

# Violence Prevention Today

## No. 1 Rape

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The fear of sexual assault or rape is a part of every woman's life. In a plethora of ways this constricts and restricts females' mobility and manner of living. Just a few of the rules that girls are socialised with include: 'Don't walk alone at night,' 'Don't talk to strangers,' 'Don't hitchhike,' 'Don't dress in a provocative way'. Indeed, the reality is that rape is a threat for every female in Australia and this advice is solid and well-meaning, although in many ways it is based upon stereotypes about sexual assault which are not true and which act insidiously to impute blame on the victim.

The purpose of this paper is to tear down the myths about rape by confronting the erroneous view of what rape is, who rapes, why men rape, and the impact of rape on the victim or survivor. 'Wait,' you may be saying. 'The title of this paper includes the word prevention and you are proposing to dispel myths. How is that prevention?' Answer: One of the only means available to reduce sexual assault and to enhance the probability that its victims will report it to authorities is through knocking down the false images of rape that act to perpetuate it in society. Therefore, although there will be little space given to specific preventative measures against 'stranger danger' and

acquaintance/marital rape in this article, both the overt and underlying message of the paper is that rape prevention lies in changing societal attitudes about rape and about men and women. Rape is not limited to male perpetrators and female victims; however, it is overwhelmingly a crime against women. This article will therefore only focus upon adult female survivors and male offenders. In addition, issues such as the role of pornography and treatment programs for offenders are not discussed but undoubtedly merit research in the context of rape prevention.

### What is Rape?

There are a multitude of definitions of rape both legally and within the folk mores of a culture. In this article, rape is defined as the penetration of the mouth, vagina or anus by any part of the attacker's body or by an object used by the attacker, without the consent of the victim. What does without consent involve and/or what does it not require?

*Myth: Rape requires physical force.*

Studies have shown that in the majority of rapes, the perpetrator does not use force which results in physical injuries (Green 1987;

Weekley 1986). The threat of force and death and the intimidation inherent in gender stratification is sufficient. In reality many forms of covert coercion and force may be used in rape. It is the victim's fear of the assault and its outcome that renders her passive, not compliant, and without consent. Since many victims of rape are also survivors of incest and other sexual abuse they may 'shut down' their emotions and bodies at the onset of a rape; they learned this 'survival' behaviour as children (Lundberg-Love & Geffner 1989). Other women have been socialised not to be aggressive or assertive and their comparative lack of physical strength may contribute to less of a willingness to fight back. Thus female passivity is a quite common response to male violence.

*Myth: Rape requires physical resistance by the victim.*

This myth is unfortunately still accepted by segments of the criminal justice system (see below). The survivor who does not evidence injuries which she acquired through resistance becomes the incredible victim. This image is a by-product of the previous myth which mandates physical force as an element of sexual assault. The reality is far different. Almost three-quarters of the victims in a Victorian

phone-in reported that 'they felt an overwhelming sense of powerlessness' (Corbett forthcoming, p. 12). In addition, women have often been advised not to resist in order to minimise the likelihood of severe injury or death. Rape is the only criminal act which has required resistance to be present to substantiate that a crime occurred.

*Myth: Rape requires a weapon.* Various surveys of victims and other studies have shown that the vast majority of sexual assaults do not involve the use of a weapon (Bonney 1985; Bownes et al. 1991; Weekley 1986). Of the 1209 reported rapes in Victoria from 1987-1990, 82.1 per cent did not employ a weapon (Victorian Community Council Against Violence 1991).

Other pervasive myths concern the nature of the act of rape itself:

*Myth: Rape is a sexual act.* This myth is reinforced by certain stereotypes about male sexuality such as men's alleged inability to control themselves if they are aroused. These are false images. Rape is not a sexual act. Rape is an act of violence which uses sex as a weapon. Rape is motivated by aggression and by the desire to exert power and humiliate. Just as wife battering had to be taken out of the privacy of the home and criminalised in order to effect any change, rape must be taken out of the sexual realm and placed where it rightfully belongs in the domain of violence against women.

The latter view of rape as a sexual act is perhaps one of the most pervasive, enduring, and damaging myths. It contributes directly to another misunderstanding about the crime:

*Myth: Since rape is primarily a sexual act, the victim in some way may precipitate the offence through arousing the male in some provocative manner.* This erroneous belief has a serious impact on how people view the crime, the rapist and the victim. It also affects the survivor's view of herself. She often accepts self-blame since she has not succeeded in controlling the male's behaviour and has somehow provoked it (Carmody 1984). It is crucially important that this myth is dispelled since it also influences the response of the criminal justice system.

*Myth: Since rape is provoked by a female, it is usually a spontaneous act.* This belief is obviously false since it is dependent in large part on the preceding premise concerning victim precipitation. Sexual assaults are not usually done spontaneously or impulsively; studies have shown that in most instances, rape is premeditated and often involves a pre-rape time period of interaction with the victim (Cobb & Schauer 1974; Flowers 1987).

*Myth: Aboriginal women (or Afro-American women in the US) are more highly sexed than 'white' women and therefore are always willing to have sex; thus they precipitate it by their sexual behaviour.* This myth is compatible with the theory that victims of sexual assault tend to be those with less power in the society. Myths about Aboriginal sexuality and Black African sexuality in the US justified the colonial males' oppression, subjugation, and on-going rape.

To, reiterate, rape is an act of violence which is most commonly directed by males

toward women. The woman is not responsible for her victimisation in any way.

## **The Outcome of the Myths: Incidence and Under-reporting**

The nature of rape makes it an extremely problematic crime to measure. Due to the ambiguity about what it is and due to the societal and criminal justice response which at best could be labelled ambivalent, sexual assault is grossly under-reported by its victims. There is reason to suspect, from international crime surveys, that Australia has a particularly high incidence of sexual assault, certainly higher than the United Kingdom although probably second to the United States (Main 1991) and according to Weatherburn and Devery (1991, p. 26) third to the US and New Zealand. Walker (forthcoming) reports that the combined sample of the 1989 and 1992 Australian national crime victim surveys showed that about one out of every two hundred women had experienced a rape or attempted rape during the twelve months preceding the survey. Goldsmith (unpublished) estimates that based on 1991 Bureau of Crime Statistics figures and a 1:3 reporting rate, a woman in New South Wales has a one out of eight chance of being raped.

The proportion of rapes that are reported are estimated by different sources to be any where from one in ten to four in ten (Belknap 1989; Carter 1991; Koss 1989). The National Crime Victim survey found that 32 per cent of the victims of rape or attempted rape had reported the

assault (Walker, forthcoming). This figure is similar to that found by the Victorian phone-in described by Corbett (forthcoming): two-thirds of those victims who called in had never reported the assault.

There would appear to have been either an upsurge of rape in this country or an increase in its reporting to authorities. For example, in Queensland, the sexual assaults reported to the police increased 160 per cent from 1980 to 1990 (Westbury 1991, p. 82). Wilson (1989) found that reported rape had steadily climbed in Australia from 1973 to 1987. However, he notes that the increase may be attributable to legislative changes or police behaviour rather than actual incidence. In New South Wales reported rapes increased from 27.5 per 100,000 in 1981 to 70.3 per 100,000 in 1987-88. It is speculated that this increase was a by-product of the legal changes in that state and education of police which has resulted in their increased sensitivity (Weatherburn & Devery 1991, p. 26). Victorian reported rapes rose 23.4 per cent in 1991-92 from the previous year (Victorian Community Council Against Violence 1992). This has been attributed to legal reform and increased reporting by victims.

### *Reasons for non-reporting*

There are a variety of reasons why survivors do not report the assault. It is abundantly clear from numerous reports that rape by a stranger is more likely to be reported than assault by a partner, date or acquaintance (Belknap 1989). In Walker's sample (forthcoming), 'fear, dislike of going to the police' or a belief that 'it was not serious enough for the police' were the two main reasons cited. Two-thirds of the

Victorian callers believed that the police would not believe them while a half thought that it would do no good (Corbett forthcoming, p. 21). Fear of being blamed and having their families find out have also been found to stop victims from going to authorities (Criminal Justice Newsletter 1992).

If a victim believes that the police will treat her supportively she is more apt to report (Feldman-Summers & Norris 1984). Those survivors who have suffered injuries that required medical attention and have family or friends with strong values about reporting are most likely to go to the police (Feldman-Summers & Norris 1984). Community education programs need to actively encourage all rape victims to report the crime.

A final point on under-reporting: women within Aboriginal communities, rural areas, and migrant women may be particularly reluctant to report the attack. This reluctance stems from a perceived lack of confidentiality, cultural norms, and in the latter case, lack of English. Further, the intellectually disabled may be at particularly high risk for victimisation. Prevention programs should be constructed that are specifically geared to each of these groups.

## **Who is the Rapist?**

A number of authors have created typologies of rapists. The variety is clearly indicative of a lack of consensus by specialists in this field. That is one reason why these will not be presented here. The other reason lies in the

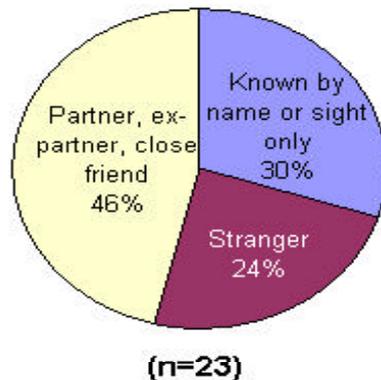
biased data source in these studies: imprisoned rapists. Since it is now clear that the arrested population is not necessarily representative of the entire class of rapists because of under-reporting of acquaintance and marital rape, the reliability of such typologies must be questioned.

**Myth:** The rapist is usually a stranger. False.

An abundance of research both overseas and in Australia has established that the majority of sexual assaults are perpetrated by acquaintances, dates or marital partners. The erroneous image of the rapist as a stranger stems in part from the fact that such rapes are more likely to be reported to the police (Bownes et al. 1991). Thus 39 per cent of the rapes reported to Victoria Police from 1987 to 1990 were strangers (Victorian Community Council Against Violence (1991). However, various victim surveys show a different picture: in Matchett (1988) 29 per cent of callers had been sexually abused by their husbands; in a US nation-wide victims survey only 22 per cent had been raped by strangers (Crime Victims Research and Treatment Center 1992, p. 4); Green (1987) reports that in Australia more than a half of the victims knew or were related to the attacker; Bonney (1985 p. 30) looked at reported rapes in New South Wales and ascertained that only one-quarter involved strangers.

Figure 1 indicates that one-quarter may be a fairly accurate figure since the national crime victim survey shows that only 24 per cent of the crimes of rape or attempted rape were perpetrated by strangers.

**Figure 1: Relationship of rapist to victim, Australia, 1988 and 1991**



Note: The proportions are derived from the women (n=23) who identified as rape or attempted rape victims in two international crime victim surveys, Australia component (Walker forthcoming). Although the sample is very small, the findings conform with those of other studies.

Source: Figure derived from data in Walker (forthcoming).

Differences have been found in elements of the sexual assault and in its impact on the victim based upon her relationship to the perpetrator. Some of these contrasts are in part responsible for the relatively low reporting of 'date' rape. 'Date' or acquaintance rapes are more likely to involve verbal threats than either a weapon or physical injuries. The attackers are also more likely to threaten the victim about disclosing (Bownes et al. 1991).

Low levels of reporting in 'date' rape are also a consequence of the victim's inability to perceive herself as a rape victim. Several studies have shown that people are more likely to label an act as rape if the victim protested both verbally and physically early in the scenario, and if the male arranged the date but the female paid her own way (Shotland & Goodstein 1983; Muehlenhard 1989). The victim has been socialised with these fallacious concepts; even if she does label the act as a rape she may be reluctant to go to the police since

she might either believe in her own partial responsibility or believe that the police would blame her.

Marital rape has been found to be a component in a high number of marriages that involve physical battering (Bowker 1983). Finkelhor (1985, p. 204) estimates that 10-14 per cent of all married women have been or will be raped by their spouse. Although marital rape involves more violence and physical injuries than acquaintance rape, the lower rate of reporting can be attributed to both the isolation of the battered woman and to the ongoing societal assumption that husbands are immune from sexual assault charges.

*Myth: Rapists have pathological personalities and tend to come from the lower class.*

The myth that men who rape are mentally ill is not substantiated by the data: only a small minority of perpetrators are psychopathic (Stewart 1990). Empirical research has not found any consistent type of person that

distinguishes rapists from other males. Alder (1985) looked at self-reported sexual aggression in men and found that class, education, and occupation were not significant variables. Aggression was most strongly correlated with having sexually aggressive friends. Chappell (1989) notes that rapists are more likely to adhere to the myths about sexual assault and to hold callous beliefs about rape. Thus one can see that an important element of prevention should indeed be the eradication of these myths.

## Impact on the Victim

*Myth: All women really want to be raped. False.*

*Myth: Women ask to be raped. False.*

Rape is a crime which has devastating effects upon the survivor. It has been described as 'the beginning of a nightmare' (Main 1991). The following table

outlines the possible consequences of rape. It represents an integration of numerous sources in the literature.

**Table 1: The potential impact of rape on the victim**

*Emotional*

Depression, fear, anxiety, lack of trust, withdrawn, shame, self-blame (greater for acquaintance rape victims), guilt, humiliation, anger, rage, betrayal (for marital rape), perception of the world as malevolent, low self-worth, phobias.

*Physical*

Headaches, muscle tension, gastro-intestinal upset, genito-urinary complaints, pregnancy, disease, injuries.

*Behavioural*

Suicidal actions, anorexia, alcohol and drug addiction, isolation (for marital rape), eating disorders, sleeping disorders, effects of phobias, nightmares.

Note: This table was derived from the following: Burgess & Holstrom 1977; Criminal Justice Newsletter 1992; Finkelhor 1985; Girelli et al. 1986; Koss et al. 1988; Mishkin 1989; Report on Sexual Assault Phone-in 1984; Young 1991.

The effects may vary depending upon a few variables: the relationship of the rapist to the survivor ; the brutality of the crime; ego strength and the support or lack of support that the victim receives from those to whom she discloses (Girelli et al. 1986; Schwartz et al. 1981; Scott & Hewitt 1983; Stewart 1990). Some of these symptoms are short-term; others have been documented as lasting for years - possibly for the survivor's entire life.

Victims who do not report the crime experience more

personality disorder, isolation and self-blame (Peretti & Cozzens 1983). It must also be noted that being raped by one's spouse does not ameliorate the trauma for the victim. Studies have shown that the long term effects are in fact more severe and longer term since such assault involves betrayal, isolation and living with the rapist (Finkelhor 1985).

Survivors of rape must not be compelled by the myths into self-blame. Passivity, marriage, victim's appearance or behaviour should not be interpreted as consent.

**Prevention: Changing Attitudes and Behaviour**

*Changing Societal Norms*

Societal beliefs about rape are in large part a by-product of the large amount of misinformation and mythology about sexual assault. They are also the result of other values and behaviours in the culture. Chappell (1989) reports that cross-cultural studies have found that rape is most prevalent in cultures with low female power and authority and where masculinity is expressed with violence. Some authors have described Australia as one of the most misogynist countries in the world (Westbury 1991). Historically, female convicts were released to fulfil the needs of the male immigrants with 'an official endorsement of rape' (Gilmour 1990, p. 28). Thus, Australia's history and the persistence of certain values and gender roles in the culture would conform to the high risk environment for rape.

Misogyny is also derived from the emphasis upon aggression in the enculturation of males which is manifested in the type of sports which are popular. Males are more comfortable with males; they tend to socialise and communicate at a non-intimate level with other men; and they are apt to have a low regard for females. The latter is evidenced by both the type of verbal comments directed at women and the high frequency of physical violence toward female partners that has been well documented (Mugford 1989).

Australia is a patriarchal society with a concept of machismo and male domination. In other cultures, this gender stratification is coupled with a code of gallantry and respect toward females that is often lacking in this country. The cultural norm is for women to submissively receive sex and her unwillingness to be disregarded: 'A real man won't take no for an answer.' Combine all of this with a cultural endorsement of violence as a means of solving interpersonal conflict and rape rates are undoubtedly high (Broadhurst & Maller 1992).

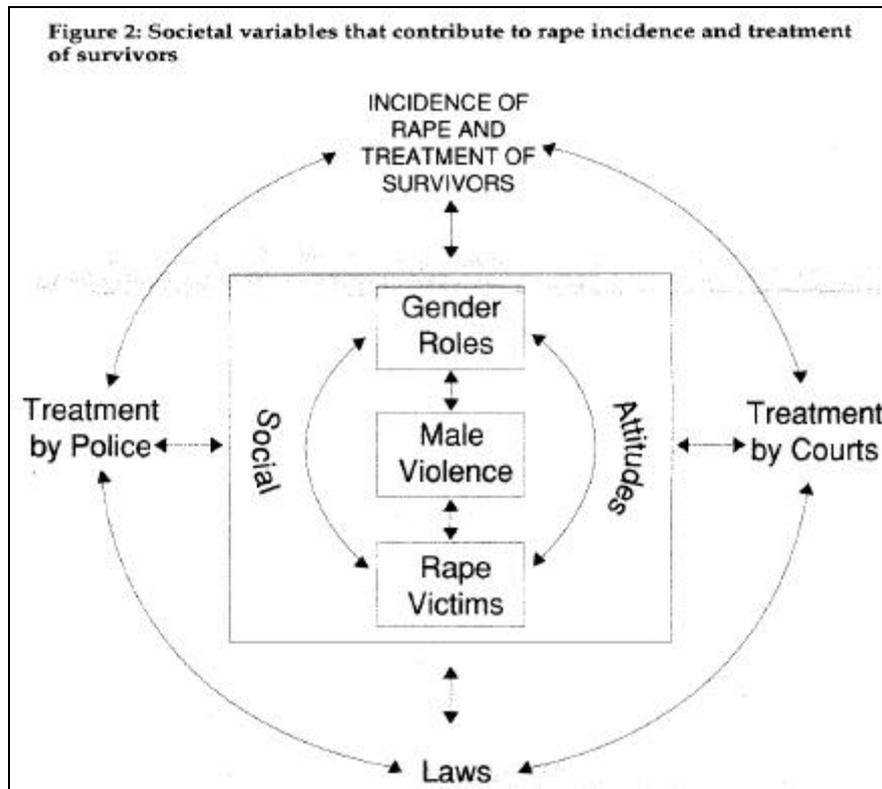
Therefore, rape is an act of domination which cannot be seen as isolated from the patriarchal fabric of the society in which it takes place. Prevention and reporting require attitudes about the nature of rape and the nature of male/female relations to change. The beliefs that promulgate male violence need to be changed and women's relatively powerless position within Australian society should be radically modified.

As Figure 2 illustrates, there is a complex dynamic interaction between the various ideational and structural components of a

culture which produces both the high incidence and under

reporting of rape and the less than adequate response of the

criminal justice system which will be discussed next.



**Changing the Criminal Justice Response**

The criminal justice system can play a major role in changing attitudes and preventing both rape and the revictimisation of the victim. However, as illustrated in Figure 2, laws, the courts and the police are influenced by the prevailing beliefs of the culture. Just as norms about rape cannot be understood without perceiving how they fit within an existing cultural framework, the workers in the criminal justice system cannot be seen in isolation from societal attitudes. It is therefore not sufficient to change legislation; new laws are hollow promises of what could be if they are not accompanied by shifts in the attitudes and behaviour of the police and the judiciary.

**Laws:** There has been significant law reform in reference to sexual assault in every state and territory of Australia. Rape legislation has always been set apart from other criminal laws with implicit or tacit rules such as a mandated prompt reporting to validate that a crime had taken place. In the past (and in some cases to the present) rape laws centred around the protection of the defendant's rights. Thus historically, the victim's dress / appearance at the time of the assault, her previous sex life, her physical resistance, and quick reporting were significant components of the trial. In a variety of ways, the victim became the prosecuted. This has changed to an unknown, but probably limited, degree.

One reform model (for example New South Wales) has been to create several graded offences of

sexual assault to replace the old charge of rape. By offering different levels of seriousness, it was hoped that convictions and reporting would increase; this would appear to have taken place in New South Wales (Carter 1991) although Polk (1985) did not find similar increases in California following a similar innovation. Naffin (1984) believes that reporting does increase with graded-type offences which confront the stereotype of rape as only a brutal act between strangers.

The legal definition of rape or sexual assault has also been broadened to include penetration of the mouth or anus by any body part or object. This is substantial progress from old laws which narrowly defined rape as vaginal penetration by the penis. Additionally, in at least some

jurisdictions such as the ACT the victim's evidence can be given in camera with a support person present and a victim's name cannot be published without her consent (Follett 1986).

The requirement for the judge to warn the jury against convicting on the word of the victim alone (corroboration) has been removed; however, the judge still has the discretion to deliver such a warning. Further, in many jurisdictions, at the statutory level, the assumption that a woman has to physically resist to constitute a bona fide rape has been removed. Again, the gap between laws and practice has been apparent.

A woman is no longer supposed to abdicate her sexual rights in marriage; a wife's consent is no longer to be implied. However, the reality is that few rapes by cohabiting spouse/rapists are either reported or tried. Even estrangement has proven problematic. In practice, extreme violence appears to be a necessary component in the marital rape for it to be deemed as a criminal act. Certainly the change in legislation has not resulted in a flow of marital rape cases through the courts. Browne (1991) reports that in September 1991, a man in Tasmania was sentenced for the rape of his wife. This was the first marital rape trial in that state although immunity was abolished in 1987. The couple were estranged. Similar paucity of such cases was found in South Australia six years after that state's reform (Sallman & Chappell 1982). More legal reform and application of the law are needed in this area.

Other problems which require legislative change include the continuation of judges' discretion

in allowing evidence about the victim's sexual history; the admissibility of unsworn testimony by the defendant whilst the victim is cross-examined; and the issue of consent. The last is perhaps the most problematic. Consent needs to be defined clearly such as in the Western Australian legislation which states that consent must be freely given without force, threat or intimidation (Rape Reform 1986). Smart (1990) states that the consent / non-consent dichotomy is too narrow to allow for women's experience since the laws are made and interpreted by males. Thus it needs to be spelled out or it ends up with a definition used in practice that is based upon sexist attitudes.

Courts: The laws may change but unless the attitudes of the judges, lawyers, and juries change, the impact of new legislation is limited. Prevention requires increased education of the judiciary and lawyers. They must be taught about what rape is and its impact on the victim. As indicated above, many of the new laws still retain old elements which are to be used at the discretion of the judges, for example, allowing testimony about the victim's past or the corroboration rule. Further, although new legislation may remove a concept, it does not stop judges from raising it in their remarks to the jury or in their sentencing. For instance, although Victorian law now says that force is not an issue, judges' remarks have implied their persistent view that a struggle is necessary (Scutt forthcoming).

Traditionally and to the present, the survivor is frequently revictimised in the court-room. In no other violent crime is the victim subjected to the type of scrutiny and interrogation that

befalls the rape victim in the court. She has traditionally been shown as either pure and chaste - hence a bona fide victim - or impure, a 'bad' woman. Thus, a judge in Victoria recently gave a rapist a less severe sentence since the victim was a prostitute whom, the judge felt, would not be as psychologically affected by rape. This type of attitude and trial experience have to change in order to both encourage more survivors to report and prosecute and to increase the negative sanctioning of rapists.

In addition, many researchers have expressed dismay at the light sentences in general which are dispensed to rapists by the judges (Carter & Wilson 1992, Le Grand 1977). Do the current sentences reflect the horrific nature of this violent crime? Heavier penalties and a more offender-oriented trial should contribute to improved deterrence.

Police: Prevention of rape requires increased training and education for police about both sexual assault and its impact on the victim. A high proportion of callers in several phone-ins have reported negative experiences with law enforcement officers. These include not being believed, feeling judged, blamed or ridiculed, treated in an insensitive manner, and talked out of proceeding with charges (Report on Sexual Assault Phone-In 1984; Corbett forthcoming). Cabassi (1990) found that in Victoria, police held a more stereotypical view of rape victims than other occupations and that their response to victims is still orientated around what they consider to be indicators of a valid rape: prompt reporting, resistance, and emotional distress. Interviews with police confirm their adherence to the

myths: that women contribute to their own victimisation and that violence is a natural part of masculinity (Carter 1991).

There have been some changes in police practices in charging offenders: the number of police-designated 'unfounded reports' has apparently dropped during the past decade (Broadhurst 1990). However, this must be placed in the context of what had been traditionally an extremely high level of 'unfounded' designations (Scutt 1988). Thus, a recent Victorian study found that only one out of three victim reports ended in police charges (Brereton forthcoming, p. 8).

Changing police attitudes must be a part of prevention. However, the sexist nature of the police sub-culture and its preponderance of males make this a highly problematic hope for the future. Police can however be retrained about the reality of rape and what it does to its victims. Supportive and sympathetic interviewing techniques could be taught. There is indication that increased use of female officers and specially trained 'Sex Crimes' units have had some positive impact.

## Precautions

Although it is the thesis of this article that the principal means of rape prevention lie in changing social attitudes about sexual assault, drafting law reform and implementing it in practice, significantly modifying gender roles and gender stratification, and changing the cultural emphases upon violence, it must be acknowledged that we do not live in a utopian world nor in a society that is amenable to radical change. Therefore, it is important that precautionary measures are

adopted by women. Until women can indeed 'take back the night' and be safe from violence on the streets, in their homes and within their relationships, there are ways to minimise the potential danger. The steps outlined below are an aggregation of some suggestions outlined by the Sydney Rape Crisis Centre (1990) and other readings. The list in no way is intended to put, or even imply that, the responsibility for rape rests with the victims.

### *Acquaintance and spousal rape*

- . Learn assertiveness.
- . Learn self-defence.
- . Know your sexual rights as a person and as a partner.
- . Be cautious about going to a date's home or having him to yours, particularly if alcohol has been consumed. Most rapes do not occur outside; they take place in the victim's home. Most rapes do not involve strangers; the offender is more likely to be a date or an acquaintance than someone you do not know.
- . Understand that rape does not have to involve physical force. If an acquaintance, date, or spouse insists on having sex with you without your free and willing consent, he is committing a criminal act.

### *Stranger danger protection*

- . Learn self-defence not only to fight back but to become more assertive and able to detect danger.
- . Use deadlocks; install a peephole; and be wary of strangers.
- . Leave your car in a well lit area; have your key in your hand; shift parking places occasionally; and check seats before entering the vehicle.
- . Stand straight and walk with a firm step on the street; do not carry too many objects; and wear clothing which does not impede running.

- . Wait for trains in well lit areas; sit near the aisle; and let someone know how you are travelling and when you expect to arrive.
- . Book a taxi by phone; sit in the back seat; and be dropped a short distance from destination.
- . If hitchhiking, ask the driver for his destination; sit close to the door; and carry something for self-protection.

## Increased Resources for Crisis Services

Sexual assault crisis services arose in Australia during the late 1970s. They are critically important in providing crisis care, counselling and public advocacy that can assist in eradicating the myths and implementing legislation (Pittman 1990). A supportive and trained counsellor can greatly ameliorate the trauma for a survivor. Yet, these agencies are generally underfunded to the point that 24 hour service is not available for all potential victims in this country. Increased funding should be directed to such services to ensure that these critical lifelines can operate to their full potential.

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