

'Date Rape' on Campus

by Murray N. Rothbard

A lot of strange things are happening on college campuses these days, and one of them is a great deal of kvetching about the alleged epidemic of "date rape." William Celis 3rd's special report to the *New York Times* on the subject (Jan. 1) is best summed up by its subtitle: "Agony on Campus: What is Rape?" To a libertarian, or indeed to any sensible person, there is no problem: if the sex was coercive, and took place against the will of one of the parties, then it was rape and if not, not. If it was, you call in the gendarmes, and if it wasn't, you don't. So what's the big problem?

But to the current generation of college students, things are very different. One says; "it's such a fuzzy topic," and another adds, "it's easy to look at sex and second-guess." There follows a lot of guff about how the feminist movement has succeeded in alerting countless coeds about this terrible problem. But why should it take feminist theoreticians to inform a girl that she has been raped? Why is this topic "fuzzy," when to this reactionary it appears clear-cut? What's going on here?

Reading on, we find that many men are confused about these rising protests by college females. The guys charge that "women with whom they have had sex did not say 'no' and did not physically resist, yet later complained of date rape." Other "angrier" men claim that "in some cases women have encouraged their advances." But the feminists lash back that these are "after-the-fact excuses." Instead, "sexual intercourse, they argue, should proceed from clear mutual consent."

Now we're getting somewhere. For whether or not "encouragement" took place, it strikes me as crystal-clear that if the girl did not say no and did not physically resist, then sex did indeed take place by "clear mutual consent." What do the feminists want? Will they only be satisfied if (a) the two parties sign an express consent form before the act, and then (b) sign another one immediately after? And have them both notarized on the spot, with forms sent in triplicate to their respective attorneys and to the county clerk? If so, the notary publics in college towns are in for a thriving business, plus some Peeping Tom (or Tomasina) opportunities on the side.

The point is that, as in so many other aspects of human "relationships," the feminists are setting out to destroy romance (if that word is not yet obsolete), which thrives on spontaneity, and on implicit, non-verbal mutual understanding. Which is also the problem with the current mania for condoms and other elaborate birth-control machinations.

A clue to the peculiar fuzziness of the current analysis of rape can be found in the assumptions of the famed Koss study, headed by the shrink Mary Koss, now of the University of Arizona. In trying to find out the extent of rape on the college campuses, Koss *defined* sexual assault as the use of force or "intercourse as a result of intentionally getting the woman intoxicated." And we find various references to women being reluctant to report the "rape" because one or usually both parties were "drunk" at the time.

Well, now, drinking indeed! Are we now to include in rape any sex taking place after liquor is imbibed? Isn't everyone familiar with the old poem and the social reality it reported: "Candy is dandy, but liquor is quicker?" Everyone is responsible for whatever he or she imbibes, unless the guy spiked the girl's drink without her knowledge (not mentioned in any of these cases) and everyone is responsible for their own actions, liquor or not. Come off it, ladies; "date rape" my foot!

Ah, now we see what is going on here. For generations now, girls, while consenting implicitly to sex, have wanted to assuage their guilt by being able to tell themselves afterward that they had not planned the action, and that they were merely "swept off their feet" by the charm of the guy and/or the magic of the moment. Hence, as all implicitly consenting parties have been long aware, the use of liquor is a marvelous catalyst of this feet-sweeping. Now, along comes our baneful feminist theoreticians who have been able to use their besotted theories to (a) free girls, once and for all, from guilt for their actions, and (b) to load that guilt onto the poor, hapless male population.

The *New York Times* article details one of the cases. During a brainwashing re-education dorm lecture on date rape at Lehigh University recently, a male student was asked by a dorm official if he had ever committed rape. First saying "hell, no," the student was later talked by the lecturer into "realizing" that he had, and that "not saying no" was not sufficient to establish consent. (There was no notarized agreement!) Later, the poor guy, admitting that he was "very confused," wrote a self-criticism article to the student paper confessing his sins: "I was uninformed and incorrect in my actions," he groveled. Yeah, and I bet he now loves Big Brother (oops sorry, Big Sister). Poor Orwell never knew the full depths of Political Correctness when he fashioned his dystopia.

There are several ways by which this terrible crisis on the campus can be solved. One, we can go back to the prohibition of alcohol, which our culture is almost ready for in any case. Two, we can go back to the good old days of campuses before the 1950s, especially in the South: not only the banning of coed dorms, and abolishing coeducation altogether, but insisting on official chaperons for girls on every date,

on dance-cards filled out in advance and cleared with the chaperon, on boys being barred from the entire girls' campus except the official room, etc. And finally, why not go the whole hog toward Left Puritanism and define all sex as *per se* coercive? That would clear up all the fuzziness and sex, or at least hetero-sex, could be outlawed completely. Or is that the point, after all?