

Chapter 6:

Accountability and Solidarity

Chapter 6 develops the implications that the proposed account of rape has for the treatment of both victims and perpetrators. Discussing Fricker's account of hermeneutical injustice, the chapter argues that victims of rape are often at the same time the victims of hermeneutical injustice, while perpetrators suffer from 'systematic hermeneutical misfiring'. It is argued that perpetrators ought to be held accountable for their actions if performed under conditions of hermeneutical misfiring, while victims are owed a particular kind of solidarity. This emancipatory solidarity aims at ending the injustice of rape in both its individual and structural dimension while avoiding claims of epistemic privilege characteristic of standard forms of epistemic solidarity.

6.1 INTRODUCTION

This chapter looks at the implications of my work for the treatment of victims and perpetrators. If we take seriously that rape is part of a broader ideological framework and if this implies (1) that some perpetrators can fail to make acts of rape intelligible as acts of rape, and (2) that different individuals can experience similar acts differently according to their social positioning, then my argument faces two problems for our feminist and emancipatory aims. One could argue that—unless we get rid of the ideological distortions—we can neither hold perpetrators responsible for their acts nor believe the testimony of victims. Let me explain. First, let us distinguish between three forms of rape here: rape that is committed in full knowledge, negligent rape, and non-intended rape. While the first describes cases that are committed in full knowledge of the fact that the act is an act of rape—e.g., cases that count as rape even in the sexist ideology and that are tracked by the dominant working understanding—the latter two are cases, in which the attacker should know better but does not and in which his embeddedness in the sexist ideology prevents him from doing so.

In the case of negligent rape, although there are indicators to the attacker that would reveal his act to be harmful to the other person (e.g., the other person is unconscious, sleeping, crying or refusing his activities), he chooses to ignore or re-interpret them; in the case of non-intended rapes, however, the attacker has no obvious indicators that could have convinced him that he is engaging in a harmful act (e.g., the victim is completely passive or half-heartedly engaged). The latter two are complex cases as they are in line with what rape myths teach as “normal” sex. Thus, one could say that in the latter two cases, the perpetrator was ignorant of his harmful actions and should thus not be punished. But this outcome is clearly problematic from a feminist perspective. In what follows, I exclusively discuss the latter two forms—negligent rape and non-intended rape. What I say should in no case be applied to cases that are committed in full knowledge, i.e., cases that are understood as rape even within a sexist ideology.

Furthermore, we should take seriously the ways in which ideology works—its schemas and social practices are not merely carried out by some violators, but expressed in various ways by nearly all agents in the social structure. Hence, if we are committed to ending rape and sexualized violence, we need to take seriously who is responsible for the sexist ideology and how much responsibility individuals can have in this structure. However, this can never be done without acknowledging that actual persons are harmed by acts of sexualized violence and by the sexist ideology, and, furthermore, that those harmed and those harming are often members of very specific social groups. Hence, part of the reason of why it is important to ask questions of responsibility is to find fruitful tools to dismantle the sexist ideology and to tackle sexualized violence mostly committed by men against women and gender non-conforming people.

Before looking at how we should treat victims and perpetrators, I discuss Fricker’s account of hermeneutical injustice. I propose that we can understand the issues that arise from taking rape and sexualized violence to be part of the sexist ideology with the help of the notion of hermeneutical injustice. I argue that victims of rape in a sexist ideology are often also victims of hermeneutical injustice, i.e., they are incapable of understanding their own experience adequately and they fail in making their experience intelligible to others. This is due to a clash between the ideological common interpretation of their experience and their vague feeling of being morally wronged—what I described as a practical contradiction or moment of rupture in Chapter 3. I introduce Fricker’s account of hermeneutical injustice in Section 6.2. I then discuss the harms that result from hermeneutical injustice and Fricker’s insight that because hermeneutical injustice is a structural injustice, no individual is directly culpable for it. (Section 6.2.1) However, this raises a problem for some cases of rape—those that I have specified as negligent rape and non-intended rape. While the perpetrator is culpable for the act as such, he is not culpable for the hermeneutical injustice which the victim experiences, despite the fact

that it results from the act itself. Furthermore, if we assume that we are all part of a sexist ideology, then it is plausible to say that not only the victim is affected by the distorted collective hermeneutical resource and cannot make her experience intelligible, but also the perpetrator. If that is the case—if the perpetrator acted in a harmful way without being able to understand his act correctly—can we still hold him culpable for the act in question? Thus, could it be that the perpetrator is neither culpable for the hermeneutical injustice nor for the individual harm he causes? To adequately illustrate the problem, I introduce and discuss a fictional case in Section 6.2.2 and then discuss in length the difference between the cognitive disadvantage of the victim and the perpetrator. I argue that while the victim suffers from hermeneutical injustice, the perpetrator suffers from, what I call, ‘systematic hermeneutical misfiring.’¹ (Section 6.2.3)

Having introduced this distinction, I tackle the following questions of responsibility. Can we hold the perpetrator culpable or responsible for his acts despite his hermeneutical misfire? (Section 6.3 and 6.3.1) And, who is responsible for structural injustice? (Section 6.3.3) In this discussion, I mostly draw on tools used by activists instead of philosophical debates. In Section 6.3.2, I argue that our best bet is to hold the perpetrator accountable but not culpable or morally responsible. This can adequately and productively confront ideological beliefs and result in a learning process. Finally, in Section 6.4, I focus on what this implies for victims of rape and sexualized violence and I bring forward a theory of emancipatory solidarity. Thus, I vehemently repudiate the view that we cannot be in solidarity with victims because we cannot know whether they are ideologically distorted. Instead I argue that we need to show a particular form of solidarity. In line with the non-ideal approach that I take in this chapter (and throughout the book)—the focus on real life examples and experiences and the specific ways in which to methodologically approach them—I draw more exclusively on activist tools of fighting sexist ideology and rape than on philosophical debates. While the last chapter exclusively focused on the conceptual change we can bring about as philosophers, this chapter focuses on the social change that we should aim at as feminist activists.

Let me say the following before turning to the notions of responsibility, accountability and solidarity. It is hard to feel any form of sympathy with a violator who committed an act of rape because of, what I call, ‘systematic

1 | The term ‘misfire’ originates in the speech act theory of Austin (1962: 16) and has become popular in the feminist debate on pornography. Langton (1993, 2009) as well as Hornsby and Langton (1998) argue that pornographic speech has the power to illocutionary silence women such that women’s refusal of unwanted sex—expressed by the locution “No!”—misfires because pornography brings it about that the refusal does not count as refusal; that is, the woman’s locution “No!” is taken to mean “Yes!”.

hermeneutical misfiring’—a gap in the collective resource that cannot be overcome (for example, due to social privileges). And it is good that our feeling of sympathy is not easily forecoming. We should hold on to that feeling. However, part of the reason why this happens is because we often think of cases of physically violent forms of rape when we think of rape. Indeed, as I have shown, it happens on a regular basis that other acts of rape are not seen as rape. Thus, in these other and less aggravated cases, sympathy for the violator appears in the form of questioning whether the act in question was really rape. Remember the Steubenville case that I discussed in Chapter 4: sympathy with the violators was expressed from all sides because it was doubted that the alleged rapists did indeed commit an act of rape. In other words, it is not because we want to excuse the behavior of violators that we have to think about questions of blameworthiness and responsibility, but because we have to confront a social reality in which most acts of rape are not acknowledged as rape. In terms of adequately handling violators, the task is to find solutions that do not offend most people (because if they do, they will not be used at all), and are in line with our feminist commitments. It is not that we should excuse perpetrators because they were unaware of their action but rather we should find ways that do justice to the various forms of rape and the reasons why they are committed. We should develop strategies that aim at social change. It should be clear by now that I do not think that being part of the sexist ideology excuses what we do, yet, it changes the way we should tackle sexualized violence.²

6.2 HERMENEUTICAL INJUSTICE

According to Miranda Fricker, systematic hermeneutical injustice is

the injustice of having some significant area of one’s social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource. (Fricker 2007: 158)

In other words, specific social relations of power can constrain one’s ability to understand one’s own experiences or to make those experiences intelligible to others. Hermeneutical injustice results when someone has a cognitive disadvantage that results from a gap in the collective hermeneutical resource and when that person is significantly disadvantaged by this. Whether someone is significantly disadvantaged is determined by the background social

2 | My view is thus very different to, for example, the argument by Husak and Thomas (1992), who argue for social conventions as a factor of excuse and not, as I do, as an important factor to consider for our strategies against them.

conditions of power or powerlessness. A person suffers from hermeneutical injustice if she is hermeneutically marginalized—i.e., if she can only unequally hermeneutically participate in epistemic contexts. Being hermeneutically marginalized is bad for both epistemic and moral reasons.

The story of Carmita Wood illustrates how a person's ability to understand her own experiences can be constrained. Carmita Wood was sexually harassed by a colleague in her workplace, but since this took place before the concept of sexual harassment existed, she failed to make her experience intelligible to others. (Fricker 2007: 149-50) Carmita Wood suffered from a cognitive disadvantage that resulted from a gap in the collective hermeneutical resource, i.e., the concept of sexual harassment was not available when she needed it to be. Roughly speaking, a collective hermeneutical resource contains all interpretative resources available to the social groups in the context in question.³

However, this is not the whole story. As we can see in the definition above, hermeneutical injustice is not merely “the injustice of having some significant area of one's social experience obscured from collective understanding” but rather “the injustice of having some significant area of one's social experience obscured from collective understanding owing to hermeneutical marginalization.” (Fricker 2007: 155, my emphasis) This particular gap in the hermeneutical resource, the one that led to Carmita Wood's suffering and ultimately economic deprivation, was caused by the general powerlessness of those who experienced acts of sexual harassment but lacked the social position to contribute to the hermeneutical resource. In other words, if hermeneutical injustice was nothing more than a cognitive disadvantage, then Carmita Wood as well as her harasser would both suffer from hermeneutical injustice. Both of them suffer from a cognitive disadvantage, i.e., they are unable to make sense of their experiences as what they are, that is, sexual harassment. Yet in Carmita Wood's case, even though both the harassee and the harasser “are cognitively handicapped by the hermeneutical lacuna” (Fricker 2007: 151), the harasser is not significantly disadvantaged by his cognitive impairment. Quite the opposite, the cognitive impairment is in his interest—it allows him to treat women in a sexually objectifying way without having to feel guilty for it. Furthermore, because the hermeneutical gap results from the particular positions of power and powerlessness in the social structure, his acts of sexual harassment have no consequences for him; i.e., they are embedded in a whole system of sexism according to which they are understood as acceptable (or at

3 | The collective hermeneutical resource contains only those meanings that anyone in the community can draw upon and expect to be understood in the social space by others. (Fricker 2016a). For a critique of a unified collective hermeneutical resource, see Medina (2013: 103).

least tolerated) acts against women. Thus, hermeneutical injustice constitutes part of the social structure.

Let me linger on this relation a bit longer. The question is, when does a cognitive disadvantage turn into hermeneutical injustice? Fricker argues that we have to focus on the background social conditions “that were conducive to the relevant hermeneutical lacuna.” (2007: 152) In Carmita Wood’s case, this means focusing on the general powerlessness of women. Women’s social position is one of unequal hermeneutical participation.⁴ It is due to this social position of powerlessness that women could not adequately participate in shaping the hermeneutical resources. Hence, the concepts that overwhelmingly describe experiences of women could not enter the resource. Thus, according to Fricker’s writings, there is a causal narrative at work. The social position of powerlessness brings it about that women (and, we should add, depending on the context, those who fall outside the binary gender system, or people of color, or immigrants, etc.) are unable to participate in shaping the hermeneutical resource in ways that matter. This causes a gap in the hermeneutical resource, which results in women being unable to make their experiences intelligible to others. Without hermeneutical marginalization, there would be no hermeneutical injustice—at least no systematic hermeneutical injustice. Hence, there is not only a causal relation between the elements outlined above, but a constitutive relation between being hermeneutically marginalized (being in a social position of powerlessness) and experiencing hermeneutical injustice. In other words, whether a cognitive disadvantage is a hermeneutical injustice depends on the background conditions of the very context in question. Fricker hereby brings forward a contextualist approach to hermeneutical injustices.⁵ Different groups

4 | To be in a position of unequal hermeneutical participation means being hermeneutically marginalized. We mostly speak of ‘hermeneutical marginalization’ when someone is persistently denied full hermeneutical participation in communicative contexts and when such participation stretches over a wide range of social experiences. This is what Fricker calls ‘systematic hermeneutical injustice’. However, someone can also be hermeneutically marginalized fleetingly or locally. In other words, if a hermeneutically marginalized subject is prevented from generating meanings regarding one social experience, she can still have a fuller participation in regard to other areas of her social world. In Fricker’s words, she suffers from ‘incidental hermeneutical injustice.’ The above definition only captures systematic hermeneutical injustice; the generic definition that captures both forms of injustice— systematic and incidental—states that hermeneutical injustice is “the injustice of having some significant area of one’s social experience obscured from collective understanding owing to hermeneutical marginalization.” (Fricker 2007: 158)

5 | See also Medina (2013: Chapter 3) on polyphonic contextualization, a modification of Fricker’s account.

are disadvantaged for different reasons and the social world constantly generates new experiences which we can only gradually come to understand; hence, the need for an open concept (as I argued in the last chapters). Since individuals can have many social identities and group memberships, the focus on specific contexts becomes necessary. It is no accident that Carmita Wood struggled to make sense of her experience. While she tried to render it intelligible, “the whole engine of collective social meaning was effectively geared to keeping these obscured experiences out of sight.” (Fricker 2007: 153)

Interpretations of social experiences are biased by the understandings of hermeneutically powerful groups, denying access to other interpretations. For example, sexual harassment is reinterpreted by hermeneutically powerful groups as flirting and sexualized violence or rape as “normal” sex or seduction. The epistemically bad character of hermeneutical marginalization focuses on the collective epistemic potential. It is bad because it renders the epistemic potential of the collective hermeneutical resource distorted and incomplete. Moreover, the fact that the hermeneutical resource is distorted or incomplete means that some (or all) social groups fail to make their experiences intelligible. In other words, those who suffer from being hermeneutically marginalized and who are thus unable to contribute adequately to the collective resource are hindered from bringing concepts to the resource that they (and others) would need to make their experiences intelligible. Furthermore, this means that those in socially powerful positions who can contribute to the hermeneutical resource fail to see the harm they inflict on others. Because they do not experience the harm and there is no concept for it, they fail to make acts of harm intelligible as acts of harm instead of “normal” behavior. The fact that Fricker develops her account of hermeneutical injustice as constitutively about the social positions of power and powerlessness brings forward interesting questions of who is culpable or responsible for the injustice.

6.2.1 Culpability and Harms

Interestingly, because hermeneutical injustice is a structural injustice, it has the following two consequences: (1) it does not involve a culprit, and (2) cases of cognitive disadvantage only turn into cases of hermeneutical injustice when the subject of the disadvantage wants to and fails to make her experience intelligible. Consider (1) first: according to Fricker, hermeneutical injustice does not involve a culprit; it is a purely structural notion. To involve a culprit, the injustice would need to stem from someone’s wrong act. However, the injustice of hermeneutical injustice stems from the subject’s hermeneutical marginalization. As we have seen above, the background social conditions “that were conducive to the relevant hermeneutical lacuna” (Fricker 2007: 152) render a hermeneutical disadvantage into hermeneutical injustice. Obviously, there

are two distinct layers here. While someone cannot be held culpable for the structural injustice, that same person is still liable for their behavior. However, I am interested in cases where these two layers relate, that is, cases in which because of a certain social structure, someone is incapable of understanding their behavior. I come back to this as it poses interesting questions for our normative account of rape. Consider (2) next: Fricker argues that

the moment of hermeneutical injustice comes only when the background condition is realized in a more or less doomed attempt on the part of the subject to render an experience intelligible, either to herself or to an interlocutor. (2007: 159)

In other words, as long as the subject of the hermeneutical disadvantage undertakes no attempt to understand her experiences or to make them intelligible to someone else and, in consequence, failing to do so, there is no hermeneutical injustice from which she suffers.⁶ Thus, in the example above, only when Carmita Wood made an effort to make intelligible the harmful experiences, was she subject to hermeneutical injustice. This is not to say that Carmita Wood's harasser did not engage in morally wrong behavior when he was harassing her, but without her attempt to make the situation intelligible, it is merely a situation of moral wrong, but not one of hermeneutical injustice. This is especially interesting in the context of ideology. Common theories of ideology assume what is called a 'false consciousness'. The idea is that being an agent in the ideological structure implies not only that the social structure is unjust or wrong, but that its agents have a false understanding of said structure. (cf. Jaeggi 2009; Ng 2015) Thus, in such a structure, Carmita Wood might have a vague feeling of moral wrongness but would not necessarily come to a point in which she even tries to understand what it is that causes the feeling of being harmed. Instead, she might interpret her experiences in line with the sexist ideology without coming to doubt the ideological description of what is happening—despite her physical and emotional suffering. To be able to use the account of hermeneutical injustice fruitfully in line with the idea of a sexist ideology, let us here say that

the moment of hermeneutical injustice comes only when the background condition is realized in a moment of disassociation on the part of the subject between the ideological salient reading of her experience and her vague feeling of being morally wronged.

Coming back to the concept of rape, we can then ask the following two questions. (1) We have seen that for someone to suffer a hermeneutical injustice, she has

6 | This is a similar idea to what I have expressed as 'moments of rupture' that are necessary for the theoretical process of analyzing structural problems; see Chapter 3.

to have a cognitive disadvantage that stems from her being hermeneutically marginalized. Are there cases in which someone is cognitively disadvantaged but in a way that does not stem from being hermeneutically marginalized? For example, a case of rape in which both the attacker and the victim are suffering from hermeneutical injustice? I focus on a case of date rape to show that both the violator and the victim are suffering from a cognitive disadvantage and that both suffer from consequences, but that the consequences stem from different social phenomena (being socially privileged vs. being hermeneutically marginalized) and are of a distinct character. I thus argue that only the victim is subject to systematic hermeneutical injustice, while the violator is subject to a distinct phenomenon which I call 'systematic hermeneutical misfire'. (2) If there is no culprit for hermeneutical injustices and if, at least in some cases, perpetrators suffer from systematic hermeneutical misfire, do we still have grounds to hold someone responsible for acts of sexualized violence and rape? And, what should such responsibility look like? Both these questions hang on the issue of how strong the cognitive disadvantage is, or, in other words, how ideologically distorted the hermeneutical resource is. If there are ways for the violator to critically question the collective hermeneutical resource, then we have grounds to hold him responsible for his acts. But what if not? I will, first, introduce an example of date rape to help illustrate these questions, and, second, work through the questions in detail.

6.2.2 The Case of Date Rape

Let us have a look at an example of acquaintance rape to illustrate the importance of the aforementioned questions. In an eye-opening account, Pineau argued for the creation of the category of date rape. Date rape, in her words, is "nonaggravated sexual assault, nonconsensual sex that does not involve physical injury, or the explicit threat of physical injury." (1989: 217) While this is definitely not true for all cases of date or acquaintance rape, there are some cases in which we can assume that neither the victim nor the violator are capable of making intelligible the act as an act of rape instead of understanding it as "normal" sexual behavior. As I explained in Chapter 1 and 4, in a sexist ideology, most agents hold what are called 'rape myths', that is, ideological beliefs about rape and the sexual behavior of women and gender non-conforming people. These rape myths block the correct understanding of rape and instead suggest that only physically aggravated stranger rape is indeed rape, while an act such as date rape is "normal" sexual behavior. This is not to say that there are no critical views even within a sexist ideology of such myths, but that the dominant working understanding of rape is in terms of stranger rape. Thus, many acts of rape cannot be made intelligible as acts of rape by those who fall victim to them and by those committing them. Remember that

I made a distinction between rape with full knowledge, negligent rape, and non-intended rape. While, of course, all these cases are accurately described as cases of rape according to the normative cluster of rape, the second should give the perpetrator a (vague) idea that he is doing some harm, while the latter case might not.⁷ Often, in a sexist ideology, even a vague idea is not enough for the perpetrator to critically reflect on the rape myths he is holding and therefore see the act he is committing as one of rape—but, nevertheless, the perpetrator is negligent of his victim's feelings (and knowingly so) in these case even though he might not be able to understand what he is doing as rape.

Many examples of such acts can be found in recent news (cf. Bidgood 2015; Dick 2015). Imagine, at a college, an 18-year old freshman girl accuses a then 20-year old boy of rape. According to her testimony, she had agreed to go to a party on campus with him. She then followed him back to his dorm room. When they started kissing, she did not object. However, when he tried to remove her underwear, she politely asked him to stop. But he did not stop. When he penetrated her with his hands and his penis, she froze. Not wanting to engage in sex but also not knowing what is expected of her, she felt at a loss about what to do. Pineau argues that in cases of so-called date rape, the victim is often confused about her feelings and about what is going on.

In short, the girl feels trapped in a paradox: she feels raped and, at the same time, thinks “she let herself be raped.” (Pineau 1989: 223) She feels that she was wronged, yet her feeling does not match the common cultural assessment of what happened; namely that she brought it on herself by going back to his dorm room. She cannot dissolve the paradox and render her experience intelligible. In Fricker's words, she has a cognitive disadvantage. She is trapped between her vague feeling of being wronged (after all, he did not respect her refusal) and the ideological assumptions of what she “owes” him. Let us say, she holds the following rape myths⁸:

- A. It wasn't really rape, because once consent is given, it cannot be withdrawn part-way through the sexual act;
- and
- B. it wasn't really rape, because rape always involves overwhelming physical force and no force was used in this act.

Believing at least these two rape myths renders her incapable of understanding the act in question, despite feeling morally wronged. In other words, the common cultural assessment of the incident above builds on these presumptions: as she

7 | I do not discuss here the case of rape under full knowledge, in which the perpetrator knows or should know (without any excuse) that he is committing a crime.

8 | See my explication of rape myths in Chapter 1 and 4.

followed him into a room and engaged in kissing, she led him on and is at least partly to blame for what happens. However, at the same time, she cannot help but feeling that the boy should have stopped when she asked him, leading to contradictory assessments of what happened.

The boy's evaluation of the incident is at least as much influenced by rape myths as hers. Thus, he has a cognitive disadvantage too and is unable to assess the situation as rape. Instead, having grown up in a sexist ideology that preaches male entitlement to women's bodies, he is likely to hold at least the following myths:

- C. She asked for it, because if a woman verbally resists, she secretly desires to be overpowered;
- and
- D. she asked for it, because she did not physically resist the act.

When he engages in sexual behavior, her passiveness as well as her refusal match his understanding of sex. He is thus unable to make intelligible that he is committing an act of rape. Rape myths excuse sexualized violence by concealing the fact that the act in question is an act of sexualized violence. Thus, neither the girl nor the boy have "a proper understanding of how he is treating her" (Fricker 2007: 151).

6.2.3 Hermeneutical Injustice and Misfire?

I here argue that even though the cognitive disadvantage of the victim and the perpetrator are similar, the victim suffers from systematic hermeneutical injustice because of her hermeneutical marginalization in this context, while the perpetrator suffers from what I call 'systematic hermeneutical misfire' due to his social position of privilege. I claim that he suffers from hermeneutical misfire and not merely from a cognitive disadvantage precisely because of his privileges in this context. These make it impossible for him to see what is wrong with the sexist framework that he applies. We have seen that both the girl and the boy lack the interpretative tools to understand the experience as rape. However, having a cognitive disadvantage is not sufficient for a systematic hermeneutical injustice to occur. For something to count as a hermeneutical injustice, the background social conditions need to be such that a person is significantly disadvantaged by the cognitive impairment. Like Carmita Wood, the girl suffers a cognitive disadvantage while her social position is also one of hermeneutical powerlessness. She is hermeneutically marginalized. Her experience is not assessed from her point of view and she cannot participate in the collective resource. Instead, the available and salient collective resource is tinted by false presumptions of what women sexually want. We can now

say that the girl suffers from systematic hermeneutical injustice: she has a cognitive impairment and cannot render her experience intelligible (or even if she could, she would fail to communicate her experience of rape to others). She is subject to a system of beliefs in which women have less power to make their words count and participate in the discourse on sexualized violence and rape.

What about the boy? Is he suffering from hermeneutical injustice as well? While he is also cognitively disadvantaged by the hermeneutical lacuna, his social position is not one of hermeneutical marginalization, i.e., if he knew that he is doing her wrong, he could participate in the collective hermeneutical resource and make his words count. However, the sexist beliefs and his social privilege render him incapable of understanding that he is doing her wrong in the following way. First, the sexist ideology provides explanations for why the girl reacts in ways that are in line with what he (falsely) understands to be “normal” sex; that is, he believes that she asked for sex because she did not physically resist and therefore her passive behavior does not strike him as unusual. And, second, his male and heterosexual privilege prevents him from experiencing date rape and, hence, renders him incapable of understanding the difference between date rape and “normal” sex. His problematic act depends on widely and persistently held rape myths. If he did not hold the above stated rape myths or if he were not in the social position of privilege and understood that his beliefs are myths, he would not be rendered unable to make intelligible his experiences as experiences of rape.

Hence, the boy can be said to have a cognitive disadvantage, rendered incapable of questioning his false beliefs and overcoming his disadvantage. However, we have also seen that the background social conditions do not render him hermeneutically marginalized, but rather position him in a powerful place of male entitlement; in fact, he occupies a social position that brings about the position of powerlessness the girl has to endure. Because of this, we should feel reluctant to describe the boy as suffering from systematic hermeneutical injustice in the same or even similar ways to the girl. Even though he is suffering from a hermeneutical lack, his experience is very different to the one of the girl. But his hermeneutical lack is a specific hermeneutical lack that is caused by his position of privilege.⁹ He is trapped in a social structure that enables him to harm others without being able to understand the harm he inflicts. This can (even if it seldom does) work against him in specific cases, e.g., he could be charged for rape or ostracized by his community. Furthermore,

9 | It is thus also different to the incidental hermeneutical injustice that Fricker describes. Incidental hermeneutical injustice captures cases “of hermeneutical injustice that are not part of the general pattern of social power, and are more of a one-off.” (Fricker 2007: 156) In our case, however, it is not incidental that the boy is unable to make intelligible what he did; rather it is due to his social position.

he cannot withdraw from the toxic masculinity, which he enacts on a daily basis and which denies him from experiencing and showing weakness. The girl, in contrast, through hermeneutical injustice also suffers from a cognitive disadvantage, but her cognitive disadvantage does not result from her privilege in that context. And, because of her powerlessness, she is in a better position to have experiences that counteract those false beliefs and give rise to questioning the collective resource. To acknowledge this contrast, let us say that the boy—because of his stance of privilege—has a systematic hermeneutical misfire.

In a critique of Fricker's account of hermeneutical injustice, Laura Beeby (2011) raises similar questions about the relation between social privilege and cognitive disadvantage—or, what I have now called 'systematic hermeneutical misfire'. She argues that there are cases in which we want to describe someone both as a perpetrator and as affected by a cognitive disadvantage. She asks us to consider the following questions in regard to Carmita Wood's case:

1. "[W]ould the harasser's behavior have been different if he had a sufficient understanding of gender roles in the workplace?"
2. "Was his social privilege responsible for putting him in an epistemic position of ignorance and false confidence?"
3. "Is he wronged because his lack of knowledge led him to become the perpetrator of an injustice, just as Carmita Wood is wronged because her lack of knowledge prevented her from understanding and protesting against her experience?" (Beeby 2011: 484)

This is not to excuse the clearly bad behavior of the harasser, or, in our case, the violator, but rather it suggests that the lack of knowledge not only affected the victim in significant ways but also the perpetrator. In other words, Beeby asks us to consider the violator's story as much as the victim's story. The violator's "bad behaviour could, under certain circumstances, be seen as a tragedy or injustice as well as an indication of undue privilege." (Beeby 2011: 485) This suggests that we should not rely on background social conditions when we frame hermeneutical injustice, but on the fact that individuals can- not understand their own experiences. If certain epistemic goods which help with self-understanding and communication are necessary parts of life in a just society, then epistemic injustice is also the loss of epistemic goods and skills. (Beeby 2011) This suggests that the difference in the experience of the girl and the boy should not be cashed out in terms of hermeneutical injustice, but in terms of a social injustice, which makes the girl vulnerable to sexualized violence. I propose that we should not back away from the existing social background conditions (as Beeby suggests), because without them we misrepresent the phenomenon of rape. But we should also not misunderstand the experience of

the boy merely as an epistemic lack.¹⁰ Instead, we should understand it in terms of hermeneutical misfire. Certain ideological beliefs bring it about that the boy is misguided when it comes to sexual behavior and his position of privilege and power renders him incapable of avoiding the hermeneutical misfire.¹¹

The systematic hermeneutical injustice that the girl suffers from stems from her unsuccessful attempts to make her experience intelligible as well as from her social position. This kind of injustice is causally dependent on the violation against her—if she had never become the victim of rape, she would not have tried and failed in her attempt to come to terms with such an incident!—but it does not result directly from the violation committed by the boy. As Fricker argues, systematic hermeneutical injustice is a form of structural discrimination. It does not involve a culprit. (2007: 159 and 161) But if there is no culprit for the hermeneutical injustice that the girl endures, do we have grounds for holding someone responsible for what happened to her? Saying that hermeneutical injustice does not involve a culprit does not excuse the behavior of the boy. He still is the perpetrator of an act of rape against her. She, however, has to endure a double suffering: being subject to hermeneutical injustice and being subject to a moral wrong. While we cannot hold him responsible for the hermeneutical injustice, we can hold him responsible for his act of rape.

But let us say for now that the boy might have acted differently if he had not been cognitively disadvantaged due to rape myths. His position of systematic hermeneutical misfire caused him to harm another person. If the lack of understanding of rape brought him to the point at which he becomes a perpetrator of a moral wrong, then does this not suggest that we have less grounds to blame him for the act? Often, we judge social agents who have committed criminal acts harsher when they are aware of what they have done and less harsh when they are suffering from cognitive disadvantage. Consider, for example, the difference between murder and manslaughter. While murder is an act of unlawful killing that involves a certain intention, knowledge or malice aforethought, manslaughter refers to the accidental (thus, unknowing) killing of another person. This distinction is often understood in terms of the

10 | This is a thin line and we have to go about it carefully. While I contend that we need to understand adequately the ways in which perpetrators can have systematic hermeneutical misfires to advance feminist strategies against rape, we risk centering his dominant working understanding and further marginalizing the experiences of victims.

11 | This becomes even more problematic if we consider that teenagers participate in sexual activities in ever-younger ages—ages that render them even less able to critically question ideological myths. I come back to this in the very end.

actus reus and mens rea of an act.¹² Whether someone is guilty and to which degree depends upon whether the person committed the crime (actus reus) and whether he intended to commit it or was in full knowledge of what he was doing (mens rea). For something to count as murder, both elements have to be fulfilled; for something to count as manslaughter, only the element of actus reus has to be fulfilled.

Many feminist philosophers have brought forward powerful critiques of the element of mens rea in regard to rape. (cf. Anderson 2004b, 2005a; Archard 1997, 1999; Baron 2001; Estrich 1986, 1992; McGregor 1996, 2005; Pateman 1980) Some scholars argue that there should be an element of mens rea involved in our legal decision making—even in cases of rape—but that only reasonable belief that consent is given should count as decisive. Others, however, argue that because of the misguided standards of what is reasonable for a perpetrator to believe, no mens rea element should be part of the legal definition of rape. In other words, as long as it is taken as reasonable for a complete stranger to assume that a woman consents simply because she does not physically fight back, the standard of mens rea is problematic for any legal decision making in cases of rape. The examples of mens rea and the reasonable standard that are attacked by feminist philosophers center around individual cases. Consider the following, which is taken to be a paradigm example of why mens rea is misguided:

In the night of August 15, 1973, Morgan who was an officer in the Royal Airforce was drinking in Wolverhampton with three colleagues. In the course of the night, Morgan invited the three over to his house to have sex with his wife. When they arrived at the house, they dragged the woman away from her son's bed and each one of them forcibly penetrated her despite her resistance, while the others held her down. When she called her sons for help, the men choked her until she submitted. After they were done, she went to the police. The men were charged with rape and pleaded that they honestly believed that the woman was consenting because Morgan had told them that she was “kinky” and feigns resistance during sex. Morgan was charged with aiding and abetting the others to commit rape. Neither Morgan nor the men were found guilty and the House of Lords found that honest but mistaken belief in the victim's consent need not be reasonable for an excuse to the charge of rape.¹³

12 | Nowadays, instead of *mens rea* the law often refers to modes of culpability, which not only refer to the knowledge of the perpetrator but to the broader surrounding elements of the crime, e.g., conduct, circumstances, result. (cf. Dubber 2002)

13 | See DPP v Morgan, DPP v McDonald, DPP v McLarthy, DPP v Parker; [1975] 2 WLR 913; [1976] AC 182, for example here: <http://www.bailii.org/uk/cases/UKHL/1975/3.html>, accessed: July 18, 2017.

The case centers around whether the men had a legitimate claim to honest belief on the grounds of what Morgan had told them. Thus, the question is about their individual state of mind.

While I agree that *mens rea* is misguided so long as unreasonable belief counts as an excuse, I think that things are more complicated in regard to reasonable belief.¹⁴ If we take seriously that we all, as social agents, are part of a sexist ideology and can have a distorted understanding of sex and rape, then there might be cases in which reasonable belief is an “excuse”.¹⁵ In the case of the boy and the girl above, taking into account the hermeneutical misfire from which the boy suffers should make a difference in how we judge the case. Note, again, that this is only the case in examples where the girl is completely passive. In examples with resistance or where she begs him to stop, we can plausibly say that he ignores the girl’s wishes even if he believes certain rape myths. Thus, in cases with resistance, for example, we can adequately describe the boy as reckless, willfully blind, or as negligent—all of which legitimize harsher consequences for the committed act. However, even in a case where the boy’s hermeneutical misfire should play a role in how we decide, he is not therefore unaccountable for the harm he caused. I raise questions of responsibility and accountability now.

6.3 QUESTIONS OF ACCOUNTABILITY

Having introduced the distinction between systematic hermeneutical injustice and hermeneutical misfire, I now turn to questions of responsibility and accountability. I have argued that there are two layers to liability: the individual act committed and the resulting structural injustice. But, I have also raised the question of the sexist ideology in this context: if someone fails to understand their individual act because of the ideological framework, is that person nevertheless liable for the individual act in question? Furthermore, who is responsible for structural injustice if not the perpetrator of the individual act?

14 | It is indeed the case that what counts as reasonable is often only reasonable from a male point of view, however, the dominant framework of intelligibility in the social structure is shaped by the viewpoint of the privileged. Hence, we cannot just demand to step out of it, but have to find ways to change it. For an overview of reason from a male point of view, see, for example, MacKinnon (1989b) and Haslanger (2012: Chapter 2, 12).

15 | Pineau (1989) argues that the assumption that a woman consents to an act of sex that does not bring her any pleasure is unreasonable. As I have argued before, this charge does not hold if we take serious the ideological social structure in the way I have outlined it above.

Again, my discussion of these issues is not extensive and does not account for most of the philosophical literature, instead I draw on theoretical and practical tools used by activists.

6.3.1 Moral Responsibility and Blameworthiness

Moral responsibility is often theorized together with blameworthiness. For example, according to Peter Strawson (1982) and Gideon Rosen (2003), we can say that a person is responsible for an act, if the person is liable to be blamed for the act. In Rosen's words,

when A is bad, X is responsible for A iff X is liable to blame for A, where blame is a matter of certain emotional responses, typically including resentment (when the act is someone else's) and guilt (when it's one's own). (2003: 61)

For example, when person X does something wrong, we are entitled to blame X for what X has done unless we hear about "any fact that defeats the standing presumption of responsibility" (Rosen 2003: 61) Let us express this in the following form: we are entitled to blame X for what X has done unless we hear about any excuse. And, according to Rosen, ignorance can serve as an excuse in some contexts. Rosen states that there is a difference between cases in which X is ignorant and blameless—in the sense that he fails to know the wrong he is doing and there is no way that he should have known—and in which X is at fault for not knowing. The former are cases in which X has no obligation to know. The latter are cases in which X could and should have known and is therefore at fault for not knowing, that is, X is reckless, negligent, or engages in deliberate misconduct. In the latter cases, the ignorance is culpable and cannot serve as an excuse in the above sense. Thus, the claim that Rosen brings forward is that "[a]ction done from non-culpable ignorance is itself non-culpable" (2003: 64) and, accordingly, action done from culpable ignorance is itself culpable. In other words, the question of whether a social agent is responsible for an act or not depends on whether the action is done from culpable or non-culpable ignorance.

In line with this claim, Rosen, next, entertains the question of whether moral ignorance that is not blameworthy is possible or not. He considers the following example. A father, call him Smith, treats his daughters and sons differently:

Smith is the sort of complacent sexist who takes it for granted that his sons have legitimate expectations to which his daughters are not entitled (and perhaps vice versa). Let's assume, in other words—and this is hardly unrealistic—that Smith believes what he believes because he finds it obvious, and that he finds it obvious because he

was raised to find it obvious and because the people he takes seriously find it obvious. (Rosen 2003: 67)

According to Rosen, the example suggests that Smith is not culpable for holding such views. Indeed, even though philosophers tend to hold each other to high standards, social agents in general rely on views such as Smith's view constantly and this should not by itself amount to culpable ignorance. What if Smith heard about critical arguments against his views? It is indeed realistic to assume that he knows of objections to his views and perhaps he has also considered whether his views are right when he was confronted with such objections. However, awareness of counterarguments and even consideration of them "need not suffice to dislodge his own sense of what is evidently correct." (Rosen 2003: 67) In fact, the (ongoing) struggle for feminist emancipation is not achieved with a few arguments, but rather takes time and the work of many. Thus, Rosen concludes, "[t]hat Smith has failed to see through a pervasive and well-protected ideology need not be a sign of culpable negligence or recklessness on his part. It might just be a sign of ordinariness. And if that's right we should conclude that his ignorance is not his fault." (2003: 67) Of course, at a later point in his life he might come to see his ideological distortions and resents his actions, but for now, according to Rosen, he has an excuse for what he has done and is thus not responsible for it.

Consider again the story of date rape from above. According to what Rosen argues, the perpetrator might have an excuse for what he did and if he does, he is then not morally responsible for doing it. If he, similarly to Smith, grew up in a sexist ideology and has therefore adopted false views of male entitlement and the nature of women's sexual behavior, he is ignorant in ways that excuse what he does. And it is not enough to think that he could have known and should have known because there were counterarguments to his sexist views, as, for example, Fricker (2010, 2016a,b) argues. Rather, according to Rosen, if the ideology is pervasive, then we, as social agents, are not necessarily convinced of the distortions of our views by counterarguments. This is consistent with what I have argued before. Sexist ideology is pervasive and the interdependency of social practices and schemas makes it hard to dismantle one's own views or others.¹⁶ However, Rosen's theory is problematic in regard to our example for two reasons. First, it excuses any perpetrators of rape whose acts are deemed

16 | Note that Rosen's view is not uncontested. Moody-Adams (1994) takes a different view. She argues against what she calls 'the inability thesis about cultural impediments'—the idea that "sometimes one's upbringing in a culture simply renders one unable to know that certain actions are wrong" (1994: 293). According to Moody-Adams, the link between culture and agency cannot fully undermine attributions of responsibility for one's actions and, thus, do not exempt from responsibility.

acceptable by the sexist ideology, stripping them of any responsibility. Clearly, this is not consistent with our feminist commitments. And, second, it builds on the notions of resentment and guilt, i.e., Rosen argues that X is responsible for A if he has no excuses (such as non-culpable ignorance) and is therefore liable to blame, where blame consists of emotional responses such as resentment and guilt. However, it is not at all clear whether guilt and resentment help people take responsibility or whether they stand in its way.

Recent psychological research suggests that shame and resentment have more negative outcomes than positive ones. (cf. Barrett et al. 1993; Peters et al. 2014; Stuewig et al. 2010; Tangney and Dearing 2002; Tangney et al. 1992; Thomaes et al. 2011; Wright et al. 2008) Being exposed to shame or resentment “leads to avoidance of scrutiny by concealing oneself and one’s transgressions, blaming other’s for one’s problems instead of taking responsibility for them, failing to manage anger productively, and having character issues including a propensity for aggression.” (Oakberg 2016: 756) This is especially important for the question of rape and sexualized violence since the defense mechanism of externalizing blame can lead to victim blaming. Tim Oakberg argues that theories of shared responsibility backfire. Contrary to the idea that by cultivating shame, people will improve shared responsibility, research shows that shame can interfere with our motivation to show responsibility. Instead, Oakberg advances an ethics of empathic care to bring about greater responsibility. (2016: 767)

I take on board the insight that shame, resentment, and blame can be counterproductive for taking responsibility. In the following, I sketch a proposal according to which a perpetrator can be held responsible even if he is ignorant of his act in a non-culpable way and in which responsibility does not refer to emotional responses such as resentment and guilt. It is a mistake to think that when we do not have reasons to blame someone, we also lose the possibility of holding someone responsible. Hanna Pickard argues that not all responsibility is moral responsibility, as it is commonly assumed within moral philosophy. As we have seen in Rosen’s theory, there is a tendency in philosophy to link responsibility to morality. The weak link suggests that all responsibility is moral responsibility by using the terms ‘responsibility’ and ‘moral responsibility’ interchangeably. The strong link proposes that we can only understand responsibility by appeal to our practice of holding others responsible via our moral emotions—responses we have to the good or ill will of others like forgiveness or gratitude. (Pickard 2011: 214)

Ronald Dworkin, in a similar quest, argues that there is a distinction between responsibility as a virtue and responsibility as a relation between people and events. Someone is responsible in the first sense, if he “behaved responsibly or irresponsibly in acting as he did on some occasion” (2011: 102). For example, we often say things like: “In general, he is a highly responsible person, I don’t know what was wrong with him in this situation.” And, someone

is responsible in the relational sense, if “someone is or is not responsible for some event or consequence” (Dworkin 2011: 102). Relational responsibility is not the same in every instance. Dworkin argues that there are at least the following distinctions: causal responsibility, assignment responsibility, liability responsibility, and judgemental responsibility. We can, for example, be causally responsible but not judgementally responsible, i.e., the different notions of relational responsibility are conceptually independent of each other.

When Pickard speaks of moral responsibility and responsibility simpliciter, she tracks this distinction. If we see moral responsibility and responsibility as two different phenomena, then we can hold someone responsible for an act without also blaming him for it.¹⁷ This makes it possible to hold the perpetrator responsible for his act of rape despite his ignorance. The ignorance is non-culpable in the sense articulated by Rosen and, thus, does not allow for full blame, however, it does allow for responsibility. Holding someone responsible does not necessarily mean the same as holding someone morally responsible, which comes with the notion of moral fault. If we attribute moral fault to someone, we blame that person for a specific act. But we can hold someone responsible without blaming him. On this view, responsibility is linked to agency: we are responsible for all our actions regardless of whether they are morally wrong, right, or neutral. (cf. Pickard 2011)

Furthermore, Pickard argues that especially in contexts where we want to enable learning and change, “it is essential to maintain responsibility and accountability [but] to avoid blame.” (2014: 10) Creating blame can lead to “feelings of rejection, anger, shame, hopelessness, and desperation in offenders” (Pickard 2014: 15). Those feelings can undermine responsibility. The view of responsibility simpliciter has two benefits. First, it provides a chance for perpetrators to take responsibility for the harm they have caused once they learn about it. What often happens when perpetrators are confronted with blame is that they become defensive. It is likely that a perpetrator who is blamed would either not be able to make intelligible the evidently correct view and would, thus, reject what was asked of him, or he would understand what he did but not react well to being blamed for the act. Often it is easier to see that we have caused certain harm or brought about certain effects and that we have to take responsibility for them rather than accepting that we are morally responsible. Second, blaming the perpetrator despite his ignorance is not likely to result in any moral progress or learning. Being convinced of his ideological beliefs, he is

17 | Lamb (1999) argues for a weaker version of detaching responsibility from blame. She writes that avoiding blame seems problematic because it does not stop the perpetration of abuse. However, at the same time, societal response can facilitate patterns of excuse and blame. Hence, she proposes, the focus should be on responsibility for another person’s needs. I come back to this view in the next section.

simply unable to make intelligible that his view is false. Blaming him for an act that, according to his view, is not morally wrong will not trigger any motivation to consider counterarguments. Blame is therewith a bad advisor when it comes to rape myths. The problem with rape myths is that they are persistently held. It is more successful to tackle and change a system of beliefs by a learning process than by blaming those who hold them. Thus, giving violators a chance to take responsibility for the harm caused without being blamed can tackle rape myths and trigger a process of learning.

Alisa Bierria brings into focus another aspect of the problem of blame. Besides foreclosing the possibility of a learning process when blaming or condemning someone, she argues that it also puts the victim in a difficult position. Condemning her perpetrator carries the unspoken expectation that she should want the most severe punishment possible and that if she does not, she betrays the feminist cause and is as guilty as he. However, this leaves unacknowledged the problem that perpetrators are often people we know, we trust, we love—people that we cannot simply delete from our lives. Thus, in asking for severe punishment in all cases we ignore the particularity of the situation and we fail to acknowledge what the victim wants and needs to be able to gain control of her life and her experience again. According to Bierria, we should instead focus on the notion of community accountability. Community accountability is flexible and dynamic and acknowledges, first, the wants of the victims, and, second, the responsibilities we all have for others (including the perpetrator, the community, the victim, etc.). (Bierria 2010: 107-19) Hence, in the following, I have a look at different strategies of community accountability and bring forward a fruitful proposal of how to understand the notion of accountability.¹⁸

6.3.2 Community Accountability

Ideas of responsibility simpliciter—as I have sketched above—also figure in discussions under the concept of accountability. Robin Zheng, for example, discusses the notion of accountability for implicit biases.¹⁹ I first briefly consider Zheng's work to then sketch a theory of accountability which draws on work from feminist activism. Zheng writes that we face a dilemma when we consider whether we are responsible for our implicit biases. We are not aware of our implicit biases and their influence on our actions, but, on the

18 | I am grateful to Melanie Brazzel who introduced me to the ideas of community accountability and who has influenced my thoughts on this topic greatly.

19 | Other scholars have addressed the issue of responsibility for implicit biases differently. See, for example, Holroyd (2012) for the view that we should merge responsibility and blameworthiness. See Saul and Brownstein (2016) for other views.

other hand, we are committed to social equality and implicit biases stand in the way of that commitment.²⁰ Thus, “we cannot simply let people off the hook.” (2016: 62) According to Zheng, we can resolve this tension by distinguishing between responsibility as attributability and responsibility as accountability.²¹ Responsibility as attributability sees actions as expressions of agency. A person X is then morally responsible for his actions only when his actions reflect who he is as a moral agent. In other words, for X to be morally responsible means that his actions are attributable to him as manifestations of his values, ends, or commitments. (Zheng 2016: 62) Responsibility as accountability, on the other hand, “depends on the social and institutional practices governing the distribution of duties and burdens across different roles and positions within a society.” (2016: 62) A person X is then morally responsible for his actions only when he can be held accountable for them; that is, when “it is appropriate for others to enforce certain expectations and demands on those actions” (2016: 63) A wide understanding of Zheng’s theory captures what we need. While in cases of rape or sexualized violence in the context of a sexist ideology, we cannot simply blame someone (for the reasons discussed), we nevertheless can expect certain actions that counter the harm done. In other words, we can expect actions of accountability. I now consider the ways in which feminist activists have used the idea of accountability in cases of sexualized violence.

Because women of color, indigenous women, and undocumented female immigrants in the U.S. (and elsewhere) were historically (and still are) unable to seek help from legal institutions (including the police) and because, both in U.S. society and in European societies, men of color and male immigrants are charged and convicted statistically to a higher percentage than white men (even in cases in which they are innocent), alternatives to the existing legal procedure to domestic and sexualized violence were sought by feminist activists.²² In other

20 | This relies on the view that implicit biases are products and perpetrators at the same time; they are the result of unjust social structures and reproduce and manifest this structure.

21 | Other philosophers have made similar distinctions: Scanlon (1998) distinguishes between responsibility as attributability and substantive responsibility, Watson (2004) distinguishes between responsibility as aretaic/attribution and accountability. See also Fischer and Tognazzini (2011); Oshana (1997); Shoemaker (2011); Smith (2012) about questions of responsibility and accountability.

22 | In the U.S., 57 % of sexualized violence perpetrators are white, 27 % are black, 8 % have an unknown ethnicity, and 6 % have any other ethnicity. (RAINN 2016b) In 1995, law enforcement agencies arrested 34,650 persons for forcible rape and 94,500 persons for other sex offenses. However, 56 % of arrestees were white and 42 % were black. (Greenfield 1997: 8, 10) Hence, while roughly half of those committing sexualized violence are white and half of the arrestees are white, the numbers do not add up as

words, there are at least three motivations behind the search for alternative strategies: (1) Women of color and other women are denied legal recognition (cf. Estrich 1987); (2) their reporting of men from their own community can have disastrous consequences for the men, themselves, and the wider community (cf. Clemetson 2004; Crutchfield and Weeks 2015; Hoffmann 2015; Shrage 2016); and (3) sexualized violence is a crime that is used to legitimize racist beliefs (cf. Davis 1981; Freedman 2013).²³ Furthermore, these women often had to suffer from violent acts perpetrated by the state and, thus, were looking for a broader understanding of the violence that women suffer.²⁴

nicely when it comes to black perpetrators: Only 27 % of acts of sexualized violence are committed by black men, but 42 % of black men are arrested for it. For general data on race in the U.S. prison system, see also Puglise (2016). For arguments against the prison system, see Currie (1998); Davis (2003); Deer (2009); Donziger (1996). It should be noted that this is of particular importance in Germany (and probably similarly in the UK) at the moment. Since refugees from African countries, Syria, and the Middle East come to Germany in greater numbers than before, the charge of rape is often used to express racist and anti-islamic sentiments masked as a nationalistic worry for the safety of “our women”. Posters, flyers, and internet blog entries suggest that refugees rape “white” women in overwhelming numbers without being held accountable and the media produces one scandal after another of refugees attacking “white” women because of their patriarchal cultural upbringing, the biggest of which was the new years eve scandal at Cologne main station in 2016. See Amjahid et al. (2016).

23 | For the last point, consider also the racist implications of the new rape law in Germany. The recent reform of the rape law in Germany changed the definition of rape from a principle of threat and force to the principle of “No means no” and added a new principle according to which groping against the will of another person is unlawful. However, the reform of the rape law came alongside a reform of the residence act, which now states that refugees and asylum seekers can be deported if they contravene against the rape law or are incriminated of unlawful groping. This is especially problematic as rape allegations are used as a smear campaign against refugees.

24 | The Color of Violence Conference in 2000 at the University of California, Santa Cruz, brought women and feminist activists together and as a result an organization—INCITE! Women of Color Against Violence—was founded that “opened a portal for critique, analysis, and new visions for change, while contributing energy and resources to building on-the-ground alternative responses to violence” (Bierria et al. 2010: 3), which focused on re-imagining and rebuilding communities. (cf. Bierria et al. 2010: 3) Note that, in 2002, INCITE! joined forces with the prison-abolitionist organization Critical Resistance that was formed in 1999. INCITE! changed its name since then. See also Smith (2010) for an account of the focus on communities as a political strategy in Native American communities.

The general idea of community-based approaches, often called ‘community accountability’, is to address (intimate) violence without relying on the state or on notions of victimization, heteronormativity, sexism, and white supremacy. (cf. Bierria et al. 2010: 5) It is any strategy that addresses domestic or sexualized violence in a given community. According to Esteban Kelly, community accountability “popularizes the idea that when sexual violence takes place, everyone is affected. [...] All of us have a role to play in holding the person who triggered the harm accountable and in rebuilding the trust we lost in them due to their behavior.” (2010: 49) Taking accountability for harm that was caused has four substantive features: it asks perpetrators to recognize the harm they have caused (even if that harm was caused unintentionally); it asks perpetrators to acknowledge what the harm has done to the victim and the community; it asks the perpetrator to take restitutive steps to the victim and the community; and it helps the perpetrator to develop skills to prevent further harms. These features show that taking accountability is a process involving not only the perpetrator and the victim, but the broader community as well. It is the community’s responsibility to ask what can be done to prevent future harm, to help the victim regain power, and to help the perpetrator develop skills to prevent further harm. Community accountability focuses on the perpetrator as well as the community, taking primarily into account the needs of the victim without ignoring the needs of the perpetrator and the community. For now, let us define this strategy of accountability in the following way, drawing on the discussion above and the insights from Zheng (2016):

A person X can be held accountable for their actions when they harm another person Y and/or the community X and/or Y are part of and person X demonstrates acceptance of their accountability by engaging in a process with the community that responds to Y’s needs as well as their own needs and the needs of the community.

The strategy of accountability as defined above has the following benefits: (1) it aims at a learning process on the side of the perpetrator and the community²⁵;

25 | This benefit of the accountability approach is also discussed by Lamb (1999). She writes that often we think of blame as a black-and-white issue, where we put all the blame on the perpetrator. This, according to Lamb, is unhelpful for victims in the following sense: when we put all the blame on the perpetrator, we assume a wholly innocent victim. Victims, however, who do not fall in the category of being wholly innocent, might then not be seen as victims and cannot understand themselves to be victims. She develops the following approach. While we should “work away at the odd self-destructive tendency of victims to assume more responsibility than they should” (1999: 180), we should, at the same time, acknowledge that—except for instances of extreme coercion or youth—most victims have some responsibility for their behavior

(2) it acknowledges the complexities of the social world marked by injustices and the complexities of the particular relationship and community affected; (3) it facilitates the perpetrator and the community to help restore the victim's strength and work towards long-term solutions for domestic and sexualized violence in the given community.²⁶

6.3.3 Who Is Responsible for Structural Injustices?

I started the discussion about responsibility and accountability with the question of whether someone can be responsible despite being subject to a cognitive disadvantage. I have argued that we should distinguish two forms of responsibility, one of which—what I have called ‘accountability’—can, despite cognitive disadvantage, account for the harm that was caused. Furthermore, I have shown that thinking of responsibility in the sense of accountability defined above has several benefits, one of which is that it can start a learning process, which ultimately can help overcome systematic hermeneutical misfire. While my discussion so far has been about accountability for interpersonal harms, distorted by the ideological framework, I now turn to discuss responsibility for structural injustices. I argue that we can utilize the strategy of community accountability to say the following: while the individual perpetrator is accountable in the sense defined above, everyone is responsible for the existing structural injustices. However, some social groups are responsible in a stronger sense because they have better ways to counteract the injustices. Because the perpetrator and the victim can fall subject to hermeneutical injustice or

and their reactions to the abuse. Acknowledging this responsibility also acknowledges that the abuse happened and, importantly, it does not take away the responsibility (or, as I have argued, accountability) of the perpetrator. Furthermore, we can add, that the approach of blame is problematic for the perpetrator, because it assumes that society or the smaller communities have no responsibility at all. This creates the image of the psychological unstable man who cannot control his urges, leaving the social relations that produces him off the hook. Clearly, as I have argued in Chapter 4, this is not the case.

26 | As Smith (2010) accurately notes, first, any community accountability should be grounded in an understanding of the state, so that community accountability is not merely an add-on to the existing criminal justice system. And, second, the strategy only works when the community wants to make it work instead of taking, the often, simpler way of siding with the perpetrator. I cannot provide a broader argument against the prison system for lack of space. I have here focused solely on how the strategy of community accountability can work in regard to questions of sexist violence, hermeneutical injustice, and ideology, and how it can function as a solution in regard to cases of negligence and ignorance.

significant hermeneutical gaps, the perpetrator is not necessarily culpable for the act and he is not culpable for the hermeneutical injustice of the victim—although, as I have argued, he is accountable for his actions. Hence, the open question is: who is responsible for the structural hermeneutical injustice, i.e., who is responsible for the epistemically constrained action in proxy of the perpetrator?

Iris Marion Young (2011) understands structural injustice as a moral wrong distinct from wrongs traceable to specific individual actions or policies. Structural injustice means, first, that the person who falls victim to the injustice is not subject to it because of her own poor choices or actions, and, second, that the injustice is not the result of another individual's poor choices or actions.²⁷ Rather, the injustice exists because of the social-structural position that the subjected person occupies. And, “[p]ersons in this position differ from persons differently situated in the range of options available to them and in the nature of the constraints on their action.” (Young 2011: 45) In regard to hermeneutical injustice, both the perpetrator and the victim occupy a social-structural position from which they cannot make intelligible the wrong of rape. However, the consequences of the act differ significantly: the consequences (if any) for the perpetrator are nowhere near to the harm the victim endures. Furthermore, as I have argued before, being wronged puts the victim of sexualized violence in a better position to experience a moment of discontent, while the privilege of the perpetrator often forecloses this experience.

According to these structural injustices, Young (2006) develops a social connection model of responsibility. The basic idea is that obligations of justice arise between persons because of social processes that relate them to each other. Some of the social processes are structural in character; that is, some people suffer from structural social injustice. Hence, it follows from the social connection model of responsibility that “all agents who contribute by their actions to the structural processes that produce injustice have responsibilities to work to remedy these injustices.” (Young 2006: 103) At first glance, this sounds contradictory: while the cue of structural injustices is that they are not brought about by the individual action of individuals, the very same individuals should here take responsibility for the way in which their individual action brings about injustices. What Young has in mind is to focus on the cumulative actions of different agents. While it is true that no single individual is responsible for structural injustice, the cumulative actions of many individuals can bring about

27 | Note that in cases of sexualized violence, we are confronted with wrongs of individual interaction and wrongs of structural injustice. For individual wrongs, who is responsible and how has to do with the depth of ideological indoctrination—thus, the resilience of structural injustice.

structural injustice and, thus, many individuals have a responsibility to work against these injustices; in other words, they have a collective responsibility.

There are two ways we can think about collective responsibility—in a backward-looking way and in a future- or forward-looking way.²⁸ Roughly, the future-looking way of collective responsibility focuses on the responsibility to bring about a better future state, while the backward-looking way focuses on compensation for past damages. Both models—future-looking collective responsibility (FLCR) and backward-looking collective responsibility (BLCR)—are concerned with a group’s responsibility towards the world. However, while BLCR understands responsibility “as a matter of having caused an existing—morally problematic—state of affairs” (Smiley 2014: 1), FLCR understands responsibility as a matter of being responsible for bringing about a future state of affairs that is better than the present one. In other words, while BLCR works with the concept of moral blameworthiness in saying that a group is morally responsible for having caused harm, FLCR can work without the notion of blame. (cf. Smiley 2014) Young’s social connection model of responsibility endorses a future-looking collective responsibility: individuals have a collective responsibility to counteract their cumulative unjust actions. (cf. Neuhaeuser 2014) Furthermore, we can now understand the strategy of community accountability as both a forward-looking way of collective responsibility—in so far as the community works together with the perpetrator to prevent further harm—and a process of individual accountability—as the perpetrator engages in a learning process.

May and Strikwerda argue for a similar notion of collective responsibility when it comes to rape. They argue that in cultures prone to the rape of women by men, men are collectively responsible for rape. This is because in laughing about rape jokes and in benefitting from a rape culture where women are made to be afraid of aggressive men and seek the protection of other men, men neglect their impact to stop such behavior. (1994: 149) I take it that May and Strikwerda are claiming that while each perpetrator is still individually responsible for the harm caused, men as a group have a collective responsibility.²⁹ And, furthermore, I take it that what they have in mind is a future-looking collective responsibility, that is, each man is responsible for working towards a future without rape.

28 | For more on collective responsibility, see French (1972, 1992); Goodin (1985); Hechter (1987); Held (1970).

29 | Similar arguments are brought forward by Henderson (1992), who thinks that full responsibility of rape lies with men, and Benecke (1982: 169-70), who states that men rape and men can stop rape by not blaming women for their rapes and, thus, responsibility for rape lies with all men.

However, in light of what we have said about sexist ideology, should we not endorse a claim that May and Strikwerda refute, namely that everyone is responsible for rape, because men and women contribute to so-called rape culture? And, to not be trapped in the false dichotomy between the sexes, should we not endorse the claim that simply everyone (regardless of gender or sex) is collectively responsible for the sexist ideology? On the basis of what I have said before in regard to the notion of accountability, I propose the following middle way: the individual perpetrator is accountable for the harm caused to the victim and the community. The community, on the other hand, is collectively responsible to help prevent further harm. Thus, the community (including all its members) is collectively responsible for counteracting the sexist ideology that leads to hermeneutical injustice and hermeneutical gaps and, consequently, acts of sexualized violence. However, not everyone can employ the same strategies to do so. I agree with May and Strikwerda that men are in a better position to actively counteract the sexist ideology in calling out other men's sexist behavior and other problematic acts. They can use their privileged standpoint within the sexist ideology better and more successfully to raise awareness for sexualized violence. Furthermore, they do not have to fear the repercussions that are so well known from women and gender non-conforming people when they make their voices heard. (cf. Crandall 2016; Thorpe and Rogers 2011; Trumble 2014) But women and gender non-conforming people are also collectively responsible for combating the sexist ideology in other ways; one of these ways could be to share counter-narratives and bring forward critical voices, another is to show solidarity with victims of domestic abuse or sexualized violence. I will now turn to the ways in which we should show solidarity with others.

6.4 EMANCIPATORY SOLIDARITY

I now turn to focus on questions of solidarity. These questions are relevant due to the embeddedness of rape in the sexist ideology. First, one could argue that because victims of rape are as influenced by the sexist ideology as others, their testimonies and experiences are likely to be similarly distorted and we should thus not give solidarity uncritically. I argue that this is wrong and that, instead, we should rely on a specific form of solidarity. And, second, women and gender non-conforming people can dismantle sexist ideology by showing solidarity with victims of rape—as I have suggested before. It is thus in our interest, as feminists, to provide an account of that solidarity. Similarly to the discussion of accountability, I draw on activist work more than on philosophical accounts in my endeavor to do so. That is, I propose a way to think about solidarity with victims of rape and sexualized violence that takes seriously their experiences and unjust treatment in sexist ideologies, but one that is also in line with my

account of accountability given above. To do so, first, I discuss the particular problems that victims of rape and sexualized violence face in the sexist ideology. Besides the interpersonal violence they suffer, their reports and testimonies are disbelieved due to contradicting ideological beliefs and an assumed objectivity. (Section 6.4.1) Second, I show one way that some feminist activists have proposed to counteract such disbelief. However, I argue that this particular tool is unhelpful because it encounters epistemic problems: it stands in contrast to the idea that experiences are subjective. I spell out what this means with the help of theories of situated knowledge and epistemic privilege. (Section 6.4.2) Third, and finally, I propose a way to show solidarity with victims of rape and sexualized violence that takes seriously that experiences are subjective while at the same time, acknowledges the structural injustice behind acts of rape and sexualized violence. Furthermore, my proposal of emancipatory solidarity is in line with the view of accountability that I have given above. (Section 6.4.3)

6.4.1 Myths, Beliefs, and False Objectivity

In the struggle against sexualized violence, feminists of the 70s and 80s often claimed that we should move away from an epistemologically objective standard for judging cases of sexualized violence and turn towards a more subjective theory. (cf. Brownmiller 1975; Estrich 1987; MacKinnon 1989b) As we have seen before, they argued that we have to take into account the complicated structures of patriarchal power that underlie acts of sexualized violence. The fact is, they argued, sexualized violence is commonplace. But the presence of feigned objective standpoints and pervasive rape myths causes the commonplace character of this violence to be dismissed and lends disbelief to those who suffer from it. In other words, the assumption that we can take a neutral standpoint from which to objectively judge what is rape and what is not is problematic for at least the following reason: because we, as social agents, are embedded in the sexist ideology, our judgement of what is rape and what is not, can be influenced by ideological distortions. Neither the sexist framework nor the feigned objectivity represent the experiences of women and gender non-conforming people with rape and sexualized violence. In Fricker's words, they are an hermeneutically marginalized group that is restricted from contributing to the collective resource when it comes to their own experiences of sexualized violence. Their testimony is rendered unbelievable, hysterical, or wishful-thinking—it contradicts the sexist social structure and is deemed irrational and thus not objective knowledge. The fact that women and gender non-conforming people often encounter doubt about their experiences is especially problematic for claims about rape as it adds to the harm of the incident. Furthermore, under conditions of the sexist ideology, it is impossible to criticize the disbelief as wrong. Instead, disbelief about rape is masked as a

rational disbelief of those who lie or exaggerate.³⁰ Thus, a key critique made by feminist activists and feminist philosophy has been that acts of sexualized violence are not recognized as such and that those who endure them are not believed in their testimonies. (cf. Estrich 1987: 8)

As argued in Chapter 1, ideologically distorted myths have an effect on whether we believe someone or not. Imagine a person A, who hears the testimony of rape of another person, B. Imagine further that A believes in rape myths. A might then be unable to make intelligible the report as one of rape and instead believes what happened to be “normal” sex, or she might blame B for what happened to her without placing any blame on the person who harmed her. In that sense, rape myths influence whether a story is believed. Our background beliefs can make it nearly impossible to believe the person harmed. Another aspect we have to consider is that some individuals enjoy less credibility than others because of their social role and position. As Alcoff and Gray-Rosendale argue, a speech act situation is always a normative arrangement, and in these arrangements some individuals are assumed to be speakers and some are assumed to be hearers. This means that only some speakers have the authoritative status of conveying knowledge. (Alcoff and Gray-Rosendale 1996: Section 1) As I have implied above, for example, women and gender non-conforming people are not taken to be epistemically trustworthy agents, but instead are deemed irrational. As many social scientists, philosophers, and psychologists have shown, it is harder for women and gender non-conforming people to be believed than it is for men. (cf. Hutchison and Jenkins 2013; Saul and Brownstein 2016) Women are subject to the epistemic injustice that Fricker calls ‘testimonial injustice’: “Testimonial injustice occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker’s word.” (2007: 1) Rape myths help perpetuate testimonial injustice in the cases dealt with here. Women are falsely portrayed as wanting to be sexually overpowered. The opposite stereotypes exist for men. Thus, men are given more credibility when they speak and women receive less credibility qua women. (Fricker 2007) Rape myths only strengthen the already existing image of the irrational and lying woman.

In cases where we do not have access to further evidence apart from the victim’s testimony, we are likely to take other indicator properties into account to make a judgment about whether or not to believe the harmed person. (cf. Fricker 2007; Hutchison 2013) Indicator properties allow us to make

30 | Remember that many people think that most rape accusations are lies even though research shows they are not. 40.2 % of 3210 random participants of a telephone interview believed that accusations of rape are false. (McGee et al. 2011) Data, however, suggests that the number of false reporting is between 8 % and 0.2 %. (Kelly et al. 2005)

judgments in situations where further information is lacking. The less access I have to indicator properties that actually concern the situation at hand, the more likely it is that I resort to broader schemas and indicators to evaluate the situation. But, indicator properties are influenced by prejudicial stereotypes that implicitly grant some people more credibility than others. According to MacKinnon (1989b), men are assumed to be rational and objective, and women are emotional and subjective—similarly for gender non-conforming people. We are more inclined to judge someone's testimony as accurate when that person fits the stereotypes of rationality and objectivity. Thus, in most cases of sexualized violence and rape, the perpetrator is deemed more trustworthy than the victim. The victim lacks epistemic credibility for at least two reasons: the victim has to work against the stereotype of being irrational as well as the specific rape myths that are at work (e.g., that she asked for it) in her report of rape. Hence, in cases in which the rape mirrors a physically violent stranger rape, her chances are better of being taken at her word. Furthermore, the more she acts in ways that we associate with rape victims, the stronger her credibility. As I have shown before, we are more inclined to judge someone's testimony of rape as accurate when that person fits our stereotypical image of what a "rape victim" looks like and when the described act resembles our stereotype of stranger rape.

We can now say that the following is a lethal cocktail for victims of rape: (1) because there often is no access to further evidence apart from the victim's testimony, rape cases are judged on the basis of (stereotypical) indicator properties, which are distorted by rape myths; (2) because the victim is a member of a (deemed) untrustworthy social group, her testimony does not count and because the perpetrator is a member of a (deemed) trustworthy social group, his testimony does.³¹ This complex system prevents victims from being believed and has consequently sparked interventions from feminist activists. In the following, I have a look at these theoretical and practical interventions.

6.4.2 Disbelief as a Case for Activism: Definitionsmacht

To challenge the reframing of rape as "normal" sex and the disbelief of those who are harmed, feminists have proposed that only the victim can determine whether what she experienced was an act of (sexualized) violence or not. This is grounded in the insight that experiences are subjective and that disbelief adds to the harm of victims and hinders their regaining of power and self-trust.

31 | Interestingly, men who are victims of rape are seen as weak (and/or gay) and thus are confronted with similar stereotypes of women and gender non-conforming people. Research shows that 34 % believe that male victims of rape must be gay or acting 'in a gay manner'. (Burrowes 2012: 2)

For example, if I am in a situation which allows me to escape or ask others for help, I am likely to experience an act of violence against me as less threatening than if I am in a situation where I cannot leave and have no one else to turn to. In that sense, what counts as threatening and what is experienced as violence can only be correctly assessed by the person faced with the situation. However, individuals—as members of specific social groups—can occupy similar positions in the social structure and thus have similar experiences when it comes to (sexualized) violence. In a social structure in which women and gender non-conforming people face sexualized violence in broader numbers than men, and where attackers are almost exclusively men, and where women are socialized into being submissive and men are socialized into being aggressive, what is experienced as threatening can differ significantly between men and women. For example, many women report that they submitted out of fear of aggravating violence. They react in ways that are in line with their female socialization; they are taught to not cause trouble, to not shout and scream and fight.³² However, research shows that many cases of rape can be prevented if the victim resists physically. (cf. Atkeson et al. 1989; Kleck and Sayles 1990; Siegel et al. 1989) In other words, women who react in line with their socialization do not realize their potential of resistance. This is not to say that a woman who does not resist, is to blame for what happens (a woman should not need to resist, because she should not be attacked in the first place!) and it is also not to say that women's behavior is irrational. Instead, it is perfectly rational considering the choice architecture that women have. Think about it this way: each one of us has a certain amount of choices open in each situation, but which choices are open to us and which are not is influenced by the social position and the social relations we stand in. Other choices are open for women than for men. And for many women, the choice to physically resist is not a choice she can take.

Taking into account what victims of rape say means giving the power to define the act in question back to those who are most vulnerable. In Germany, these ideas have triggered a specific form of activism. This movement, called 'Definitionsmacht', focuses on the way in which victims are harmed by not being believed and on the fact that experiences are subjective.³³ (1) As I argued above, individuals who report cases of sexualized violence are often met with disbelief. Such disbelief can take different forms: shaming those who talk about

32 | See Young (1980) and Anderson (2004b) for the particularities of women's socialized behavior in cases of rape.

33 | In English: *power to define*. This movement advanced a form of activism to directly tackle sexualized violence in small (left) communities. (cf. Glahn 1998; ZIF 2016) However, this form of activism is not exclusive to Germany, in many other countries activists use similar tools. For example, the pink sari-gang in India employs similar ideas.

their experiences, dismissing women's accounts as emotional or exorbitant, reframing the experience as one of "bad sex," and so on. Besides the harm caused by the experience, the victim has to carry the burden of further harm by being confronted with disbelief. It adds to the already existing harm caused by the act of sexualized violence. And, (2) the movement of *Definitionsmacht* criticizes the idea of an objective standpoint. It challenges the claims that we can arrive at an objective account of what different individuals experience as threatening. As argued above, what counts as threatening cannot be generalized; it depends on our past experiences, the contexts we live in, our cultural and social backgrounds, our background beliefs, etc. *Definitionsmacht* claims that individuals should autonomously decide when their boundaries are crossed and when they feel threatened rather than be subject to a feigned standard of objectivity that paternalistically tells them where their boundaries are supposed to be. (re.ACTion 2007: 22) To not be believed in one's experience of violence can add to the harm a victim endures. The victim can feel a loss of power over her actions during and after the incident, resulting in her shattered epistemic confidence. Brison (2002) and Freedman (2014) give powerful accounts of how rape can lead to loss of control of one's bodily and mental reactions during and after the incident and, furthermore, how it can lead to a loss of trust in others and the world in general. Questioning someone's ability to define what happened to them can intensify these losses of power and trust and multiply the harms the person suffers. To regain trust and power and to counteract a possible trauma, *Definitionsmacht* argues that two main strategies are important when interacting with the victim:

1. Believe in the testimony of what happened by the victim and accept her definition of what happened unconditionally.
2. Acknowledge that the victim knows best how to cope in the aftermath and help her regain power of her own actions by accepting her demands placed on the perpetrator.³⁴ (cf. re.ACTion 2007)

With these two strategic principles in mind, *Definitionsmacht* gives back the power to define what happened and the power to be in control of one's life again. Advocates of *Definitionsmacht* argue that this is the best way to show solidarity with the victim.

To summarize, feminist scholars and *Definitionsmacht*-activists take the following two epistemological insights into account: (1) the feigned objective (or

34 | Those demands can differ in character, but common ones are: to not approach the victim, to apologize sincerely, to take responsibility for what happened, to abstain from certain places (e.g., the local bar, certain community activities, the university, the city), to abstain from relationships with other people, etc.

neutral) standpoint does not capture the experiences of victims of sexualized violence and rape; and (2) the subjective character of experiences becomes especially important within unjust social structures. I have already outlined the first insight in detail and will now say a bit more about the second insight. I then show that they both stand in a problematic relation to the strategies mentioned above and, therefore we should solve the problem of disbelief differently than activists of Definitionsmacht argue.

Situated Knowledge

As we have seen above, victims of rape not only have to endure the incident but also the harms of being disbelieved in their reports, their experiences, and their status as rational persons. Furthermore, these harms are enabled by the assumption that there are objective and universal standards for determining when someone's boundaries are crossed and what counts as violence. This has led defenders of Definitionsmacht to advocate an unconditional form of solidarity with victims based on the principle that we should believe their accounts without question. Definitionsmacht tells us to accept a victim's account of her subjective experience; what she reports is what she experienced. Indeed, it is exactly this element that grounds the critique of the feigned objectivity of definitions of sexualized violence; it is the acknowledgement that experiences are not objective and that different individuals have different experiences when it comes to violence. However, we are now in a position to ask, first, whether the method of Definitionsmacht generates knowledge, and, second, if so, whether some individuals are in better positions to have their experience count. I argue that believing someone's report as a report of her subjective experiences does not give us sufficient grounds for granting her epistemic privilege. However, that is what Definitionsmacht does: it treats the victim's report as epistemically superior to the perpetrator's, who is assumed to be responsible and blameworthy for the experiences of the victim. But this is neither helpful (as I have argued in Section 6.3) nor consistent with the appeal to subjective experiences. Taking on board the insights that experiences are subjective and that their feigned objective character is problematic does not imply that some individuals have epistemic privilege.

What does it mean to say that experiences are subjective? Joan Scott (1991), Marianne Janack (2011), and Linda Alcoff (2011) all argue that experiences have traditionally been taken as a strong form of evidence for a claim; experience marks a claim as epistemically privileged. However, this approach has many flaws. Scott stresses the relevance of discursive practices that shape our subject positions and identities when we think about our experiences (1991: 797) Janack focuses on the fact that our perceptions open up possibilities for action: the world is not full of neutral objects, but objects to be interpreted and used by us. (2011: 174-5) Furthermore, since the victim in our case only reports the

experience in question later, she must rely heavily on her memory. This can make things even more problematic. Ian Hacking expresses a worry concerning the view that memories should be taken as reports of facts concerning the incident in question (1995: 5) A similar line of thought is brought forward by Sue Campbell (2003) when she argues that memory is more complex than being adequately understood as a report. These worries can be expressed more generally by the notion of 'situated knowledge' as articulated by many social epistemologists. The idea is that we should not only be interested in knowledge simpliciter but also in what we ought to know and how we know what we know. Our social relations shape our everyday knowledge practices. The problem with the traditional model is that the epistemic subjects are portrayed as generic, interchangeable, and self-sufficient individuals. (cf. Code 1991; Grasswick 2004; Scheman 1995) Feminist epistemologists, on the other hand, have proposed that the social relations of epistemic subjects are also relevant for epistemic assessments. In other words, knowledge is situated.

There are many different ways in which our social location can influence our knowledge and knowledge-seeking. Let us consider a few here. First, one way in which our knowledge is influenced is qua our background beliefs. People form different beliefs about an object, a person, a report, or a situation depending on their background beliefs. Never having been subjected to an act of sexualized violence or never having heard an account of it before can make one doubt statements of sexualized violence from others. For such a knower, sexualized violence is not known to happen, at least not to them or those close to them. Second, depending on their social identities, different individuals judge situations as threatening or violent differently. This means that how we experience a certain situation depends on our social identity. The idea of situated knowledge underpins this point. As knowing individuals, we are situated in a specific social relation to knowledge and to other knowers. What we can know and the way we can come to know differs accordingly. Our knowledge reflects our social situation; thus, it is deeply influenced by the background beliefs we have accumulated over time and our social position. MacKinnon (1989b), for example, raises interesting questions about what it means for sexualized violence and rape if different gender roles make different kinds of information more salient and if they lead to fundamentally different interpretations of given situations. While women are often socialized into being polite—even in situations they find annoying or threatening—men are socialized into reacting with aggression to hostile situations. When a woman smiles in reaction to a man's sexual advances it can mean that she is interested or that she is politely trying to avoid the situation without having a confrontation. While the first interpretation is open to men, the second is not. Thus, our gender roles can influence how we interpret encounters with others. Third, different knowledge results when one has previous experiences with the object in question. Having

been subject to sexualized violence before can shape my knowledge about the specific situation in question. For example, having an abusive partner can make me more alert to signs of abuse and ways to dodge abusive situations. And, finally, knowledge about my physically inferior position can give me different knowledge about a situation. Remember that, Scott Anderson raises the interesting question of distinct gender positions in regard to sex under pressure. He argues that

men pressuring women into having sex takes place against a background in which men and women differ in their ability to use or resist violent attack. [...] Even if men and women were equally likely to resort to boorish behavior to achieve their sexual ends, men are known to turn sometimes to much more potent and dangerous techniques than women typically are, and men are generally able to fend off the relatively few women who might be inclined to use such techniques themselves. Hence the ability to apply pressure to have unwanted sex may differ markedly between men and women on average. (2005b: 366)

In other words, women often start encounters from the following epistemic position: the man engaging in (unwelcome) sexual advances has the physical abilities to overpower them. While men start from the opposite epistemic position.³⁵ This alone makes for a difference in what we experience as threatening or not.

Theories of situated knowledge account well for the problematic character of assumed objectivity when it comes to experiences of sexualized violence and rape. However, Definitionsmacht-activists not only take the experience of the victim to be a subjective experience but they take it to be a more accurate experience than the one by the perpetrator. Situated knowledge takes subjective experience seriously; the content of experience depends on our social role, location, identity, history, our background beliefs, our embodiment, our interests, values, emotions, and more. Thus, even if someone's report does not fit our own experiences or the (assumed) objective idea of what sexualized violence is—who commits these acts, what the victim looks like or how she behaves—we should still believe the victim's account of her own experiences. However, taking seriously the idea of situated knowledge and subjective experience, we have to assume that two individuals could encounter the same situation but experience it differently. If this is true, we should not only believe the victim's report of her experiences, but also the violator's report. Definitionsmacht faces a dilemma. To place the definition of the victim over the definition of the perpetrator, the subjective experience of the victim would have to reflect what

35 | This is powerfully illustrated in the novel *The Power* by Naomi Alderman.

actually happened more closely than the experience of the violator. That is, the victim has a claim to “objective” knowledge while the violator does not.

Epistemic Privilege

To claim that victims of rape should be the only ones able to define what happened to them requires not only a theory of situated knowledge but also an argument for epistemic privilege. The idea is that knowledge claims of victims (or women and gender non-conforming people) are more accurate than other knowers’ claims about the same event. In other words, some knowledge claims are better or more accurate than other knowledge claims. We can thus say that theories of epistemic privilege (or standpoint) make a stronger claim than theories of situated knowledge; they make a claim about the accuracy of knowledge claims. Consider the problem that I raised for *Definitions macht*. To say that experiences are subjective and to advocate situated knowledge is not enough for arguing that the victim’s claims are more accurate than the perpetrator’s claims. Making a claim about the situatedness of knowledge means that the different individuals involved make different knowledge claims about the same situation. This is not to say which of these individuals has epistemic privilege.

Feminist standpoint theorists argue for the epistemic privilege of women (and similar claims have been brought forward for gender non-conforming people) in regard to gender relations and other social phenomena in which gender plays a determinant role. (cf. Bettcher 2009; Collins 1990; Harding 1991; Hartsock 1987, 1998; McKinnon 2014) In this sense, knowledge is not merely situated, but specific social positions give epistemic privilege. Women have epistemic privilege, for example, over the experience of feeling pressured or threatened to engage in sexual relations. As I have shown above, women are socialized into polite behavior even in situations in which they feel pressured or threatened. Thus, when a woman smiles in response to the sexual advances of a man, this smile can either mean that she is interested or that she is not. Other women, being socialized in similar ways, will be able to interpret the smiling women as either interested or as refusing. Men, however, will only be able to understand her smile as being interested because they are socialized differently and lack the experience of smiling as refusal. The idea is that being differently socially situated results not merely in different interpretations and experiences but it gives some individuals epistemic privilege on the basis of their social group membership. What they interpret or experience is more accurate. In the example mentioned, the interpretation of women is more accurate than the interpretation of men which is limited. In other words, women (and gender non-conforming people) can have epistemic privilege because of their specific situatedness. However, note the use of ‘can’ here. Standpoint theorists have argued that belonging to a certain social group, say the group of women, can

give one the possibility of having epistemic privilege. But women can fail to gain such adequate knowledge, or they can fail to use the knowledge they have in a particular situation. Consider the following case:

In 1997, a legally blind Madison, Wisconsin, woman named Patty was raped at knifepoint in her own bed. She called police and underwent a hospital examination but was unable to identify her attacker. [...] The Madison district attorney's office told journalist Bill Lueders [...] that she "behaved in a manner wholly incompatible with" their image of a rape victim. Perhaps that explains why Woodmansee and another detective, Linda Draeger, encouraged Patty to confess that she'd invented the rape story.³⁶ (Harding 2015: 92-3)

If women have—qua being women—epistemic privilege over sexualized violence and rape, then police detective, Linda Draeger, should have known better. But she did not. In fact, she believed like many other police detectives that women lie about being raped.³⁷ She believed that Patty lied. Granting epistemic privilege becomes especially problematic when all individuals are embedded in a sexist ideology. Hence, women do not necessarily have a privileged standpoint, they can rather attain it by gaining collective consciousness of their role and position. (cf. Lukacs 1971; Marx 1964)

Remember the problem *Definitionsmacht* faces: placing the victim's definition over the perpetrator's needs to be based on the fact that the victim's knowledge claims are more accurate than the perpetrator's. The argument that all knowledge is socially situated cannot establish such a claim. However, we have also now seen that members of (oppressed) social groups do not necessarily have epistemic privilege. They can gain it because of their specific social situatedness when they become aware of their social role and position within the social structure and start engaging in a critique of the sexist ideology. In other words, we need a stronger claim than merely situated knowledge, but epistemic privilege is still not a given. In line with what I have argued for in Chapter 3, I

36 | Patty was charged with filing a false report, she sued the city of Madison, but a judge dismissed her case. In 2001, the DNA that police took from her bed in 1997 was reexamined and a match was found on file. (Harding 2015: 93)

37 | As a reminder, 17.6 % of police detectives agreed and 2.6 % strongly agreed to the statement "Women falsely report rape to call attention to themselves." in a survey of rape myths in police departments in the Southeast of the United States. (Dellinger Page 2011) 28.8 % of FBI detectives throughout several states responded with an estimate of 50 % and some even responded with an estimate of 95 % to 100 % to the following question: "What percentage of rape reports do you think (your gut feeling) never happened; they are false reports? We don't mean dismissed cases, but flat out never happened?" (Schwartz 2010)

propose the following. Theories of situated knowledge and epistemic privilege are useful in at least two respects. First, they stress the important insight that we cannot take neutral or objective standpoints but that we occupy different social positions in a social structure and that we are influenced by these. And, second, they highlight the idea that some social positions are better for making adequate knowledge claims. Let us take on board the first insight and spell out the second idea in the following way. Occupying an oppressed social position or being in a powerless position in the context in question makes it more likely to have experiences that are contrary to the culturally salient narrative. Hence, individuals from oppressed social positions are more likely to find themselves in a dilemma between the culturally salient interpretation of the situation and their own moral feeling of being wronged. The experience of such a dilemma can lead one to question the culturally salient interpretation and, by way of a process of consciousness raising, for example, can give rise to engaging in the method of emancipatory amelioration (EA). Thus, certain social positions are better positions to have a vague idea that something is not as it should be and this vague idea can provide access to epistemic privilege. Understanding the relation between situated knowledge and epistemic privilege in this way takes into account the structurally unjust relations in which we, as social agents, live and it accepts that suffering from injustice can give rise to epistemic privilege, but does not necessarily have to. As Harding said, standpoints do not necessarily equip us with epistemic privilege, yet they can provide grounds for getting there. (2004: 128)

However, this does not solve the problem that *Definitionsmacht* faces. How can we know whether a victim's report is a more accurate knowledge claim if she cannot necessarily have epistemic privilege qua her group membership or her social position? Hence, we should at least be wary about the possibility of epistemic privilege—especially in the context of ideological social structures. Yet, believing the victim's report for what it is, namely as a report of her subjective experiences, can hardly place it above the report of the perpetrator's subjective experiences. That possibility is foreclosed precisely because we acknowledge that experience is subjective. *Definitionsmacht* criticizes feigned objectivity in cases of sexualized violence by arguing that experiences are subjective, that what we experience as threatening or not depends on our social positions. The problem arises when it takes the victim's report as epistemically privileged—as more accurate—than the perpetrator's despite the fact that both, the victim's and the perpetrator's experience is subjective.³⁸

38 | Note that the confrontational style and absolutist rhetoric used by *Definitionsmacht* is partly due to the difficulties of survivor support praxis and the real struggles of intense power asymmetries in specific contexts. What I say here is not that some victims lie and that, thus, *Definitionsmacht* should be more careful in what they say.

As we have seen, even though the structural injustice that most victims suffer makes it more likely that their testimony is in fact epistemically privileged, this is not necessarily the case. Furthermore, granting epistemic privilege on the basis of social group membership implies that only some groups are believed unconditionally while others are not. However, taking into account recent statistics on, for example, prison rape makes it problematic to not grant the social group of men such privilege—but doing so would lead the whole endeavor ad absurdum. It seems we have two options: (1) give up on *Definitionsmacht*—and the politics it stands for—as a tool for showing solidarity with victims of rape. Or (2) use *Definitionsmacht* despite the problems of claiming epistemic privilege. There are good reasons for taking the second claim, after all, structural injustice against women and gender non-conforming people is the reality and statistics of rape do show that most testimonies of rape are accurate. Maybe we should bite the bullet and rather believe one victim too many than one too few. However, because this would amount to another generalization—unconditionally believing the reports of victims and unconditionally disbelieving the reports of, say, men in these contexts—and because of what I argued before about hermeneutical misfire, I here propose a third alternative: give up on *Definitionsmacht*, but not on solidarity. Instead we should show a specific kind of solidarity that does not resort to claims of epistemic privilege.

6.4.3 Epistemic and Emancipatory Solidarity

Even though social positions of oppression and membership in oppressed social groups can bring one to access epistemic privilege in regard to specific questions, membership does not necessarily grant us such privilege. We do not necessarily have epistemic privilege, but rather we can gain it. Thus, we face a dilemma: on the one hand, we want to show solidarity with victims of sexualized violence and acknowledge their position as one of structural injustice and interpersonal wrong, and, on the other hand, we should take seriously questions of hermeneutical misfire and ideological embeddedness. In response to this dilemma, I propose a model of emancipatory solidarity that allows us to counteract false beliefs and show solidarity with victims of rape and sexualized violence without resorting to claims of epistemic privilege and therewith avoid the problems that *Definitionsmacht* encounters.

I take on board the idea that the best way to counteract a culture that blames victims is to show solidarity with them. By showing solidarity, we oppose the prevailing culture of victim-blaming, we affirm the victim's rational status, and

Instead, what I say is that *Definitionsmacht* brings forward a valuable critique but fails to consider the ways in which victims and perpetrators can both be ideologically distorted.

we give her back her epistemic agency in believing what she says. As I have argued, one of the damaging effects of rape is the harm inflicted afterwards by disbelief. When the victim's experience is questioned, she cannot heal, cannot gain back a sense of self, or make intelligible what happened to her. Furthermore, she cannot help but feel alone in her experience. Advocates of Definitionsmacht show solidarity by unconditionally believing the harmed person's account as a report of what factually happened; they give epistemic privilege to the victim. I propose that we can show solidarity by believing the victim's account of what happened as a report of her experience; this reaffirms her experiences without granting epistemic privilege.

In the framework of solidarity favored by advocates of Definitionsmacht, I believe the victim because I sincerely believe that it is the truth of what happened; I believe that what she is telling me, objectively speaking, happened to her. In comparison, in my proposal, I believe the victim because I sincerely believe that this is what she subjectively experienced. I believe that what she tells me is true about her experiences. The (assumed) objective understanding of rape is radically different than the experience of women and gender non-conforming people who are harmed. Part of challenging this narrow objectivity is to acknowledge that someone's report of sexualized violence may not fit under the current legal understanding of rape and, at the same time, to believe the person's report that what she experienced was an act of sexualized violence to her. Furthermore, acknowledging that experiences are subjective and our knowledge about them is situated means recognizing that different individuals can have differing experiences of the same "objective" situation, and thus different knowledge claims about it. In such cases, searching for truth is a multifaceted endeavor that might not bring one conclusive, consistent statement—especially because our experiences take place against a backdrop of social power relations.

I can show solidarity by not questioning someone's account of her experience, that is, I can grant her credibility over her own experiences. Or I can show solidarity by believing her account of her experience as a fact of what objectively happened, that is, I can grant her epistemic privilege over the question of what happened. I call this latter form of solidarity 'epistemic,' as it amounts to acknowledging someone's privileged epistemic interpretation of a situation.³⁹ The former is a form of political solidarity: the purpose of this solidarity is to challenge the common disbelief of the testimony of victims and to help victims. Political solidarity allows us to recognize the social power structures which form the backdrop of our knowledge of experience. (cf. Bayertz 1999a) It is a form of solidarity that binds individuals together for a

39 | Note that my proposal for epistemic solidarity is different to the notion of epistemic solidarity proposed by Goodin and Spiekermann (2015).

specific project that aims at changing unjust or oppressive structures. This solidarity is oppositional. Sally Scholz argues:

Political solidarity involves the efforts and sacrifices of individuals who commit to a cause with those who suffer. A collective movement that simultaneously serves those in need while it challenges the social structure that created that need, political solidarity is a social movement that unites individuals because of their shared commitment to a cause or goal. (2007: 40)

Different individuals show solidarity for different reasons: because of a commitment to justice, an experience of injustice or maybe because someone close needs help. Importantly, though, they all become part of a group qua a shared interest. By looking at feminist solidarity movements, Scholz (2009) detects three moral relations: the relation to the cause, the relation among members within the solidarity group, and the relation between those within the solidarity group and the society around them. For our example, those opposing the assumed objectivity of the social and legal order in regard to sexualized violence are united by a cause (to end the injustice of sexualized violence); those within the group have certain relations with each other; and they oppose the broader society that holds on to ideas of assumed objectivity in cases of sexualized violence. The cause to unite is triggered by one specific incident involving a specific individual. Therefore, the relations within the group also involve relations with the victim. Ideally, the victim becomes part of the group.

In this way, solidarity is a tool to bring about social change.⁴⁰ But in our case, it is also a tool to bring about personal change; it aims to help those harmed and treated unjustly. To stress this moment of synthesis between social change and personal change, I propose to call the form of solidarity we are concerned with here ‘emancipatory solidarity.’ Remember the definition of emancipation given in Chapter 3 according to which it is a social and legal transformation to a more equal and just social structure. Thus, emancipatory solidarity highlights the emancipatory character towards the broader social environment as well as towards the victim.⁴¹ Emancipatory solidarity is doubly emancipatory, for it not only opposes the assumed objective character of the legal and social system, the disbelief that victims have to endure and victim blaming, but it also helps

40 | For more on solidarity in general, see Bayertz (1999b); Blum (2007); Dean (1996); Durkheim (1973); Fanon (1952, 1963); Harvey (2007); Huntington (1997); Mason (2000); Rorty (1989); Shelby (2005).

41 | As directed at emancipation, emancipatory solidarity is close to Scholz’s political solidarity, which concerns social change. (2008: 54). However, while Scholz focuses on the transformation of society and the solidarity-group, emancipatory solidarity adds the transformation of the individual with whom the group is in solidarity.

the victim to understand her experiences better. It is thus concerned with the commitment to help those who suffer and towards emancipatory change of the social structure. We can now define emancipatory solidarity in the following way:

Emancipatory Solidarity unites individuals over an interest to end a form of structural injustice and aims at emancipation not just for the individual but for the social structure as a whole.

While epistemic solidarity—the solidarity to which Definitionsmacht advocates subscribe—is concerned with the content of our solidarity, emancipatory solidarity is motivated by our emancipatory purpose.⁴² Epistemic solidarity transforms subjective experiences into factual statements. What is experienced by one person becomes the truth of experience, guiding the actions of others. This, unfortunately, is not compatible with acknowledging the subjectivity of experiences. And, furthermore, it is not compatible with the assumption that, as social actors, we occupy positions in the ideological social structure and can therefore not automatically access our epistemic privilege but have to gain it. Nevertheless, some social locations provide better starting points for thinking about and questioning specific social relations. However, these social locations only provide the starting point for a long process of critical analysis, a process not everyone engages in and that can fail at every step along the way.⁴³ We can learn a lot from valuing the experiences of women and gender non-conforming people in cases of sexualized violence, but we can do so without having to give them epistemic privilege qua being members of specific social groups.

Emancipatory solidarity provides a counter-narrative to rape myths and can strengthen the intelligibility of the experiences of victims. But at the same time, it acknowledges that experiences are subjective and that our feelings of harm or our moral feelings of being wronged need not be the result of intentional action. Emancipatory solidarity is compatible with a process of accountability as outlined before. Hence, emancipatory solidarity helps to shift our focus from punishment and blame to accountability. In cases of rape, we often ask what makes an act punishable or what makes someone culpable. In other words, when we engage in sexual activities, the question is “how to act so as not be culpable?” That is, how to ask for consent in a way that protects oneself from being

42 | Epistemic solidarity and emancipatory solidarity are not necessarily exclusive; there can be cases in which we have grounds to give both. I am thankful to Christine Bratu for pointing this out.

43 | See my method of emancipatory amelioration (EA) in Chapter 3.

blamed.⁴⁴ Emancipatory solidarity combined with accountability acknowledges that our experiences can genuinely differ, and that not every person who harms someone is therefore culpable or blameworthy; rather, it shifts the focus from punishable and culpable acts to what and how we experience each other. Both, emancipatory solidarity and accountability, zero in on how we interact with each other. It asks us to respect each other as the persons we are, with our social locations, histories, and all our identities. Ideally, this shift makes it possible to ask instead, “what might harm someone as the specific person she is?” and “how can we take responsibility for harm that we have caused?” By making such a shift possible, emancipatory solidarity is not necessarily oppositional to the person who has done the harm, although it is opposed to the general attitude of assumed objectivity and sexist norms. Even though that person acts according to general social norms which perpetuate injustice, he might be unaware that he is acting so. As Jody Dean (1996) argues, solidarity should be able to encounter disagreement and transform it into mutual recognition and

44 | This can be illustrated by apps that monitor consent of the persons who want to engage in sexual activity. For example, We-Consent, Good2Go, or SaSie, to name just a few. The apps function as a legal, binding document of consent and intent, with the content being uploaded and then only accessible from police or disciplinary boards if needed. How does it work? We-Consent give the following directions: First, “Partner A uses the front camera to video record his/her own name and then the name of the person with whom they wish to have sexual relations.” Second, “the back camera then records Partner B first stating his/her name and then saying yes to sexual relations with Partner A.” Third, “an encrypted record of the video messages is created and stored for future retrieval through the proper channels (not available directly to user).” And, fourth, “if at a later time either partner needs to signal withdrawal of consent, they can use one of the companion apps (e.g. What-About-No, I’ve-Been-Violated). These apps create encrypted records of a “No” message being communicated.” For the instructions, see <http://we-consent.org/index.php/41-apps-abcd/101-we-consent-app>; accessed: July 21, 2017. Good2Go works without recording. Instead it gives three options from which one needs to be ticked: “No, Thanks”, “Yes, but... we need to talk”, and “I’m Good2Go”. If the first option is chosen, the participants have the option to send the info to their private phones to have evidence of refusal. In case the other options are chosen, it then asks whether the persons engaged are sober, mildly intoxicated, intoxicated but Good2Go, or pretty wasted. In case the last option, “pretty wasted”, is chosen, the app warns the participants that they are not in a state to consent. While all apps point to the educational benefits of the app—after all, to record or chose an option on your phone, some conversation has to take place—they see consent as a contract that guarantees that no one can be blamed or punished for the act that follows. They thus miss the highly complex character of sexual activity, including the possibility of consenting to one act but not another or of withdrawing consent.

responsibility for each other. Emancipatory solidarity in this sense is close to what Dean calls 'reflective solidarity.'

Neither the discussion of solidarity nor accountability are exclusive. Rather, my aim was to counter the assumption that because we, as social agents, are embedded in the sexist ideology, we can neither hold perpetrators accountable nor show solidarity with victims. Instead, I wanted to show a way in which we can acknowledge our embeddedness but at the same time acknowledge the very real experiences of rape and sexualized violence that ask us, as feminists, to take action. Emancipatory solidarity and accountability are two ways in which we can take action and they complement each other.

I have shown that we can understand the issue that arises from taking rape to be part of the sexist ideology with the help of the notion of hermeneutical injustice. I have argued that victims of rape in a sexist ideology are often also victims of hermeneutical injustice, i.e., they are incapable of understanding their own experience adequately and they fail in making their experience intelligible to others. This is due to a clash between the ideological common interpretation of their experience and their vague feeling of being morally wronged. I then raised the following problem. If we assume that we are all part of a sexist ideology, then it is plausible to say that not only is the victim affected by the distorted collective resource and unable to make her experience intelligible, but so is the perpetrator. If that is the case—if the perpetrator acted in a harmful way without being able to understand his act correctly—can we still hold him culpable for the act in question? In response, I have argued that while the victim suffers from systematic hermeneutical injustice, the perpetrator suffers from, what I call, 'systematic hermeneutical misfire'. I have accordingly dealt with questions of responsibility: can we hold the perpetrator culpable or responsible for his acts despite his hermeneutical misfire? And, who is responsible for structural injustice? I have argued that, in some cases of rape, our best bet is to hold the perpetrator accountable but not culpable or morally responsible. This can fruitfully tackle ideological beliefs and result in a learning process. Furthermore, it succeeds in carefully navigating the fine line of holding perpetrators accountable and not confine perpetrators on the grounds of stereotypical assumptions. In other words, holding them accountable cannot be misused for racist intentions. Furthermore, the context of the sexist ideology raises questions for the epistemic privilege that some claim victims of rape (or women and gender non-conforming people in general) have and for the kind of solidarity that we should have with victims. I have focused on what this implies for victims of rape and sexualized violence and brought forward a theory of emancipatory solidarity. This is a way to think about solidarity with victims of rape and sexualized violence that takes seriously their experiences and unjust treatment in sexist ideologies. It is also in line with our embeddedness in the sexist ideology and my presentation of accountability.

