

MAY & STRIKWERDA: MEN IN GROUPS: COLLECTIVE RESPONSIBILITY FOR RAPE

- **ISSUE:** Distinguishing between consensual sex and **date rape**
 - **Problems:**
 - **Criminal Law** – says that we should punish a person for a crime ONLY if they have the appropriate *mens rea*
 - **“Guilty mind”**
 - Someone who sincerely believes that a woman has consented would NOT have a guilty mind and so would not be guilty of rape
 - **Solution:** Redirect the focus to whether or not their belief was REASONABLE by using an **“objective view of rape”**
 - **Evidence** – difficulty of being able to provide **clear and strong evidence** that a woman has not consented
 - If a woman has dated her attacker, this is taken as evidence that she DID give consent
 - **Solution:** Hold ALL men accountable for rape
 - **CLAIM:** All men are, to some degree, guilty of rape either by:
 - **Directly encouraging rape**, or
 - By holding or propagating attitudes that make rape more likely
 - **Failing to make serious efforts to end rape**
 - When rape occurs, many men could have:
 - DONE it
 - Made it more LIKELY to occur
 - BENEFITTED from it
 - Done something about it, but were NEGLIGENT
 - **OTHER UNDERSTANDINGS OF RAPE:**
 - **Rapist = Loner or Demon** The rapist is **SOLELY RESPONSIBLE** since he alone intentionally committed the act of rape
 - **Rapist = Victim of Biology NO ONE IS RESPONSIBLE** since rape is merely a biologically oriented response to stimuli that men have little to no control over
 - **Rapist = Victim of Society EVERYONE IS RESPONSIBLE;** women and men alike contribute to the violent environment which produces rape. So **BOTH MEN AND WOMEN** are equally responsible. Thus, it is a mistake to single out men
 - **Rapist = Group Member PATRIARCHY IS RESPONSIBLE;** rather than individual men or men as a group
 - **CONCLUSION: ALL MEN**, as members of that group, bear at least **some responsibility** for rape. Not that every man is ACTUALLY guilty of rape, but that men AS A GROUP contribute to rape
 - **Solution:** Stimulate men to take responsibility for changing the socialization of boys and men