

Doing rape hysteria right.

Dalrock | 13 December, 2014 | by Dalrock

Freddie deBoer at The Week argues in [What progressives don't want to talk about in the Rolling Stone scandal*](#):

A presumption of truth in every rape accusation is an impossible standard. And it's doing real damage to the cause of fighting sexual assaults.

The first sentence in the quote above is so obvious that the need to argue it shows how far we have gone in the direction of rape hysteria. The second sentence has become conventional wisdom for conservatives, and this is another (less obvious) indicator of how foolish we have become in the discussion about rape.

deBoer warns his readers that mysterious and powerful forces are gathering to cause our society to stop taking rape seriously:

If the story turns out to be significantly fabricated (and the doubts expressed do not yet amount to proof that it was), then the costs could be considerable. With a committed group of rape denialists active in our culture, typically made up of "men's rights activists" and conservative anti-feminists, the danger of this type of scandal lies in the potential for a false accusation to crowd out attention to rape writ large.

He doesn't offer any examples of these allegedly pro-rape barbarians at the gate. I certainly haven't seen any popular MRA or conservative anti-feminist bloggers arguing that we should look the other way when it comes to rape. Instead, what deBoer is no doubt reacting to are influential authors like [Glenn Reynolds](#) and his wife [Dr. Helen](#) who write passionately about the need for due process when handling accusations of rape. deBoer touches on the problem of due process when trying to explain why highly publicized false claims would take us backward when it comes to rape. High visibility false claims of robbery or murder don't make him nervous like false claims of rape do, because unlike with rape he is perfectly comfortable with due process for those crimes:

The question is, why? Why would revelations that a particular high-profile accusation was false be so potentially damaging to efforts to oppose that crime in general? This logic does not extend to other crimes; no one believes that a false claim of robbery means that robbery doesn't happen or only happens rarely. Why would sexual assault be any different? Why is our understanding of rape seen as so vulnerable to the corrosive power of false accusations?

If you want more proof that wanting due process is what now passes for being pro-rape, consider the feminist "progress" we have made in recent decades. There is an [iconic image](#) of a protest sign which sums the feminist perspective up. "Don't get raped" is edited to read "Don't Rape". This is the change feminists are telling us they are trying to create. The first version of the text is a straw man version of our due process system of justice. Under due process with a presumption of innocence, the burden of proof when accusing someone of rape is high. Even with this high burden of proof, some cases are still fairly easy to prove. If a woman is physically attacked by a man she isn't involved with, this is more than a simple "he said, she said" case. But other cases are less clear. "Don't get raped" is a straw man for the good advice we used to give to women not only to avoid the trauma of being raped, but the pain of being raped and not being able to prove it in a court of law. Feminists hate this kind of advice because it discourages women from making risky choices, and discouraging women in any way is [unbearable](#) to

feminists. Feminists conflate any and all attempts to advise women on how to protect themselves from rape as “Don’t get raped”. In the place of trying to help women avoid the horrific crime of rape, feminists offer instead the hysteria of “rape culture”, which is embodied in the feminist slogan “Don’t rape”.

If it does come down to the word of the accuser vs the word of the accused, how do you decide under due process? The answer is to try to first understand if sex happened, and then try to determine if the sex was consensual. Unfortunately human sexuality, especially female sexuality, tends to be by its very nature at least somewhat ambiguous. Assuming the sex act itself is sufficiently proved, the question becomes what was the nature of the sexual encounter. To answer this question juries naturally want to understand more about the context of the situation. Did the woman and the man jointly seek out a secluded space before the sex occurred? Did they have a sexual history, or were they in a relationship which appeared to be building up to sex? Did the woman’s observable actions before and after the incident tend to be consistent with consensual sex or rape? If a woman is accusing a man of rape in a context which closely mimics consensual sex, the presumption of innocence can be an insurmountable barrier. This doesn’t mean it wasn’t rape, but it does make it extremely difficult to prove. The presumption of innocence is the problem feminists have been working so hard to remove, and they have been surprisingly successful here. This success is precisely what deBoer fears is in jeopardy when feminists trumpet cases of rape which later turn out to be false.

This isn’t about either being anti-rape or anti-anti-rape (pro-rape?), it is about due process vs rape hysteria. The reason due process is so crucial is not because rape isn’t important, but because *real* rapists are monsters who merit harsh punishment. Before we decide to deliver a harsh sentence, we need to make sure we aren’t convicting an innocent man. Yet this is the very perspective the self styled moderate deBoer wants to label as pro-rape. The giveaway comes in his opening sentence (emphasis mine):

| A presumption of truth in every rape accusation is an impossible standard.

He isn’t arguing for due process and the presumption of innocence, he is arguing that his fellow feminists should at times suspend their presumption of guilt and hear out the facts of the case. deBoer is arguing that *rape hysteria is all well and good, but lets keep our heads about it*. The piece isn’t a call to a presumption of innocence, but a call to be more clever when conducting witch hunts. Having defined the stakes, deBoer explains the mechanics of how *excessive* rape hysteria ultimately leads to harming the cause of rape hysteria.

| The insistence that every rape accusation must be presumed to be true inevitably means that the credibility of those opposing rape will always be bound up with the least credible accusation. This, perversely, makes it harder for those people to speak out against rape, not easier. The notion that rape victims should be believed by default seems humane and understandable. But in practice it leads to a condition where all rape accusations must be true for any individual standard to be taken seriously. That’s an impossible standard, one no crime should ever have to meet.

deBoer’s problem is it isn’t possible to have a little less hysteria. His passionate plea for a kinder, gentler witch hunt won’t have any effect, because his audience surrendered themselves to emotion over logic and justice long ago. Once you unleash the mob you can’t steer it like a precision guided munition, all you can hope to do is stay out of its path. The mob is going to run its course, and eventually even those who weren’t initially paying close attention will come to understand the mania which has possessed the mob.

H/T [Instapundit](#)

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