RAPE *IS* A SEX ACT

Stephen Law

In the preceding piece, Timothy Chambers agrees with some feminists that "rape is not a sex act". Here, I briefly defend the view that, whatever else rape is, it is, indeed, a sexual act. Timothy will reply in another piece.

In 'No, You Can't Steal a Kiss', Timothy Chambers argues that rape is not a sexual act. But rape is a sexual act, and a violent one too. To say that rape is sexual is not to say, or imply, the woman enjoys it or consents to it in some way. It does not entail that the two individuals 'have sex' (which *does* suggest consent on both sides).

'Rape is not a sex act' is actually, I think, a rather silly thing to say. It involves redefining 'sex act'. I take a sex act to be an act of a sexual nature, i.e. probably involving sexual organs, and certainly engaged in for the purpose of sexual gratification or titillation. That seems a pretty safe, standard definition of 'sex act' to me.

Rape – as performed by the man, is, then, such an act. The woman victim does not rape, so we do not have to say she is performing a sex act (which *would* imply consent).

Note that the sexual aspect of rape is typically why the man does it. He does not rape to be violent, and it just *happens* to be violence of a sexual nature (as if he would have been just as happy to, say, hit her). The sexual aspect is no accident. Refusing to call rape a sexual act obliterates this aspect – an aspect which usually makes it a more serious form of assault than mere physical, violent assault (in which, say, one man physically assaults another by forcing his fingers into the other's mouth).

Yes, we can redefine 'sex act' so that, in order to qualify as a 'sex act', all involved parties must consent to it. Rape would then no longer qualify as a 'sex act'. This redefinition

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would allow feminists to say, condescendingly, "Oh no, it's *not* a sex act!" to any man who has not yet bought into their redefinition, implying that somehow he is suggesting that women enjoy or consent to rape. "What a brute – he's saying rape is a *sexual act*!" But of course this veiled accusation relies on a cheap sleight of hand with words. Using the expression "sex act" with its *usual* meaning, "rape is a sex act" does not imply that the woman consents.

Stephen Law is editor of THINK.

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