



RAPE

Lord Hailsham's criticism of Judge Bertrand Richards' decision to fine rather than imprison a rapist at the beginning of January could be taken to mark a change in judicial attitudes concerning rape. After all it was Hailsham in 1975 who held that it was possible to acquit a man if he held the idea, no matter how unreasonably, that the woman he was raping was really consenting. Judge Richards saw himself as secure within this kind of understanding — the woman was hitch hiking, she therefore 'contributed' to the crime, therefore the man was scarcely culpable. There are many ways a woman can be 'asking for it', he reasoned, or giving the impression she is.

Yet a variety of hardly the most progressive public figures have ranged up against him. Even Margaret Thatcher, who has resolutely denied any commitment or concern for women's position in society, is reported to be angry about the decision and demanding that 'women should have confidence in the ability of the law to protect them against this violent, detestable and odious crime.'

Confidence in the law means more than expecting punitive judicial decisions. The vast majority of rape crimes go unreported

— some put the figure at only one in twenty being reported — and a major reason for this is police treatment of women who make complaints of rape. An aptly timed BBC documentary on the police allowed us to witness the extreme brutality of police officers towards a woman who was alleging rape. She was treated as a criminal, and harassed by questions such as are you menstruating properly, how many men have you had sex with, are you on the game? The woman was forced into defending herself by asserting that she loved her boyfriend and knew the difference between love and sex. Attempting to prove she was not wasting police time, she described how she never called the police when her husband used to beat her up. Eventually she was to be met with Brian Kirk, one of the police officers, shouting at her that 'the story that you have told us is a fairytale...the biggest load of bollocks I've ever heard.'

His clear delight when the woman chose to drop the complaint, having been faced with the choice of prolonging the ordeal of questioning or escaping from the police station, was obscene. His task of protecting men in their violence towards women accomplished, he left the room beaming. The woman and the cameras remained,

while she told the sound recordist that the rape had occurred and that she still wanted to prove it.

At the same time as the TV programme was broadcast, Thames Valley Chief Constable, John Reddington, told the press that a new special unit of women police officers was to be set up to deal with rape complaints. Embarrassed by the programme, he insisted the plans for a new unit had been under way for a time. The Rape Crisis Centre, which has been inundated by calls from women horrified by the Ipswich decision and the documentary, want to see a complete reform of the law on rape so that the woman does not have to depend on the police making prosecutions. They also want to see the initial interview by police kept as short as possible, recognising that after a woman has been raped, she is likely to have few defences against aggressive questioning.

There has been unprecedented media coverage of recent rape cases, with editorials universally condemning Judge Richard's ruling, ranging from the *Telegraph*: 'Whatever the nature of her decision to hitch, it seems extraordinary that her action should be taken to mitigate the offence of the man who raped her' to the *Minor*: 'Any woman, virgin or prostitute, has the right to the full

protection of the law against the assault of rape." This suggests that inroads have been made into the prevailing ideology concerning sexual violence against women. Perhaps explanations of rape as traceable to the uncontrollable nature of male desires in the face of women's flaunting of their sexuality, are finally being challenged. Perhaps women's anger at the time of the Ripper murders, the repeated words and actions of women determined not only to defend themselves from attack, but to insist that rape is about violence and not sex, have had effect.

Although to avoid despair it is important to recognise changes, particularly those effected by women's struggle, it is also crucial to have a measure of the enormity of the problem. Notions of male sexuality as aggressive and female sexuality as submissive are deeply ingrained. Protective exhibited by men towards (their) women does not necessarily question this. Outrage expressed about rape can serve to disassociate those men from the rapists — the issue become less about male misogyny and more about particular brutal men. The fact that what statistics are available show the vast majority of rapes as perpetrated by men known to the woman, is a stark reminder that these are men in our midst, in our lives, as well as marauding strangers.

As the moving and horrifying account in the *Sunday Times* (Jan 10) by a woman who was raped reveals, in male eyes, women who are raped can have an aversion to sex as much as being wanton. The doctor who examined her wanted to know why she hadn't made greater efforts to be unfaithful to her unfaithful husband. 'Here was a new twist to male assumptions about rape victims, they were not scarlet women after all, but frigid little snowflakes.'

Men, whether judges, newspaper editors, or husbands showing distress at the crime of rape, -should not serve to mask the crime as an individualised assault, which does not reflect male female relations in general. Nor should determination to protect women cover over implicit assumptions of women's over or under-sexed nature provoking irrepressible male urges. As the woman who wrote in the *Sunday Times* pointed out: 'Rape is about violence and a very special sort of violence, the sort which has its roots in male inadequacy. . .and manifests itself in a hatred of women.'