADICAL FEMINISM ON RAPE

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Rape is one of the major issues where the contribution of feminist philosophical, social, and legal thought has been particularly prominent. In this paper,<sup>1</sup> the author takes a critical look at the main tenets of the radical feminist view of rape: that rape is not a deviation, but rather a deeply entrenched social practice that both expresses and reinforces far-reaching inequality and oppression of women in our society; that under these conditions a woman is not in a position to give valid consent to sex with a man and that, accordingly, the crime of rape should no longer be defined in terms of lack of consent; that we need a new definition of rape, which will help us recognize that rape is much more widespread than we tend to assume; that all men in our society are collectively responsible for the practice of rape. In order to assess these arguments, the author focuses on the contrast between the liberal and radical feminist views of consent to sex. He tries to show that the radical feminist view of rape is both much too crude and much too radical.

Feminism has exerted considerable influence on contemporary public debates of social, moral, and legal issues; indeed, it has to a large extent determined their agenda. Any attempt at tackling such issues as marriage, abortion, or prostitution, must take into account feminist views and arguments. Failure to do so would be considered reason enough to question its seriousness and relevance.

One of the issues where the influence of feminism and, in particular, that of radical feminism, has been particularly prominent is that of rape. In this paper I wish to take a critical look at the central tenets of the radical feminist understanding of rape. Before doing so, I shall briefly describe the views

<sup>1</sup> The paper is based on the discussion of rape in the author's forthcoming book *Ethics and Sex*.  
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of rape that provided the background for the development of that understanding.

Until several decades ago, both the interpretation of rape and the laws pertaining to it were, by and large, informed by the traditional sexist view of the relations between men and women. On this view, the social and legal status of woman is essentially determined by her relations to her husband or, if she is unmarried, to her father or brother: her interests and rights are taken to be included in those of the man. The corresponding account of rape, seldom spelled out but operative none the less, finds the wrongness of rape not so much in the violation of the raped woman's rights as in the infringement of the man's rights. If the woman is unmarried, the father or brother is assumed to have an interest in her virginity, which is a condition of marrying her off. If she is married, the husband is held to have the right of exclusive sexual access to her.

This account helps understand the wide incidence of rape in war. In war, an almost exclusively male pursuit until quite recently, raping enemy women was but another way of hitting at the enemy himself. It also permeates much of the traditional rape law, starting with the usual definition of rape as something only a man can do, and only a woman can suffer, and as something a man does to a woman not his wife. It also helps explain such an apparently aberrant state of affairs as the virtual impossibility of a prostitute successfully suing for rape.

But then, proving rape in a legal system based on the traditional sexist outlook was not easy for any woman. Both substantive laws and the laws of evidence and procedure were unfavorable to women, since they were predicated on the traditional view of male and female sexuality and sexual behavior as basically different: the former active, assertive, even aggressive, the latter initially passive and subsequently responsive to male initiative. Some pressure on the part of the man and some pretense of unwillingness on the part of the woman were accordingly considered normal preliminaries to sexual intercourse. This and some other sexist assumptions were given expression in the famous caution of Lord Chief Justice Matthew Hale that the charge of rape was one "easily to be made and hard to be proved, and harder to be defended by the party accused, tho' never so innocent" (quoted in Estrich, 1987, 5). Therefore the standards of proof of rape were made higher than those relating to other crimes. The definition of the crime usually required prosecution to show that the defendant had exerted actual force, and that the victim had offered physical resistance. The victim's testimony often had to be cor-

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roborated by evidence from other sources. The defense was usually allowed to bring in the victim's sexual past with a view to impugning the credibility of her claim that she had not consented. Some jurisdictions required that the rape be reported soon after the event, if it was to stand a good chance of being proven in court. Although some remnants of the traditional approach to rape are still to be found in rape law, contemporary Western societies tend to see rape rather differently. Rape is no longer understood as a crime where the immediate victim is the woman raped, while the indirect, but principal victim is a man. The woman raped is recognized as the victim of rape. She has a right to bodily integrity; accordingly, she is the one who decides whether another may or may not touch her and engage her sexually. When another person does so without her consent, he violates her right to bodily integrity, and thereby also her personal autonomy, the ground of this and other basic rights. In legal parlance, he commits the crime of battery. Rape is thus understood as a type of battery. Morally speaking, it is a serious wrong because it is a serious violation of personhood (see Shafer and Frye, 1977, 339--340).

This view of rape is reflected in many of the current rape law provisions. The reforms that have taken place in this area in the last couple of decades have introduced sex-neutral definitions of rape: it now tends to be seen as a crime where both the perpetrator and the victim may be either male or female. This is made possible by no longer defining it in terms of penetration of the female's sex organ by the male's. Because the word "rape" in common usage still carries the suggestion of something done by a man to a woman, some jurisdictions have replaced it by such terms as "sexual battery" or "sexual assault". In ever more jurisdictions, spouse rape is no longer ruled out by definition. Prostitutes are no longer fair game for rapists. Many jurisdictions have abolished the requirements of resistance by the victim, of evidence corroborating the victim's testimony, and of prompt reporting of the crime in rape suits. After all, there are no such requirements in cases of non-sexual battery, nor of robbery or murder, for instance. The admissibility of evidence concerning the victim's sexual past has been considerably restricted.

While this view of rape – which can be termed liberal – is clearly preferable to the traditional one, there is one point on which it might not be thought an improvement. The traditional view at least presented rape as a sexual crime. The liberal view, it might be objected, assimilates rape to battery, and thus fails to capture the sexual character of rape, the specifically sexual reason for holding it seriously morally wrong. In

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reply, it can be said that rape appears as a unique, and uniquely wrong, crime only against the background of a conception of sex that endows sex with a special moral significance: either the procreation view of sex or, alternatively, the view of sex as bound up with love. But if one subscribes to neither of these views, one might not think of rape as somehow unique; one might have no difficulty seeing it as, intrinsically, on a par with non-sexual battery. Without a certain theoretical background, it is not easy to show that rape is indeed special, that it is different from non-sexual battery in a morally important way. If it is claimed to be unique because in rape, unlike in cases of non-sexual battery, the assailant focuses on the sexual, and thus most private, areas of the victim's body, certain methods of torture that have the same focus provide a damaging counterexample. If it is said that rape, unlike both sexual torture and non-sexual battery, involves sexual gratification of the perpetrator, one can point out in reply that more and more jurisdictions now define rape with no reference to either sexual gratification or sexual arousal of the rapist. (For a discussion of rape as no more and no less than battery, see Davis, 1984.)

## II

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The latter tendency is in line with the thesis, originally advanced in the pioneering feminist study of rape, Susan Brownmiller's book *Against Our Will*, and subsequently adopted by many feminist and other authors, that rape has little, if anything, to do with sex, and everything to do with violence (Brownmiller, 1975). But not every feminist account of rape concurs. And even when it does, a radical feminist understanding of rape differs from the liberal on every other main point.

Radical feminism rejects the methodological individualism of the liberal approach to rape: the tendency to see rape as but a discrete act of one individual upon another that offends against the moral and legal norms concerning sexual behavior. Rape can be truly understood only when interpreted in its social context, as a distinct social practice. When approached in this way, and when the fact that almost all perpetrators are men and almost all victims are women is given its proper weight, rape can be recognized as the extreme expression of the basic characteristics of all gender relations in our society. As an early radical feminist analysis of rape puts it, "the special wrongness of rape is due to, and is only an exaggeration of, the wrongness of our sexual interactions in general" (Foa, 1977, 347). Rape is the most drastic epitome of the inequality of men and women, and of the degradation and

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oppression of women by men. It is not a sporadic deviation, but a deeply entrenched social practice that both expresses and reinforces the inequality, degradation, and oppression of women.

One way in which rape sustains male domination is intimidation. In developing this point, several radical feminist authors have argued that rape functions as a terrorist social practice. As Susan Griffin puts it in her influential article *Rape: The All-American Crime*,

"rape is a kind of terrorism which severely limits the freedom of women and makes women dependent on men. [...] The threat of rape is used to deny women employment. [...] The fear of rape keeps women off the streets at night. Keeps women at home. Keeps women passive and modest for fear that they be thought provocative. (Griffin, 1977, 329, 331; see also Peterson, 1997, and Card, 1991)

A good example of radical feminist analysis of rape can be found in the writings of Catherine A. MacKinnon. She argues that in the type of society we live in, sexuality is "a social construct of male power: defined by men, forced on women, and constitutive of the meaning of gender. [...] Male and female are created through the erotization of dominance and submission. The man/woman difference and the dominance/submission dynamic define each other" (MacKinnon, 1989, 113). Sexuality is permeated through and through by gender inequality and male dominance of women. This is true not only of some, but of all sex: from "normal" intercourse to prostitution and pornography to sexual harassment and rape. MacKinnon invites us to compare the reports of rape victims with women's reports of sex and with the way pornography portrays sex, and claims that they all look very much alike. In view of this, it is difficult to sustain the usual distinctions between the normal and the pathological and between violence and sex. And rape must be acknowledged as "indigenous, not exceptional, to women's social condition" (172).

MacKinnon rejects the argument that rape is not really about sex but about violence, as it "fails to answer the rather obvious question, if it is violence not sex, why didn't he just hit her?" (134). The truth of the matter is that rape is inherently both. The argument merely "makes it possible for rape to be opposed by those who would save sexuality from the rapists while leaving the sexual fundamentals of male dominance intact" (135).

The liberal takes the presence or absence of consent as the difference between legitimate sexual intercourse and rape. That would be quite appropriate, if the social conditions in which a woman gives or refuses consent were those of equality of power and freedom of choice. But the actual conditions

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in which sex is negotiated in our society are not at all like that; the far-reaching gender inequality and the domination of women by men in all areas of social life vitiate any consent that may be given. Much too often, perhaps even typically, women engage in sex they do not want. They are made to do so in all kinds of ways, ranging from actual violence to various types of explicit or implicit coercion to economic considerations or psychological pressures and needs. MacKinnon's illustrations include having sex "as a means to male approval; male approval translates into nearly all social goods" (147), "acquiescence [to sex], the despairing response to hopelessly unequal odds" (168), coercion "by something other than battery, something like economics, maybe even something like love" (MacKinnon, 1987, 88), as well as the following: "... We continue to stigmatize the women who claim rape as having experienced a deviant violation and allow the rest of us to go through life feeling violated but thinking we've never been raped, when there were a great many times when we, too, have had sex and didn't want it" (88–89).

In view of all this, the very idea of consent is no longer helpful nor, indeed, meaningful. Accordingly, MacKinnon proposes that "rape should be defined as sex by compulsion, of which physical force is one form. Lack of consent is redundant and should not be a separate element of the crime" (MacKinnon, 1989, 245). However, we are not told just what is to count as compulsion. In view of her examples quoted above, it seems to be a very wide notion – wide enough to imply that whenever a woman has sex with a man that she does not want for its own sake, but engages in it for some extrinsic reason, she is coerced, and therefore also raped.

The last conclusion is radical indeed; but it is by no means atypical of discussions of rape in radical feminist writings. To give just one additional example, let me quote from Robin Morgan's article *Theory and Practice: Pornography and Rape*:

... Rape exists any time sexual intercourse occurs when it has not been initiated by the woman out of her own genuine affection and desire. [...] Anything short of that is, in a radical feminist definition, rape. Because the pressure is there, and it need not be a knife blade against the throat; it's in his body language, his threat of sulking, his clenched or trembling hands, his self-deprecating humor or angry put-down or silent self-pity at being rejected. How many millions of times have women had sex "willingly" with men they didn't want to have sex with? Even men they loved? How many times have women wished just to sleep instead or read or watch "The Late Show"? It must be clear that, under this definition, most of the decently married bedrooms across America are settings for nightly rape. (Morgan, 1980, 134–135)

This kind of discourse may well have its uses; but it seems to me that when rape is redefined in this way, nothing is gained and much is lost, if what we are hoping for is discerning moral judgment and appropriate legal regulation of human sexual behavior. By and large, sex that is not an expression of mutual sexual desire compares unfavorably, as sex, with sex that does embody mutual desire. But it is not at all clear that this comparison translates into moral terms without additional argument. And even if such argument could be provided and the translation accomplished, one central problem remains. When the notion of consent is discarded and cases as different as a woman forced to have sex by a knife at her throat, and a woman having sex she has not initiated and does not want for its own sake, but for any of the extrinsic reasons cited by MacKinnon or Morgan, are all lumped together under the heading of "rape", we still need to be told just how wrong rape is. I take it that MacKinnon, Morgan and other radical feminists do not mean to suggest that cases of the latter sort should be judged with the gravity appropriate in cases of the former sort, nor the other way around. (If they did, those critics who accuse them of either trivializing rape proper or wildly exaggerating the wrongness of "rape" would have a point. See e.g. Gilbert, 1991/2, 10). But they also fail to provide any criterion for the discrimination needed.

The obvious candidate for such a criterion is that of consent, which we are invited to dispense with. At this point, then, we need to look into the way the concept of consent is employed in the liberal conception of rape. It takes consent as the criterion of demarcation between sexual intercourse that does and intercourse that does not count as rape: rape is defined as nonconsensual sexual intercourse. Now in the most extreme case of rape a person is compelled into intercourse by the use of sheer physical force. When that is not the case, a person may be given a choice and may choose not to resist, or even "go along with it". Whether that choice amounts to consent, and thus rules out rape, will depend on just how it was brought about. It may not amount to consent, and even if the person concerned said "I consent" or something to that effect, that may not count as valid consent, if she was coerced and did not act voluntarily. But then again, it may. Whether it is valid or not will depend on just how involuntary it was, just how coerced she was into giving it. For while consent is an all-or-nothing concept, the concepts of voluntariness and coercion admit of degrees.

The relevant aspects of the complex relations between these three concepts can best be set out by means of a list of



different backgrounds to sexual intercourse between M and W. What all the cases on the list have in common is that the intercourse was neither initiated nor engaged in by W out of sexual desire, but for an extrinsic reason, in response to a proposal made by M.

(1) M threatens to kill or inflict serious bodily injury on W if she will not have sex with him.

(2) M threatens to inflict grave economic harm on W if she will not have sex with him.

(3) M invites W to join him on a trip in the mountains, and deliberately gets them into a very dangerous situation which W cannot survive on her own without serious bodily injury, if at all. M offers to help if she will have sex with him.

(4) M comes across W (a stranger), who is in a very dangerous situation she cannot survive on her own without serious bodily injury, if at all, and offers to help if she will have sex with him.

(5) M offers to W, who is extremely poor and cannot pay for the desperately needed medical treatment of her child, to foot the bill if she will have sex with him.

(6) M, who is well-off, offers to pay W, who is not, if she will have sex with him.

(7) M, who is well-off, offers W, who is not, a long-term arrangement that involves his providing for her, and her having sex with him.

In cases (1) and (2) W's consent is secured by M's threat. All conditional threats of killing or inflicting serious bodily injury or grave economic harm are coercive to a degree which makes consent highly involuntary and therefore invalid in any moral or legal context. Accordingly, in both cases W was raped.

Unlike the first two, the remaining five are not cases of threats but of offers. According to what is often termed "the standard analysis of coercion" (see e.g. Bayles 1974), a threat faces us with the prospect of harm and makes us do something against our will, thereby reducing our freedom. An offer, on the other hand, presents us with a (comparatively) desirable prospect, thus adding to our options and expanding our freedom. Therefore offers, unlike threats, do not make us do things against our will and are not coercive. But according to another, more complex and more convincing view, advanced by Joel Feinberg, an offer can be coercive (Feinberg, 1986, Chapter 24). On that view, the offers made in cases (3), (4), and (5) would be considered coercive, although not in the same degree and with the same implications concerning the validity of consent given in response. They are offers in that they present the recipient with an option not otherwise avail-



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able and thus expand her freedom overall. But they are at the same time coercive in that they reduce her freedom with regard to that particular option: she is coerced into choosing it, however unattractive it may be in itself, since the sole alternative under the circumstances (death or serious bodily injury in cases (3) and (4), death of the child in (5)) is utterly unacceptable. The voluntariness of her choice is thus significantly reduced. The question is whether she was coerced enough, whether the voluntariness of her choice was reduced significantly enough, for her consent to be made invalid, and for the sexual intercourse involved to qualify as rape.

In order to answer it, we must look into the circumstances of making the choice and consenting to the offer. In case (3) the circumstances that make the option bound up with refusal clearly unacceptable to W were themselves put in place by M; in cases (4) and (5), on the other hand, M exploits W's predicament for which he is in no way responsible. The difference is both morally and legally significant. In Feinberg's words, what we see at work in cases of the former type is "active coercion which both creates and exploits a situation of vulnerability;" the offer is "simply the climactic event in [a] whole episode created to undermine [the recipient's] freedom" (Feinberg, 1986, 248, 246). Coercive offers of the latter sort "enlarge [the recipient's] freedom in the circumstances, so that [her] consent given those circumstances may be voluntary enough to be valid (for some purposes)" (246). The purposes referred to are those of the criminal law. W's consent in case (3) was coerced, and thus involuntary, to the extent that it was rendered invalid, and therefore cannot rebut the charge of rape. W's consent in cases (4) and (5) was also coerced and thus not fully voluntary, but not in the same degree; it is therefore valid as far as the criminal law is concerned, and does rebut the charge of rape.

This, of course, does not mean that it is in no way morally flawed nor, indeed, that it would be valid for all legal purposes. It is best described as an extreme case of exploited consent. M's conduct is morally abominable: he is exhibiting complete indifference to W's dire circumstances, and relates to them solely as an opportunity to be exploited in order to coerce her into doing something she would otherwise not do (see Mappes, 1992). And W's consent, thus procured, although valid for the purposes of criminal law and sufficient to rebut the charge of rape against M, would not be considered voluntary enough and therefore valid for the purposes of the law of contract. If M were to do his part of the bargain first and W then reneged on her consent to have sex with him, M could not successfully sue for breach of contract.

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As for cases (6) and (7), economic inequality is not enough by itself to make an offer coercive. (If it were, most transactions between individuals in most societies that have existed or are likely to exist would have to be considered coerced, involuntary, and morally unacceptable, and the very notion of consent would indeed no longer make much sense.) Thus mentioning "rape" in such cases strikes me as odd. And I have argued elsewhere that exchanges of this sort need not be morally wrong at all (Primorac 1993).

#### IV

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Accounts of rape along these lines are challenged from the radical feminist point of view. One objection is that the line between cases that do and those that do not count as rape is arbitrary. "Why should it matter," asks Keith Burgess-Jackson, "whether the person who exploits another's vulnerability created it? The harm is the same; the choice confronting the vulnerable party is the same; in both cases the exploiter hopes the victim chooses one way rather than another. There seems no good reason for the distinction" (Burgess-Jackson, 1996, 100).

But it seems to me that we do have an important reason for making the distinction. What we are discussing is the moral and legal standing of an interaction between two persons. If we are to pass judgment on it, surely we must take a good look at the nature and degree of involvement of both. While W has hardly any choice in all three cases, the character and depth of the involvement of M is significantly different in case (3), on one hand, and in cases (4) and (5), on the other, in the way characterized above.

Another objection does not seek to undermine the distinction between first bringing about another's predicament and then exploiting it, and exploiting another's predicament for which one is in no way responsible, but rather questions the application of the distinction to the subject at hand. It connects with the thesis, mentioned above, that in a sexist society rape functions as a terrorist social practice. In "Men in Groups: Collective Responsibility for Rape" Larry May and Robert Strikwerda argue that in such a society all men, as a group, are responsible for the prevalence of rape and the ways in which it affects women. Moreover, this collective responsibility is distributive: not only the group itself, but each individual member too is responsible (May and Strikwerda, 1994). Building on this argument, Keith Burgess-Jackson maintains that in a society like ours, when a man makes a coercive offer to a woman with a view of getting her to have sex with him, he does not merely seek to exploit a predicament for which he bears no responsibility. He rather exploits a state of

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affairs for which he, too, is personally responsible. "... He is not like the bush pilot who happens upon a lost hiker. Rather, he has participated in, reinforces, and is a direct beneficiary of a regime in which women are induced by bush pilots to get lost in the wilderness" (Burgess-Jackson, 1996, 100).

May and Strikwerda build up their case for distributive collective responsibility of men for rape by making a number of points; but ultimately it depends on the argument that in a society like ours, every man benefits from the practice of rape. The practice of rape imposes a kind of curfew on women, and thus provides men with a comparative advantage with regard to the freedom of movement. It also makes women dependent on men for protection when they move about (see May and Strikwerda, 1994, 146-148).

However, I find it difficult to appreciate these alleged benefits, at least in the kind of society we live in today. The freedom of movement is certainly a major benefit, but surely it need not be a comparative one. There is no reason why both men and women should not enjoy it, and when only men do, its value is not enhanced by the fact that women do not. And if a man has to provide protection to his wife, female friend, or daughter, whenever she needs to go to certain places at certain times, I should think that a burden rather than a benefit. This is not to deny that some men may value the benefits described by May and Strikwerda. But for the argument to work, every man would have to; and that is clearly not the case.

## V

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One final remark of a more general nature. Radical feminists argue that all heterosexual sex that is not motivated by the woman's genuine sexual attraction to, and desire for, the man should be understood, and condemned, as rape. I have argued that this is much too indiscriminate an understanding and much too sweeping a judgment. But I have no quarrel with the conception of sex that motivates the radical feminist stance. On the contrary, I trust it will be readily granted that the portrayal of sex as something that is never bought or sold, nor indeed engaged in with any ulterior purpose, but only when two people are brought together by mutual sexual attraction, is very alluring.

Nor is it an exclusively feminist conception: socialist and even liberal thinkers have advanced it too. It forms an important part of the depiction of a truly human society in the writings of Karl Marx and Friedrich Engels. According to Marx, in such a society money would no longer hold sway as "the universal whore, the universal pimp of men and peoples." It

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would no longer be true that "[if] I am ugly, but... can buy the most beautiful woman, [that] means to say that I am not ugly, for the effect of ugliness, its repelling power, is destroyed by money." Accordingly, sexual love could only be exchanged for sexual love (Marx, 1984, 377, 379). Engels envisioned post-capitalist society as populated by "men who never in their lives have known what it is to buy a woman's surrender with money or any other social instrument of power," and women "who have never known what it is to give themselves to a man from any other considerations than real [sexual] love..." (Engels, 1985, 114). And Bertrand Russell based his case for far-reaching reform of sexual mores in part on the view that "sexual relations should be a mutual delight, entered into solely from the spontaneous impulse of both parties" (Russell, 1976, 101).

However, this conception of sex cannot do the work radical feminists entrust it with. The assumption that it can points to a confusion between moral rules and ideals. These two types of moral considerations have different standing and play different roles in morality. Moral rules, and requirements and prohibitions, rights and duties based on those rules, constitute the basis of morality. They are not optional, but obligate everyone who finds himself or herself in the relevant circumstances. Compliance with moral rules, respect for moral rights, fulfillment of moral duties are required as a matter of course, and do not call for admiration or praise. But offenses against moral rules, infringements of moral rights, failure to fulfill moral duties bring about moral condemnation. Moral ideals, on the other hand, are not, and indeed cannot be prescribed for everybody; their acceptance is optional. A person who adopts a moral ideal and lives up to it may be appreciated, admired, praised for it. But a person who does not is not properly subjected to moral condemnation on that account. Such a person may be said to be failing to realize something morally valuable, but not to be doing something morally wrong.

It seems to me that the conception of sex as something to be engaged in between persons sexually attracted to each other can plausibly be advanced only as an ideal, and not as an account of sex to be laid down as a moral rule binding all and sundry, and justifying moral condemnation of those who do not live up to it. Those whose sexual lives fall short of it are missing out on something valuable; but they are not doing something morally wrong.

Moreover, this conception is best advanced as a personal ideal, rather than an ideal that a society could hope to realize. Regrettable as it may be, the ideal society in which there is no need and no occasion for the use of sex as a means to an

extrinsic purpose, and in which people have sex only out of mutual attraction, has no prospect of coming true in our world. For that would require a sort of sexual pre-established harmony, in which every sexual desire meets with a complementary desire, while no persons too unattractive to be sexually desired by others are around.

## REFERENCES

- Bayles, M. (1974), Coercive Offers and Public Benefits. *The Personalist*, 55(2): 139-144.
- Brownmiller, S. (1975), *Against Our Will: Men, Women, and Rape*. New York, Simon & Schuster.
- Burgess-Jackson, K. (1996), *Rape: A Philosophical Investigation*. Aldershot, Dartmouth Publishing.
- Card, C. (1991), Rape as a Terrorist Institution. In: Frey, R.G., et al. (eds.) *Violence, Terrorism, and Justice* (pp. 296-319). Cambridge, Cambridge University Press.
- Davis, M. (1984), Setting Penalties: What Does Rape Deserve? *Law and Philosophy*, 3(1): 61-110.
- Engels, F. (1985), *The Origin of the Family, Private Property and the State*. Trans. A. West. Harmondsworth, Penguin Books.
- Estrich, S. (1987), *Real Rape*. Cambridge, MA, Harvard University Press.
- Feinberg, J. (1986), *Harm to Self*. New York, Oxford University Press.
- Foa, P. (1977), What's Wrong with Rape. In: Vetterling-Braggin, M., et al. (eds.) *Feminism and Philosophy* (pp. 347-359). Totowa, NJ, Littlefield Adams & Co.
- Gilbert, N. (1991/2), Realities and Mythologies of Rape. *Society*, 29(4): 4-10.
- Griffin, S. (1977), Rape: The All-American Crime. In: Vetterling-Braggin, M., et al. (eds.) *Feminism and Philosophy* (pp. 313-332).
- MacKinnon, C.A. (1987), *Feminism Unmodified*. Cambridge, MA, Harvard University Press.
- MacKinnon, C. A. (1989), *Toward a Feminist Theory of the State*. Cambridge, MA, Harvard University Press.
- Mappes, T. A. (1992), Sexual Morality and the Concept of Using Another Person", in Mappes, T.A., and Zembaty, J.S. (eds.), *Social Ethics: Morality and Social Policy*. 4th ed. (pp. 203-216). New York, McGraw-Hill.
- Marx, K. (1984), *Early Writings*. Trans. R. Livingstone and G. Benton. Harmondsworth, Penguin Books.
- May, L., and Strikwerda, R. (1994), Men in Groups: Collective Responsibility for Rape. *Hypatia*, 9(2): 134-151.
- Morgan, R. (1980), Theory and Practice: Pornography and Rape. In: Lederer, L. (ed.) *Take Back the Night: Women on Pornography* (pp. 134-140). New York, William Morrow & Co.
- Peterson, S. R. (1977), Coercion and Rape: The State as a Male Protection Racket. In: Vetterling-Braggin, M., et al. (eds.) *Feminism and Philosophy* (pp. 360-371).

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GOD. 8 (1999),  
BR. 4 (42),  
STR. 497-511

PRIMORAC, I.:  
RADICAL FEMINISM...

Primorac, I. (1993), What's Wrong with Prostitution? *Philosophy*, 68(2): 159-182.

Russell, B. (1976), *Marriage and Morals*. London, George Allen & Unwin.

Shafer, C. M., and Frye, M. (1977), Rape and Respect. In: Vetterling-Braggin, M., et al. (eds.) *Feminism and Philosophy* (pp. 333-346).

## Shvaćanje silovanja u radikalnome feminizmu

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Silovanje je jedan od društvenih problema u čijoj je raspravi vrlo važan doprinos feminističke filozofske, društvene i pravne misli. U ovome radu pisac poduzima kritičku prosudbu glavnih postavki shvaćanja silovanja u radikalnome feminizmu: da silovanje nije devijacija, već prije duboko ukorijenjena društvena praksa koja izražava i pothranjuje dalekosežnu nejednakost i ugnjetavanje žene u našem društvu; da u takvim uvjetima ženi nije moguće dati valjanu suglasnost za spolne odnose sa muškarcem i da, sukladno tome, zločin silovanja ne trebamo definirati pomoću ideje odsutnosti suglasnosti; da nam je potrebna nova definicija koja će nam pomoći da uočimo kako je silovanje u našem društvu mnogo rasprostranjenije no što to obično pretpostavljamo; da su svi muškarci u našem društvu kolektivno odgovorni za praksu silovanja. Kako bi procijenio te argumente, pisac se usredotočuje na kontrast između shvaćanja suglasnosti na spolne odnose u liberalizmu i radikalnome feminizmu. On nastoji pokazati kako je radikalno feminističko shvaćanje silovanja isuviše nediferencirano i isuviše radikalno.

## Die Einstellung des radikalen Feminismus zur Vergewaltigung

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Das Phänomen der Vergewaltigung ist ein gesellschaftliches Problem, bei dessen Erörterung das philosophische, soziologische und juristische Denken des Feminismus einen äußerst wichtigen Beitrag darstellt. Mit dieser Arbeit legt der Verfasser eine kritische Beurteilung der Grundthesen vor, die der radikale Feminismus bezüglich des Vergewaltigungsdelikts vertritt. Diese Grundthesen lauten: Vergewaltigungen sind keine Deviationserscheinung, sondern eine tief in der Gesellschaft verwurzelte Praxis, wodurch die weitreichende Ungleichheit und Unterdrückung der Frau in

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unserer Gesellschaft zum Ausdruck gebracht und untermauert wird; unter solchen Voraussetzungen sind Frauen nicht dazu in der Lage, eine gültige Zustimmung zum Geschlechtsverkehr mit einem Mann zu geben, und demzufolge darf das Verbrechen der Vergewaltigung nicht anhand der Idee der fehlenden Zustimmung definiert werden; es wird eine neue Definition benötigt, die uns zur Einsicht darüber verhelfen soll, daß Vergewaltigungen in unserer Gesellschaft sehr viel verbreiteter sind, als weithin angenommen wird; alle Männer in unserer Gesellschaft tragen eine kollektive Verantwortung für das Phänomen der Vergewaltigung. Um diese Argumente beurteilen zu können, konzentriert sich der Verfasser auf den Kontrast zwischen den Auffassungen von der Zustimmung zum Geschlechtsverkehr, wie sie vom Liberalismus und vom radikalen Feminismus zum Ausdruck gebracht werden. Er ist bemüht zu zeigen, daß die radikale feministische Sichtweise des Vergewaltigungsdelikts zu undifferenziert und zu extrem ist.