

How Bad Is Rape?

I argue that to be compelled to do routine work is to be gravely harmed. Indeed, that pink-collar work is a more serious harm to women than rape.

My purpose is to urge politically active feminists and feminist organizations to arrange their priorities accordingly and devote most of their resources to working for the elimination of sex segregation in employment.

Rape is bad. This is uncontroversial.¹ It is one of the many wrongs committed against women. But *how* bad is rape, more particularly, how bad is it vis-a-vis other gender-based offenses? I shall argue that while rape is very bad indeed, the work that most women employed outside the home are compelled to do is more seriously harmful insofar as doing such work damages the most fundamental interests of the victim, what Joel Feinberg calls "welfare interests," whereas rape typically does not.²

It may be suggested that the very question of which of these evils is the more serious is misconceived insofar as the harms they induce are so different in character as to be incommensurable. Nevertheless, for practical purposes we are often obliged to weigh interests in diverse goods against one another and to compare harms which are very different in nature. Feinberg's account of how we may assess the relative seriousness of various harms, in *Harm to Others* (1984) and elsewhere, provides a rational basis for such comparisons and for my consideration of the relative seriousness of rape and work. In addition, my comparison of these harms brings to light a lacuna in Feinberg's discussion which I propose to fill by providing an account of the way in which the duration of a harmed state contributes to its seriousness.

Why Rape is Bad

Rape is bad because it constitutes a serious harm to the victim. To harm a person is to thwart, set back or otherwise interfere with his interests. Understood in this sense, "harm" is not synonymous with "hurt." We typically have an interest in avoiding chronic, distracting

physical pain and psychic anguish insofar as we require a certain degree of physical and emotional well-being to pursue our projects, hence hurts are often harmful (e.g. root canal work). Arguably, there are also harms which are not hurtful. Our interests extend to states of affairs beyond immediate experience. I have an interest, for example, in my reputation so that if I am slandered I am harmed even if I am altogether unaware of what is being said about me. Names can never hurt me but they can, even without my knowledge, harm me insofar as I have an interest in others' thinking well of me. Harms are thus to be understood in terms of the interests or stakes that persons have in states of affairs.

Virtually everyone has an interest in avoiding involuntary contact with others, particularly unwanted contacts which are intimate or invasive. Being raped violates this interest hence, quite apart from any further consequences it may have for the victim or for others, it constitutes a harm. In addition, people have an interest in not being used as mere means for the benefit of others, an interest which is violated by rape. Finally, all persons can be presumed to have an interest in going about their business free of restriction and interference. Rape, like other crimes of violence, thwarts this interest. Since rape sets back some of the victim's most important interests, the victim of rape is in a harmed condition.

Furthermore, the condition of being raped is a *harmful* condition as well as a *harmed* condition insofar as it has a tendency to generate further harms—*anxiety*, feelings of degradation and other psychological states which may interfere with the victim's pursuit of other projects. In these respects rape is no different from other violent crimes. The victim of assault or robbery is violated and this in and of itself constitutes a harm. In addition, being assaulted or robbed is harmful insofar as victims of assault and robbery tend to suffer from fears and psychological traumas as a result of their experience which may interfere with their pursuit of other projects.

Now there is a tendency to exaggerate the *harmfulness* of rape, that is, to make much of the incapacitating psychological traumas that some victims suffer as a result of being raped. One motive for such claims is the recognition that the harm of rape *per se* is often underestimated and hence that, in some quarters, rape is not taken as seriously as it ought to be taken. Rape has not been treated in the same way as other crimes of violence. A person, whether male or female, who is mugged is not asked to produce witnesses, to provide evidence of his good character or display bodily injuries as evidence of his unwillingness to surrender his wallet to his assailant. In the past, however, the burden of proof has been placed wrongfully on the victims of rape to show their respectability and their unwillingness, the assumption being that

(heterosexual) rape is merely a sexual act rather than an act of violence and that sex acts can be presumed to be desired by the participants unless there is strong evidence to the contrary. This is not so. Writers who stress the traumas rape victims suffer cite the deleterious consequences of rape in response to such assumptions.

It is, however, quite unnecessary to exaggerate the harmfulness of rape to explain its seriousness. Women are not merely sexual resources whose wants and interests can be ignored—and women do not secretly want to be raped. Like men, women have an important interest in not being used or interfered with, hence being raped is a harm. Even if it did not hurt the victim physically or psychologically or tend to bring about any *further* harms it would still be a harm in and of itself. A person who is assaulted or robbed does not need to produce evidence of the psychological trauma he suffers as a consequence in order to persuade others that he has been harmed. We recognize that, quite apart from the consequences, the act of assault or robbery is itself a harm. The same should be true of rape. If we recognize rape for what it is, a violent crime against the person, we shall not take past sexual activity as evidence that the victim has not “really” been raped any more than we should take a history of habitual charitable contributions as evidence that the victim of mugging has not “really” been robbed, neither shall we feel compelled to stress the psychological consequences of rape to persuade ourselves that rape is in and of itself a harm.

If this is made clear, there is no compelling reason to harp on the suffering of rape victims. Furthermore, arguably, on balance, it may be undesirable to do so. First, making much of the traumas rape victims allegedly suffer tends to reinforce the pervasive sexist assumption that women are cowards who break under stress and are incapable of dealing with physical danger or violence. Secondly, it would seem that conceiving of such traumas as normal, expected consequences of rape does a disservice to victims who might otherwise be considerably less traumatized by their experiences.

The Relative Seriousness of Harms

Everyone agrees that rape is bad. The disagreement is over how bad. This raises a more general question, namely that of ranking harms with regard to their relative seriousness.

Given our understanding of harm as the thwarting of a being's interests and our assumption that a person's interests extend beyond immediate experience, it will not do to rank harms strictly according to the amount of disutility they generate for the victim or the extent to which they decrease his utility. A person is harmed when his interests

are impeded regardless of whether he suffers as a consequence. Persons have an interest in liberty, for example, and are harmed when deprived of liberty even if they do not *feel* frustrated as a consequence. The advice of stoics has a hollow ring and projects for "adjusting" people to severely restrictive conditions strike most of us as unacceptable precisely because we recognize that even if self-cultivation or conditioning can prevent us from being hurt or feeling frustrated by the thwarting of our most fundamental interests, such practices cannot prevent us from being harmed.

Intuitively, the seriousness of a harm is determined by the importance of the interest which is violated within the network of the victim's interests.

Some interests are more important than others in the sense that harm to them is likely to lead to greater damage to the whole economy of personal (or as the case may be, community) interests than harm to the lesser interest will do, just as harm to one's heart or brain will do more damage to one's bodily health than an "equal degree" of harm to less vital organs. Thus, the interest of a standard person in X may be more important than his interest in Y in that it is, in an analogous sense, more "vital" in his whole interest network than is his interest in Y. A person's welfare interests tend to be his most vital ones, and also to be equally vital (Feinberg 1984, 204-5).

A person's "welfare interests" are those which are typically most vital in a personal system of interests, e.g. interests in minimally decent health and the absence of chronic distracting pain, a tolerable environment, economic sufficiency, emotional stability, the absence of intolerable stress and minimal political liberty—all those things which are required for the "standard person" to pursue any further projects effectively.

These are interests in conditions that are generalized means to a great variety of possible goals and whose joint realization, in the absence of very special circumstances, is necessary for the achievement of more ultimate aims.

When they are blocked or damaged, a person is very seriously harmed indeed, for in that case his more ultimate aspirations are defeated too, whereas setbacks to a higher goal do not to the same degree inflict damage on the whole network of his interests (Feinberg 1984, 37).

Three points should be noted here. First, we decide which interests

are to count as welfare interests by reflecting upon the needs and capacities of the "standard person." Some people indeed are more capable than the standard person—and we have all heard their inspirational stories *ad nauseum*. The standard person however cannot be expected to produce saleable paintings with a brush held in his mouth if paralyzed nor can the standard person be expected to overcome grinding poverty and gross discrimination to achieve brilliant success at the very pinnacle of the corporate ladder.

Secondly, welfare interests are interests in having minimally tolerable amounts of good things, just enough to enable their possessor to pursue his ulterior interests. Empirical questions may be raised as to what sort of environment is "tolerable" to the standard person, what degree of political liberty he needs to pursue his goals and how much material security he requires. Nevertheless a person who lives under conditions of extreme political oppression, who ever fears the midnight visit of the secret police, or one who spends most of his time and energy scratching to maintain the minimal material conditions for survival is effectively blocked from pursuing other ends.

Now persons have an interest in having more of goods such as health, money and political liberty than they require for the pursuit of their ulterior interests since such surplus goods are a cushion against unforeseen reverses. In hard times, a middle class family may have to cut its entertainment and clothing budget—a working class family however may be reduced to chill penury while the truly poor are forced out on to the street. Nevertheless the interest in having money, health and the like in excess of the tolerable minimum is not itself a *welfare* interest.

Finally it should be noted that "welfare interests, taken together, make a chain that is no stronger than its weakest link." There are few, if any tradeoffs possible among welfare interests: an excess of one good cannot compensate for the lack of a minimally tolerable level of another. "All the money in the world won't help you if you have a fatal disease, and great physical strength will not compensate for destitution or imprisonment" (Feinberg 1984, 57)—nor, one might add, will fringe benefits, company picnics, impressive titles or even high pay compensate for dull, demeaning work in an all but intolerable environment.

The greatest harms which can come to persons are those which affect their most vital interests. To maim or cripple a person is to do him a great harm insofar as one's interest in physical health is a very vital interest, indeed, a welfare interest. Stealing a sum of money from a rich man is less harmful than stealing the same sum of money from a pauper insofar as depriving a person of his means of survival sets back a welfare interest whereas depleting his excess funds does not.

Now in light of these considerations it should be apparent, first, that

rape is a serious harm but, secondly, that it is not among the most serious harms that can befall a person. It is a serious offense because everyone has an interest in liberty construed in the broadest sense not merely as freedom from state regulation but as freedom to go about one's business without interference. Whenever a person's projects are impeded, whether by a public agency or a private individual, he is, to that extent, harmed. Rape interferes with a person's freedom to pursue his own projects and is, to that extent, a harm. It does not, however, render a person altogether incapable of pursuing his ulterior interests. Having a certain minimally tolerable amount of liberty is a welfare interest without which a person cannot pursue any further projects. While rape diminishes one's liberty, it does not diminish it to such an extent that the victim is precluded from pursuing other projects which are in his interest.

No doubt most rape victims, like victims of violent crime generally, are traumatized. Some rape victims indeed may be so severely traumatized that they incur long-term, severe psychological injury and are rendered incapable of pursuing other projects. For the standard person however, for whom sexuality is a peripheral matter on which relatively little hangs,³ being raped, though it constitutes a serious assault on the person, does not violate a welfare interest. There is no evidence to suggest that most rape victims are permanently incapacitated by their experiences nor that in the long run their lives are much poorer than they otherwise would have been. Again, this is not to minimize the harm of rape: rape is a grave harm, nevertheless some harms are graver still and, in the long run, more harmful.

Times, interests and harms

What can be worse than rape? A number of tragic scenarios come to mind. (1) A person is killed in the bloom of youth, when he has innumerable projects and plans for the future. Intuitively death is always a bad thing, though it is disputed whether it is a harm, but clearly untimely death is a grave harm insofar as it dooms the victim's interest in pursuing a great many projects.

(2) A person is severely maimed or crippled. The interests of a person who is mentally or physically incapacitated are thwarted as the range of options available to him in his impaired state is severely limited.

(3) A person is destitute, deprived of food, clothing and shelter. Here one thinks of the victims of famine in Africa or street people reduced to sleeping in doorways in our otherwise affluent cities. Persons in such circumstances have not got the resources to pursue their ulterior interests.

(4) A person is enslaved He is treated as a mere tool for the pursuit of his master's projects and deprived of the time and resources to pursue his own

Each of these misfortunes is worse than rape And the list could be continued

Notice that all of the harmed conditions described are not merely painful or traumatic but chronic rather than episodic They occupy large chunks of persons' histories—or, in the case of untimely death, actually obliterate large segments of their *projected* histories To this extent such harmed conditions interfere more with the pursuit of other projects which are conducive to persons' well-being than does rape

Now it is not entirely clear from Feinberg's discussion how the temporal extent of harms figure into calculations of their relative seriousness Feinberg (1984, 45ff) suggests that transitory hurts, whether physical or mental, do not harm the interests of the standard person, for whom the absence of pain is not a focal aim, whereas chronic, distracting pain and emotional instability set back persons' most vital interests insofar as they preclude them from pursuing their goals and projects

Nevertheless, intense pain, however transitory, may be all-encompassing and completely distracting for the extent of its duration It is not entirely clear from Feinberg's discussion however why, given his account of interests and harms, we should not be forced to conclude that some transitory hurts are harms not because they violate an interest in not being hurt but because they preclude the victim from pursuing other interests, albeit for a very short time Indeed, it is not clear why we should not be compelled to regard some very transitory pains, traumas and inconveniences as set-backs to welfare interests If we agree that being imprisoned for a number of years impedes a welfare interest insofar as it precludes the prisoner from pursuing his ulterior interests while imprisoned, why should we not say that being locked in the bathroom for twenty minutes is a harm of equal, if not greater magnitude, though of shorter duration? After all, while locked in the bathroom, I am, if anything, in a worse position to pursue my ulterior interests than I should be if I were in prison

Intuitively however the duration of a harmed state figures importantly in assessments of its seriousness Being locked in the bathroom for twenty minutes is not, we think, a great harm of short duration—it is simply a trivial harm insofar as it makes no significant difference to the victim's total life plan Being imprisoned for several years, on the contrary, does make an important difference to the victim's biography all other things being equal it precludes him from realizing a great number of aims that he should otherwise have accomplished

All is not as it was after the prisoner has served his sentence. After his release, the prisoner has much less time to accomplish his ends. A large chunk of his life has been blanked out and most likely his total life history will be poorer for it.

Imprisonment impedes a welfare interest insofar as it deprives the prisoner of the minimal amount of liberty requisite for the pursuit of a great many of his ulterior interests. Furthermore, the deprivation of liberty imposed upon the prisoner, like other harms to welfare interests, cannot be truly compensated by an abundance of other goods. Even the lavish banquets and luxurious accommodations imagined by self-proclaimed advocates of law and order who deplore the "soft treatment" of offenders could not compensate for the restriction of individual liberty imposed upon prisoners. Furthermore, benefits conferred *after* the prisoner's release cannot truly compensate him either. A person who has been falsely imprisoned may be "compensated" after a fashion with a monetary settlement but we all recognize that this does not really set things right: he has, after all, lost that many years off of his life and as a consequence he will *never* achieve a great many things that he would otherwise have achieved.

We might capture our intuitions about the role that the duration of harmed states play in determining their seriousness in the following way. Typically, people's focal aims are, as it were, timeless. Some people, indeed, may have the ambition to accomplish certain feats at certain times of their lives, e.g. to make a million by age thirty, but in most cases the objects of our desires are not temporally tagged and timing is not, in the strict sense, essential to their realization. I can no longer make-a-million-by-age-thirty though I still can make a million. Of course I would prefer to have the million sooner rather than later. If, however, my aim is merely to make a million at some time or other I can afford to sit tight. Though the circumstances that prevail at some times may be more conducive to the achievement of my goal than those which prevail at other times, it is not essential to the realization of my ambition that it occur at any special time. My aim is not essentially time-bound.

Because most of persons' focal aims are not time-bound, persons by and large can afford to sit tight. Barring the occasional Man from Porlock, our interests are not seriously set back by transitory pains or other relatively short-lived distractions. A momentary twinge may prevent me from starting to write my paper at 12:05. No matter. I shall start it at 12:06, and the delay is unlikely to have any significant effect on my total opus. My interest is in producing a certain body of work during my lifetime and this interest is sufficiently robust to withstand a good many temporary set-backs. Nevertheless, while most people's

interests are relatively robust, insofar as they are not time-bound, they are not impregnable. Long-term or chronic distractions can seriously impede even those interests which are not time-bound. If I suffer from chronic, distracting pain or emotional instability for a number of years I may *never* write my paper or realize many of my other ambitions. Art is long but life, alas, is short.

Now when it comes to assessing the relative seriousness of various harms we consider them with respect to their tendency to interfere with our typically "timeless" aims. The most serious harms are those which interfere with the greatest number of interests for the longest time, those which are most likely to prevent us from ever achieving our goals. The greatest harms, those which damage welfare interests, therefore, bring about harmed states which are chronic rather than episodic.

Working is worse than being raped

On this account being obliged to work is, for many people, a very serious harm indeed insofar as work is chronic. It occupies a large part of the worker's waking life for a long time. For the fortunate few, work in and of itself contributes to the worker's well-being. For many workers, however, work provides few satisfactions. For the least fortunate, whose jobs are dull, routine and regimented, work provides no satisfactions whatsoever and the time devoted to work prevents them from pursuing any other projects which might be conducive to their well-being.

As a matter of fact women figure disproportionately though not exclusively in this group. Discrimination is not only unfair—and this in itself constitutes a harm—it is harmful insofar as many women as a result of discriminatory employment practices are compelled to take very unpleasant, underpaid, dead-end jobs and, as a consequence, to spend a substantial part of their waking lives at tedious, regimented, mind-killing toil. A great many men have equally appalling jobs. I suggest however that anyone, whether male or female, who spends a good deal of time at such work is in a more seriously harmed state than one who is raped. Women however have an additional grievance insofar as such jobs fall disproportionately to them as a consequence of unfair employment practices.

A few hours or even a week of typing statistics or operating a switchboard, however unpleasant, may not be seriously harmful. For most women in the workforce, however, such unpleasantness occupies a substantial part of their waking hours for years. Currently most women can look forward to spending the greater part of their adult lives typing, hash-slitting, cashiering or assembling small fiddly mechanisms.

To be compelled to do such work is to be harmed in the most serious way. Doing such work impedes a welfare interest: it deprives the worker of the minimal degree of freedom requisite for the pursuit of a number of other interests. As with other such deprivations, the harm done cannot be undone by other benefits. Sexists may suggest that women in such positions gain satisfaction from selfless service to their employers and families and some self-proclaimed feminists may suggest that the satisfaction of financial independence makes up for the drudgery. This is however plainly false. The amount of time workers must spend at their jobs deprives them of the freedom necessary to the effective pursuit of their other projects. For this there can be no true compensation.

Rape, like all crimes against the person, is bad in part because it deprives the victim of some degree of freedom, being compelled to work is worse in this regard insofar as it chronically deprives the victim of the minimal amount of freedom requisite to the pursuit of other important interests which are conducive to his well-being.

Work is worse than rape in other respects as well. The pink-collar worker, like the rape victim, is used as a mere means to the ends of others but, arguably, in being used the worker is violated in a more intimate, more detrimental way than the rape victim. Rape is an emotionally charged issue insofar as it has become a symbol of all the ways in which women are violated and exploited, but rape *per se* merely violates the victim's sexual integrity. The work that most women do however violates their integrity as intellectual beings. The routine clerical work which falls almost exclusively to women precludes the worker's thinking about other matters: she is fettered intellectually for the greater part of her day. Such work occupies the mind just enough to dominate the worker's inner life but not enough to be of any interest. One does not have to buy questionable Cartesian doctrines about the nature of the self to recognize that persons have a greater stake in their mental and emotional lives than they do in their sexuality. Recognizing this, it seems reasonable to suggest that being "raped" intellectually violates a more vital interest than being raped sexually.

Now there are indeed certain disanalogies between the harms of rape and pink-collar work. First, arguably, persons have a right not to be raped but they do not have a right to avoid unpleasant work. Secondly, while rapists clearly harm their victims it is not so clear that employers, particularly if they have not engaged in unfair hiring practices, harm their employees. Thirdly, it may be suggested that the rape victim is *forced* into a compromising position whereas the pink-collar worker is not. Finally, it will be suggested that the work most women do is not so grim as I have suggested. None of these suggestions however seriously damages my case.

First, I have not argued that being compelled to do unpleasant work is a *wrong* but only that it is a *harm*, and a grave one. To be harmed is not necessarily to be wronged, nor do persons have a right absolute not to be harmed in any way. It may be, in some cases, that the advancement of the interests of others outweighs the harm that comes to the victim so that, on balance, the harm to the victim does not constitute an injustice or a wrong. As consumers, all of us, men and women alike, have an interest in retaining women as a source of cheap clerical and service work. It may be that, on balance, this outweighs the interest of women as potential workers in not being exploited—though I doubt it. If this is so then the exploitation of women in these positions is not a wrong. It is, nevertheless, a harm.

Secondly, on Feinberg's account, natural disasters—and not merely persons who omit to aid victims—cause great harm. More generally, to be in a harmed state is not necessarily to be harmed by some moral agent. To suggest that workers are seriously harmed by the work they do is not to say that their employers are harming them. Indeed, it seems that most supervisors, managers and owners of businesses are rather like carriers of harmful diseases: they are causally responsible for persons' coming to harm, but we should not want to say that they *harm* anyone.

Thirdly, most women in the pink-collar sector are compelled to work: the myth that most women enter the workforce to get out of the house and make pin money has long been exploded. Now intuitions about what constitutes coercion differ radically. Some suggest, for example, that a woman who cannot display bruises or wounds as evidence of a desperate struggle has not really been forced to have sex with her assailant. I however go with the commonsensical meaning of coercion, without pretending to know the analysis. On this account a woman with a knife to her throat is forced to engage in sexual intercourse and a woman with no other adequate means of support for herself and her family is forced to work. An exceptional person indeed may pull herself up by the bootstraps, the standard person however cannot.

Fourthly, a growing sociological literature on women in the workforce, observation, and personal experience all suggest that the work most women do is every bit as harmful as I have suggested. A "phenomenology" of womenswork is beyond the scope of this paper, and beyond my competence as an analytic philosopher. Even if I should succeed in conveying the dull misery of the working day, the stress at other times, knowing that another day of work is getting closer, and beyond this, the knowledge that there is no way out, it would not be entirely to the point. As Feinberg notes, except for Epicureans, for whom the absence of pain is a focal aim, neither physical pain nor

psychic anguish is in and of itself a harm they are harms only insofar as they impede the agent's interests. It is not the misery of working *per se* but the extent to which most work precludes one's pursuit of other ends which makes work the grave harm that it is. Even if many workers avoid the hurt, all endure the harm insofar as their interests are impeded and their lives are impoverished.

Finally, I recognize that many men are forced to do demeaning, dull, often dangerous work. Again, this is hardly a criticism of my case. I grant that men are harmed in the most serious way by being forced into such drudgery. My suggestion is merely that a person, whether male or female, who spends a good deal of time doing such work is in a more seriously harmed state than one who is raped. Rape is bad, indeed, very bad. But being a keypunch operator is worse.

I recognize that this conclusion will be met with considerable hostility. Beyond the harm that rapists inflict upon their victims, rape is a powerful symbol of the oppression women suffer and thus naturally arouses the wrath and indignation of virtually all women who are aware of their situation. Still, to the vast numbers of single parents who are unable to provide a minimally decent standard of living for their families on the wages paid for "women's work," to all women who do pink collar work, and to all who recognize that they are in danger of being compelled to take such work—and virtually all of us are in danger—the shift of emphasis by some feminist organizations from activities geared to end sex discrimination in employment to a range of other projects is extremely irritating.

Why Rape is Considered the Supreme Evil—a postscript

In light of the fact (which should be apparent to all reasonable people) that spending the better part of one's waking hours over a period of years at boring, regimented work is worse than being the victim of violent crime, one wonders why it is so often assumed that rape is the supreme evil. Two conjectures come to mind.

First, it is generally assumed that women are largely incapable of dealing with danger or physical violence. Since rape is a crime against women primarily, given this assumption, it would follow that most rape victims would be more traumatized than victims of other violent crimes. This is an insult to women. It is incumbent upon us to show that we are as macho as anyone!

Secondly, women are traditionally viewed primarily in connection with concerns which center around their sexuality—in terms of their roles as lovers, wives and mothers. Because women are seen in this way, it is commonly assumed that they have a greater stake in matters con-

cerning sexuality in the broadest sense than do men. So, for example, all issues concerning reproduction are thought of as "women's issues" despite the recognition by all but the most primitive peoples that men play an essential role in the reproductive process. Indeed, it is often assumed that women have more of a stake in sexual matters than they do in any other concerns.

Given these assumptions it would follow that any violation of sexual integrity would be extremely harmful to women. Arguably if rape is considered among the gravest of harms it is largely because women are regarded as beings whose welfare is tied up most intimately with sexual concerns and relationships, persons to whom other matters, such as intellectual stimulation and professional achievement, are relatively peripheral.

Most women take strong exception to being regarded as "sex objects." What is often thought to be objectionable about this role is the suggestion of passivity, the implication that one is an *object* which is used for sexual purposes rather than a *subject* of sexual experience. But there is something even more objectionable about the idea of being a "sex object," namely the suggestion that one is primarily a sexual being, a person whose most important interests are connected to the genital area and the reproductive system and with roles that are tied up with one's sexuality.

I suggest that the primary reason why rape is regarded as one of the most serious harms that can befall a woman is precisely because women are regarded as sex objects, beings who have little of value beyond their sexuality. Further I suggest that women who would regard being raped as the supreme violation and humiliation are implicitly buying into this view.

If these are indeed the reasons why rape is seen as supremely harmful to women, as I suggest they are, then it follows that the suggestion that rape is the worst harm that can befall a woman is a consequence of sexist assumptions about the character and interests of women. Rape, like all other crimes of violence, constitutes a serious harm to the victim. Nevertheless, I have suggested that to consider it the most serious of all harms is no less sexist than to consider it no harm at all.

notes

1 Everyone agrees that rape is bad. The controversy concerns the criteria for counting an act as an instance of rape in the first place, including the relevance of the victim's

prior sexual conduct, and the trustworthiness of victims' testimony. The recent reopening of the Dotson case, for example, represents a threat to feminist gains insofar as it tends to undermine the credibility of victims—not because it suggests that rape is less serious than is commonly supposed.

The core meaning of "rape" is "forcible or fraudulent sexual intercourse especially imposed on women" (*The Little Oxford Dictionary*) but given the elaborate and confusing rules of sexual etiquette that have traditionally figured in human courtship rituals it has not always been clear what constituted fraud or coercion in these matters. In particular, it has been assumed that female coyness is simply part of the courtship ritual so that women who acquiesce to the sexual demands of acquaintances under protest are merely playing the game and thus have not in fact been forced into anything. That is to say it is assumed that under such conditions the sexual act is *not an instance of rape at all*, hence that a woman who claims she has been raped in such circumstances is disingenuous and may be assumed to have malicious motives.

It is to these assumptions that women should object—not to my suggestion that rape is a less serious harm than has commonly been thought. What sexist underestimate is not the seriousness of rape but rather the frequency with which it occurs.

2 See especially chapters 1 and 5 in Joel Feinberg (1984)

3 My argument rests on the assumption that very little hangs on sexuality issues, that persons' focal aims, and hence their interests, have to do primarily with matters which are quite separate and not much affected by sexual activities, whether voluntary or involuntary. In spite of popular acceptance of Freudian doctrines, this does seem to be the case.

In a society where people's most important aims were tied up with sexual activities, things would be different and rape would be even more serious than it is among us. Imagine, for example, a society in which women were excluded entirely from the workforce and marriage was their only economic option so that a woman's sexuality, like the cowboy's horse, was her only means of livelihood, imagine that in this society sexual purity were highly valued (at least for women) and a woman who was known to be "damaged goods" for whatever reason, was as a result rendered unmarriageable and subjected to constant humiliation by her relatives and society at large. In such circumstances rape would indeed violate a welfare interest and would be among the most serious of crimes, rather like horsetheft in the Old West. There are no doubt societies in which this is the case. It is not however the case among us.

Again, some people may regard their sexual integrity as so intimately wrapped up with their self-concept that they would be violated in the most profound way if forced to have sexual intercourse against their will. There are no doubt persons for whom this is the case. It is not however the case for the standard person.

Admittedly, this is an empirical conjecture. But we do recognize that it is the case for the standard male person, and the assumption that women are different seems to be a manifestation of the sexist assumption that women are primarily sexual beings.

references

Feinberg, Joel 1984 *Harm to others* Oxford: Oxford University Press

