



Episode 669: Rape Culture Hysteria

Guest: Wendy McElroy

WOODS: What a provocative book this is, but yet so sadly necessary. So I just told people about it, gave them the whole title. Now, I guess this has been going on for some time. Was there a breaking point where you said, all right, that's it, I've got to write a book about this? What made you just say enough is enough.

MCELROY: I think it was cumulative. There was no one breaking point, but if I were to identify a point that I made that decision, it was at a university debate I had at Brown with Jessica Valenti, who has been key in developing the whole rape culture psychology and politics, that was just – the empress had no clothes. I sat there and I looked out at the audience of what should be Ivy League students, and I realized that they could not process beyond the dogma of what they had been taught very simple concepts. And it wasn't that I got upset because of the protests, because, as many debates are on the subject, it was surrounded by a great deal of controversy, including the university president coming out and denouncing me beforehand, and the newspaper in Providence – not even the student newspaper; it happened there as well – coming out and denouncing me, not having heard what I was going to say. But it wasn't even the denunciation, because you get used to that if you're in feminism and a dissenter as I am. You get used to that after a while. But it was, there's no intelligent discussion going on, or it's being ignored, so I thought I would do something that could not be ignored.

WOODS: I remember when I was in college, that there were these rape statistics, and it was 1 in 4 women will be raped. Now I think they're doing 1 in 5, which is odd that they've become slightly more reasonable or something, but I remember that statistic being plastered on kiosks all over campus. But I don't remember this concept of rape culture, and I haven't even really heard people talk about it except to oppose it, and I think you would hear about it generally only if you're on a college campus and you're hearing student activists or left-wing professors. I don't really hear this discussed in civil society, or maybe I'm just not listening for it.

MCELROY: I think you're not listening for it. There was a very important meeting a few weeks ago of the American Law Institute, which is sort of below the radar of most people, but what it is is it's a huge organization of lawyers, ex-lawyers, judges, law professors, people who basically make their living from the law. And they're very, very influential, in that they look at the legislation that exists now or should exist, and they

draft model law or revise the law so that they're what they consider to be model now. Why they are influential is because state legislatures tend to adopt these models almost verbatim, or they basically change them in order to reflect regional politics. And what comes out of the ALI is pretty much what spreads across the nation in a few years. ALI was debating and there was a very strong contingent trying to push through what was called "Yes means yes" affirmative consent laws. That's one of the hot things in the rape culture society now, so it may not go by rape culture society, but it actually is very active. That concept fortunately was defeated because there was an awful lot of opposition from people who have sanity in the area of sexuality and want to return to sane definitions within the law.

WOODS: Can you just explain the idea of rape culture? I think I have the gist of it, but I'd like to know exactly what they mean by it.

MCELROY: Okay, they mean that – when they say "rape culture," it's like saying "war culture." It means that the culture is defined by this adjective before it. And a good place to start if you don't really have a background in it is the idea of Susan Brownmiller's defining book, *Against Their Will*. And that basically said that all men are rapists. You're a rapist. It doesn't matter if you've ever raped anyone. It doesn't matter if you would come to the defense of a woman being raped. You are a rapist. And by that she means that you benefit from the patriarchy, the patriarchy being male cultures, especially white male culture, and often capitalism is thrown in. Now, the main tool of oppression by which all men oppress all women is sexual fear, especially rape, which means that rape is the key to patriarchal power, whether that power is expressed through the wage gap – which doesn't exist. You and I know that.

WOODS: Right, of course.

MCELROY: Or it's from you opening the door from me, thus insinuating that I don't have enough power to open my own doors. So rape is the key to patriarchal power, to male power, the power of all men over all women. And that's the rape culture. I believe it exists in Afghanistan. I do not dispute that there are societies that maybe it's so extreme that they should be described as rape cultures because they're that oppressive to women. I don't see it in North America. Matter of fact, I see the power differential having been switched, and men being basically discriminated against in the law.

WOODS: Let's – I'm skipping a little bit ahead, but I am curious, I had Christina Hoff Sommers on not so long ago, and I did ask her a little about the statistical question about actual rapes, and the 1 in 4, 1 in 5 statistic. Is this a matter of they're defining rape in a very broad way, because it would seem to me that if anything 1 in 4, 1 in 5 should be kind of low from their point of view; it should be a lot higher. But yet from my point of view, that's shockingly high and absurdly, preposterously high. What's the truth of the matter?

MCELROY: I don't know, and anyone who says they do know is lying to you or they're mistaken. It is such a confused situation. I've recently gone through the four major

studies and surveys from which most rape stats are gleaned, and the problem is their definitions vary so widely; their methodology varies so widely. The results, it's such a political issue that all you can say is these studies probably set up lower and higher bounds of what the stats are. And if I had to guess and if you pushed me to the wall and held a gun to my head because at this point in may take that to get a stat from me, I would say maybe, I don't know, 1 in 30 women.

The stat that you come up with, 1 in 5, comes from a campus sexual assault study that was done in 2007, and it was done in such a sloppy way that I think it should just be thrown out. When I say "sloppy," the methodology was so bad that the researchers considered participants to have been raped even when the participants themselves said, "I was not raped." Something like three-quarters of those that were classified as rape victims said to the people, "I was not raped," and one of the reasons for that is in the rape stats, one of the big variations that you see is sometimes the study or the researcher, if you tell them, "I had drugs," "I was drinking that night," automatically they classify it as rape, rather than the student themselves saying, "Boy, that was a mistake." Or, "You know, I'm not so sure about that." Other studies, such as the National Crime Victimization Survey, doesn't include alcohol, and its rates are far lower.

WOODS: So when you give us — again, I understand; we're not going to hold you to it. But when you give us that 1 in 30 number, in that case would you be talking about what we would more commonly think of as rape, which is an extremely violent act, as opposed to, well, two people were drinking — not that that's not also regrettable, but it's not what we typically think of as rape, where the woman is truly violated against her will — I'm probably getting in trouble even talking about it this way.

MCELROY: And I'm getting in trouble. I shouldn't have given you that stat (laughing).

WOODS: Yeah, I know; let's just finish this out, and then we'll pretend it never happened (laughing).

MCELROY: (laughing) Okay. Um, I don't think it has to be violent. I think it merely has to be a clear presence of "no," and if that clear presence of "no" is there, then I classify it as rape.

WOODS: Yeah, okay. I think that's a reasonable enough definition. We can hear the sounds of your household in the background (laughing).

MCELROY: (laughing) Sorry, my husband has just rushed to take care of it.

WOODS: Okay, all right, good. All right, so okay, you started to talk about laws, and it goes to show that for years and years and years, the law schools have been teaching oddball theories. I mean, there was critical legal studies. I think that fell into disfavor, but I think some of that stuff is coming back. There is sort of a social justice warrior element coming back. And there's no way that wasn't going to ultimately have some real effect on American society, and you were saying that the way these people think

is going to be reflected in the law. But how so? What are we going to see happening so that this whole question becomes truly of relevance to libertarians in particular?

MCELROY: Well, as I said, the ALI situation which almost passed but did not is a trend. They wanted to do the "Yes means yes" law. Now, that sounds innocuous, and it's in response to the "No means no" law on rape, which is a policy in most universities and a law in other places. "No means no" means if I have a sexual encounter and at some point I say, "Absolutely not; it's gone as far as I want it to go," and if it goes further, it's sexual assault or rape. "Yes means yes" means that it's sexual assault or rape unless I give an affirmative "yes" at every single stage, from being kissed, from nudity, from being fondled, or even mid-intercourse. And if I don't give a "yes," the fact that I don't give a "no" doesn't obviate the fact that it's rape, and a woman can take me to court or she can have me thrown out of university. This is the policy on almost any university in North America right now. ALI was trying to make it state law, and it has become state law in I think two states.

So it actually is innocuous sounding, affirmative consent, "Yes means yes," but what it does is it pretty much makes most sexual encounters into rape if the woman or — and it should be if the woman or man even under the law as it's written, because most laws are written in a gender neutral way. People are savvy enough to know that you can't get by these days by being gender biased in the law. However, in practice it's always the woman.

WOODS: Right, right. Let's jump back to, Chapter 2 of your book is "Intellectual Framework and History of Rape Culture Myth." This alone, I mean, I could do five or six episodes of the show on this. Let's go through the intellectual framework. What is it? What is the foundation on which they build this? And you've got obviously the concept of patriarchy, which we've mentioned already, but then the social construction of gender. Talk about some of these things. Help us understand this.

MCELROY: Okay, and if you can bear with me, I'm going to be a hopeless capitalist right now. The name of my book is *Rape Culture Hysteria: Fixing the Damage Done to Men and Women*.

WOODS: Which we want people to read —

MCELROY: (laughing)

WOODS: — and I'm going to link to it at TomWoods.com/669. You must read, and I thought when it was an eBook — or when I got at least the eBook version, I thought, oh, an eBook — so it'll be 80 pages. This is a full-length smash. It is from beginning to end, it crushes them, and it's — anyway, people will see that for themselves. All right, go ahead and answer my question (laughing).

MCELROY: Thank you, and it will be in print soon. Starting with social construction, that's pretty much one of the bases; that's the building block. If you want to know — there's a lot of words you probably have heard if you were on campus, things like

"narrative," that don't make sense unless you have the idea of social construction. Social construction is the idea – what to many people sounds like a common sense idea until they unpack it. It's the idea that there is an active interaction between the culture and your ideas and your identity and who you are. And that's fine, but it reverses the usual kind of understanding of it.

Take Victorian literature, for example. If I said to you that Victorian literature was a reflection of Victorian mindsets, attitudes, thoughts, beliefs, you'd say, yes, of course. Well, and it also feeds back into the culture and to the beliefs, and they're simply interacting, and you'd say, of course. Social construction says that the beliefs and institutions and such of society do not create its literature, do not create its narrative. The narrative creates the actual human beings of society, their beliefs, who they are, their identities, what they are politically. I've often thought that a difference between the Left and the Right is that the Right looks to human nature and it says, what can we say politically based on human nature, how can we get along without violence, and it postulates a society that's peaceful and civil and things like that. The Left looks to politics as creating human nature and its being the genesis of what human nature and human identity is, like the Marxist man under Marxism.

WOODS: Yeah, in fact, the parallel to Marxism that I saw is the base in the superstructure. In classical Marxism, the ideas that we have, whether they're religious or cultural or legal or whatever, these are all outgrowths of the means of production that are in use at the time. So they don't emerge spontaneously from human beings; they are imposed on them by what they live in, and it sounds like they've taken that and just removed the materialism from it.

MCELROY: Exactly, and if you put it back into the idea of the rape culture of the patriarchy of all men oppressing all women, the narrative is being created – the question is who controls the narrative which creates society which creates human beings which creates the very identities of people, which is why there's such a push to change gender identities, why you can go on Google and be 57 different gender identities if you want. Who creates the narrative? If it is male culture, particularly white male culture, then they're the ones who create society. They create every institution of society. They have constructed the institutions in order to express their narratives, and the way that someone can take control of the narrative and change that injustice is to deconstruct the institutions of society, to deconstruct everything out there and then reconstruct it in another image. Because if you control the narrative, you control the reality.

WOODS: Have you been surprised, by the way – this is of some relevance, I think – at how quickly the issue of transgenderism has just swept the boards, that no one's allowed to say anything? No one's allowed to have an opinion on the subject. There is one opinion, and you darn well better reflect it or you're going to be fired and smeared and destroyed.

MCELROY: No, I haven't; no, I haven't. There's been a number of things – one of the most vicious, vicious things about what's going on is so many of these changes have

gone under the radar, and they've gone under the radar because they go through cabinets and policies of agencies, government agencies that no one votes on, no one even reads these things. I wish I hadn't read them. I wish that I had gone out and run amok in the streets and had fun instead of reading these thick papers, but I did, so what can I say.

For example – I can give you a good example. Sexual harassment under Title IX was very well defined by the Supreme Court on a court decision in 1999 called *Davis v. Monroe*, and it applied to education – well, Title IX would – as conduct so "severe, pervasive, and objectively offensive." Now, the OCR, which is the Office of Civil Rights, for the Department of Education, who is the one administering all these changes within colleges and such, just redefined that. I mean, in 2013 it just arbitrarily redefined that. It said it had to be conduct "severe, pervasive, or subjectively offensive," and there was a big change on campuses in 2013, and it was very fast, because "objectively offensive," offensive to the reasonable person, as opposed to "subjectively offensive," anything that offended anyone, and it became words, jokes, glances. And this was mandated by the OCR in the same way it mandates everything. With a settlement agreement that it made with the University of Montana, and the mandate of course always is we're going to yank the funding.

WOODS: Yeah. But of course it's not true that it's anything that offends anybody; it's anything that offends these particular delicate flowers. I'm sure if I were extremely sensitive, I could find 99% of the things people say on college campuses would offend me, but first of all, I refuse to use this stupid word "offend" and "offensive," because it just sounds so pathetic.

MCELROY: Good for you.

WOODS: You know, I'm a grown man, and I can deal with alternative points of view, so I don't even like that. On Twitter, some conservative was saying, well, on the other hand, the Left offends me. And I thought, grow up, you little baby. Don't use stupid words like that. But let's go through, in under "History of the Rape Culture," when you have these excellent bullet points at the beginning of each chapter that, in case you were tempted to skip by a chapter, you can't after you see your bullet points. You can't do it. "Myth #1: Rape is an essential part of patriarchy. Myth #2: Men have created a mass psychology of rape. Myth #3: Rape is a part of normal life." These are such bizarre statements that I'm glad – better you than me. I don't know how I would go about – how do you go about refuting something that's so utterly disconnected from reality? I mean, these people – what are they really saying here? Men have created a – what does this mean? What does this stuff mean?

MCELROY: They pretty much mean what they say, and I know it sounds bizarre. I know you live in the real world, but this is a campus culture that's starting to spill out into Main Street, and one of the reasons it's starting to spill out into Main Street is because it always had the backing of very strong elements, like the Democrats, like the White House. It means that there is a gender warfare that is being declared between largely

white males and everyone else. And by the way, I'm an honorary white male, so I'm included in the enemy class.

WOODS: (laughing) Okay.

MCELROY: And you're quite right; these people are offended by anything. If I can go back to a point you just made, I don't know if you're aware of what happened last night at DePaul University with —

WOODS: Oh, I'm well aware of it, yes. Well aware of it.

MCELROY: And that's — he went on his Dangerous Faggot tour — you know, if Milo didn't exist, we'd have to create him.

WOODS: Yeah.

MCELROY: He is so wonderful. But they can come up and literally physically attack someone and threaten them with physical violence for speaking, and the police that they are forced to hire — and when I say that "they" are forced to hire, I mean the speakers are forced to hire — 15 of them stand and refuse to defend him, that's what happens.

WOODS: Yeah, exactly. Now, let me add something, because I send out a regular email, and one of the things that I put in there was there were a few people who criticized Milo, saying, I know that he projects this persona, but couldn't he have defended himself for heaven's sake, the way Trump would have defended himself? But I actually think he did exactly the right thing. I want the Left to prance around that stage. I want them to be as ostentatious as they want to be, and I want as many cameras on them as possible to show that to the general public. I don't want there to be any possible ambiguity, where people could say, well, it was a scuffle and who's to say who's right. I want it to be clear I'm sitting here quietly and they're prancing around like savages. That's exactly what I want the video to capture.

MCELROY: You exact me what's the dynamic behind this, and there's a number of things. Some of the people are driven by dogma; some of the people are driven by rage; some of the people just are misbehaving because they're encouraged to. And it's very difficult to reason. Sometimes you can reason. When I mention the fact that I am a victim of rape, and there is a hush that falls over the crowd, because it's almost an instinctual, habitual thing: you have to believe the woman, you have to — but there's also a resentment and it also very quickly returns to anger and attack. And in that little window, sometimes I can say something that they hear, but it's very difficult, because what you're dealing with is someone who's shouting in your face. I remember very vividly having a conversation with someone at Brown, a woman at Brown, who was wearing clothes that basically are more than I make in a month, and telling her that when I was 16 I lived on the streets. I slept in churches to keep from freezing to death, and I did that in response to her yelling and screaming at me that I was a product of privilege.

WOODS: Wow.

MCELROY: And if there was any exchange, she was standing there going to a university I would have killed myself to go to when I was her age. I have no university education. I had to drop out of high school.

WOODS: I never knew that.

MCELROY: No, I have no degree.

WOODS: But same thing with Henry Hazlitt, and he knows more than the economists who are working today.

MCELROY: Well, thank you. But I was standing there; I was almost dumbfounded by her calling me a product of privilege. And I explained this to her, and she paused for a second and then went back to her rift.

WOODS: So nothing you said could possibly make any difference, in other words.

MCELROY: They're not there to understand or exchange; they're there to beat down. And what you saw on the stage with Milo if you saw the YouTube – and if people haven't seen the YouTube, I really recommend they do. That's the heart and soul of it, in terms of that's where they'll go.

WOODS: All right, let's talk about – gosh, there's so much. I mean, really I want people to read, but I still want to ask you one more thing. I mean, there's so much, so much to talk about, so much good stuff. Chapter 3 you talk about what happens when – well, you give a case study, where you have – and we've seen numerous cases of this, where people are falsely accused of rape, but in away that's almost a metaphysical impossibility in the rape culture world, because you have to believe the women. And I don't know, maybe in general it probably is sensible to believe the women, but here you have cases where the evidence is bad, there's sensationalism, there's yellow journalism, critics of the proceedings are dehumanized basically. It's the sort of thing you would expect in a Stalinist show trial. They've perfected it.

MCELROY: You know, our system does believe the woman, or the accuser, and it believes her in the way she should be or he should be believed. It takes the charge seriously; it investigates; it asks questions; it proceeds on the basis of, you know, let's find out if this is true, which is an assumption that this really deserves an investigation and questioning. It doesn't say, go away little girl, you bother me. And I believe the victim in the same manner. When someone makes an accusation I say, ah – it's a human tendency, I think. Where there's smoke there's fire, maybe. And what I want very quickly as a follow up are some of the facts, some of the evidence. I want to hear the other side, I want to know what's going on, and certainly before I pass moral or certainly legal judgment against someone, I definitely need evidence. The belief that we must always believe the woman is not an awful concept if it's at first utterance.

When in fact there is a demand for evidence or the point at which there should be a demand for evidence, "always believe the woman" collapses into blatant injustice, because women are – and it's not just injustice against the accused men. I certainly don't want to dismiss their pain and their victimization. It's almost injustice against real rape victims, because there have been so many high profile false rape accusations that there is now a real backlash of almost let's not believe the woman, let's not believe the accuser, let's not take her seriously, even at the first accusation. Let's withhold our sympathy until she proves her case to us. And I didn't feel that way, and I actually fight against feeling that way within myself, but I'm actually starting to get very cynical when I hear a rape accusation, because there have just been so many false ones. And what can you expect? This person is always to be believed; this person is never a thief. How many people will break into stores and steal if the pat line is always this person can never thief?

WOODS: Right, of course, and that leads us into of course your chapter on how it harms men, how this whole way of thinking harms men, how it harms women, how it harms universities. That's fantastic too. I mean, that could be a book in and of itself. But at the end when you talk about how this might be fixed, you've got some things that I think a lot of people would be – you know, reasonable people who think this is crazy. A lot of people think this way of thinking is crazy – "Return rape to being a criminal matter; demand respect for due process" – okay. But then you go on to say, "Abolish the Department of Education and privatize higher education." I'll let you go after this, but can you just comment on those as fixes to this?

MCELROY: Department of Education as a cabinet-level position is a really rather recent thing. I think – when was it? I think it was '70 –

WOODS: Oh, I think it was under Jimmy Carter, yeah.

MCELROY: Yeah, it was '72 or something like that. And I should know; I wrote the chapter. And there's really – what function does it serve? It just is government administration of education, which should be privatized anyway. Just get rid of it. If you go rid of that, you'd get rid of all these policies. Get rid of federal funding of – you know, that's my preferred by far solution. Short of that, slash the budget, because there's no reason. But very interestingly, it's being increased, and there's dramatic increases going through in Obama's plans, because this is something that they consider – you used the word "Stalinistic." Basically one of the key points was you insert the agenda, the politics, and the dogma at the education level, and then it spreads. And that's I think what they're doing.

WOODS: Well, the book is called *Rape Culture Hysteria: Fixing the Damage Done to Men and Women*. I'm going to link to it at TomWoods.com/669, and Wendy, if you have a website of your own you'd like to tell people about, by all means, go ahead.

MCELROY: WendyMcElroy.com.

WOODS: Very simple. We'll also link to that on our show notes page. All right, well, best of luck. I would love to see you debate these people, not that they're interested in debate. But it would be fun to watch all the same; I'll just put it that way. If it were a metaphysical possibility, it would be nice.

MCELROY: (laughing) Thank you.

WOODS: Thanks again, Wendy; I appreciate your time.

MCELROY: I appreciate your having me.