Rape

'She didn't have to be attractive or slim. All she had to be was alone.'

Editor's Note: This week's feature story should provide some insight on modern morality for interested readers. We have for you here three articles reprinted from the Dalhousie Gazette, *the student publication from Dalhousie University in Halifax, Nova Scotia.*

The articles deal with rape and what it encompasses as to the law, justice and morality of modern society. Surely these essays will be enlightening, and hopefully not entertaining.

On the local scene, The Brunswickan *would like to plug the Rape Crisis Center at 347 Queen St., Fredericton. If you find that you need help, or want advise, or just some information, these are the people to contact. Also, the organizers need some volunteers. So if you want to help, contact them at 454-0437.*

By Trish Wells
for The Cord Weekly,
Wilfrid Laurier University, Ontario

Rape as a crime is certainly not new. It has been around at least since biblical times and has been an inevitable and acceptable part of such social events as wars, football weekends and (often) marriage.

What is new is that women—the most usual victims of the crime—are no longer willing to lie back and take it.

For the first time in history, we are hearing about the problem of rape from the woman's point of view.

This is new because our attitudes about rape have generally be shaped by seeing it through the eyes of men—the men who 'owned' the women who were raped, and the men who saw nothing wrong in raping women.

This is why we generally have more sympathy for the husband or boyfriend of a rape victim (when, for instance, he leaves her or is embarrassed to be seen with her) than we do for the victim herself.

It is why we tend to be skeptical of the woman who reports she was raped by her date ("But men have such uncontrollable passions... You must have led him on...").

It is why we tend to look at rape as, at worse, a sexual 'misdemeanour' and we look at the look at the rapist as a 'bad salesman', an innocent and clumsy victim of the social system that says all women want it, but they might pretend they don't, so you must break down their resistance by gentle persistence. If she's stubborn, keep insisting . . .

All these attitudes add up to why most women don't report rape, and why if a victim does complain, she either won't be believed from the start or a jury will decide she is the guilty party and let her attacker go free!

As the result of these attitudes, she must suffer for her sins, by enduring snide remarks from friends, jokes about rape from strangers, and recrimination from family and, at the very least, nagging destructive questions in her own mind: Was it really my own fault? Maybe I was stupid to got out with him, maybe I shouldn't have been in that place at that time, maybe I did lead him on.

No wonder that at least 9 out of 10 sexual crimes are never reported at all, not even to the victim's family or closest friends.

So nobody really knows how often rapes happen. But we do know, from the scant statistics that are available, that rape can happen to any woman—3-month-old babies have been raped, 85-year-old grandmothers have been raped, poor women, middle-class women, 'nice girls', prostitutes, women wearing bathing suits at the beach or parkas and workboots in the dead of winter, walking through a parking lot.

In the words of a convicted rapist: "I would just drive around until I saw a woman alone. I didn't care what she looked like—she didn't have to be attractive or slim. All she had to be was alone".

This seems to fit our image of rape—a demented stranger leaping out of the bushes or from some dark alley at the unsuspecting victim. If this was a true image, it would be relatively easy to clear up the problem of rape—just make sure such areas are bettered policed, or advise women to avoid them.

Unfortunately, rape doesn't usually happen like that. Most rapists are described by their psychiatrists as "perfectly normal men in most respects, except for a greater tendency toward violence".

More than 50 percent of rapists are known by their victims, and most rapes don't happen in the street, they happen in the victim's own home or in the home of the rapist.

This figure would probably jump drastically if we knew how many children are raped by family members (brothers, brother-in-law, fathers, stepfathers, uncles) or by neighbours, and if we could find out how many women are raped, often regularly by their husbands.

But, in the first instance, this type of sexual attack (molesting of children by family) is often ignored or kept under wraps for fear of scandal, and in the second case, the law says that a woman cannot be 'raped' by her husband (for the law also says that a husband has unlimited sexual rights to his wife. In fact, even if they are no longer living together, but are not yet divorced, a man may still rape his wife with no fear of punishment—the courts look at such an attack as an 'attempt at reconciliation' and the law must not interfere with such attempts.)

It is not likely that we will ever hear about all the family rapes that happen (although psychiatrists and psychologists often hear about them years later when the now-adult victim finds she cannot respond to her husband, or has deep-rooted problems in all areas of her life).

Unfortunately, the law concerning rape makes sure that a lot of other rapes are never reported either. The rape laws are based on several myths, the first one being that more people make false reports about rape than they do about any other crime.

This means that it is the duty of investigating police officers to doubt the word of an alleged rape victim, and if the case ever goes to court the judge must warn the jury that it is unwise (or dangerous) to accept the story on the victim's word alone. The woman must prove herself worthy of belief—that is she is guilty until proven innocent.

Rape is a unique crime in many ways. It is the only crime, for instance, where the act itself (sexual intercourse) is not a criminal offense, but rather it is the circumstances which make it so.

The law in theory is pretty clear-cut in outlining those circumstances. The law says that it is a criminal offense if the woman did not consent to the act, or did not consent of her own free will.

In practice, however, the law choose to make judgements about when it is in fact alright to force sexual intercourse on a woman. The law actually says that it is alright if she is under 18 years old, and has a 'bad reputation' (is not 'previously chaste character').

It is alright, or most probably will be found to be alright, if she was necking with the man beforehand. And it is usually decided by the jury that rape is alright if she had gone out with the man before, had sexual intercourse with him before, or had been living with him.

It is a popular belief that if a woman has consented to sexual intercourse in the past she has no right to refuse to consent at any time in the future.

During a trial the rapist's lawyer often questions the victim about her past sexual behaviour, or tries to show that she deserved what she got, by dressing 'seductively' (when she may have thought she was dressed 'attractively') or acting in an 'improper' way, or accepting a ride from a stranger.

Often enough, the jury will agree—"She was asking for it!" They will agree because most people like to think that if people act right nothing bad will happen to them, so if this woman was raped she must have done something wrong, and therefore the rapist was not to blame—she was!

This type of attitude is probably the reason that the charge of rape has the lowest conviction rate of any crime in Canada. Only 54 percent of accused rapists are actually convicted, compared to an 86 percent conviction rate for other crimes.

Also, people—including jurors—often feel that unless a woman has been beaten to within an inch of her life as well as raped, there really has been no harm done.

One California jury member remarked unabashedly to the press following a trial which involved a rape accusation: "He (the alleged rapist) was just trying to show her a good time..." Why should a man be put away, possibly for life, for trying to show a

woman a good time? (As
added: "Men try to 'show a
time' on the average of
minutes in the United Stat

To most women, rape is n
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because that attack happen
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police, lawyers) concentra
sexual aspect of the attack

Imagine the victim's
confusion when they ask her
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of asking that of a victim of,
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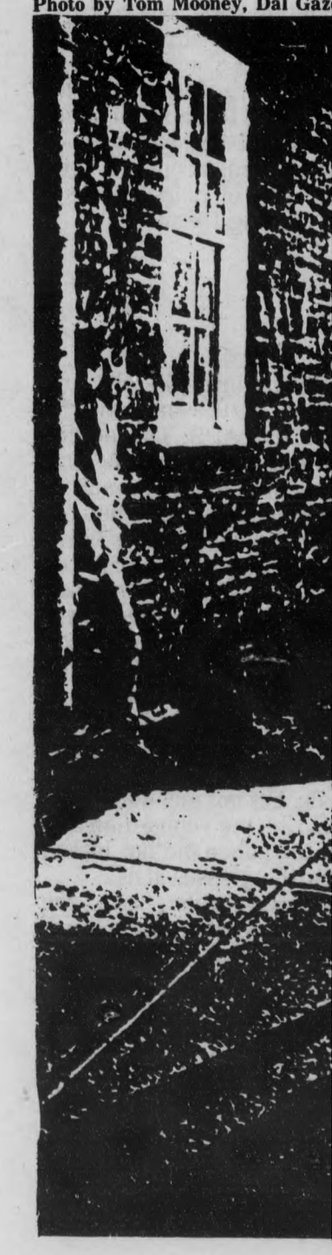
Photo by Tom Mooney, Dal Gaz