

THE AGE BOOK REVIEW

"THE FACE OF THE RAPIST - WHY MEN RAPE - THE MYTHS EXPOSED"

By David Shapcott

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The Face of the Rapist - Why Men Rape - The Myths Exposed by David Shapcott. Page 1-211, notes 212-234, 1988. New Zealand; Penguin Books (NZ) Limited, Auckland. Price \$AUS12.95 (recommended)

By Justice Michael Kirby

The key to understanding the approach and tone of this book is to be found in the foreword by Dr Fraser McDonald. He was the former superintendent of a psychiatric hospital in Auckland and psychiatric advisor at Odyssey House Drug Rehabilitation Centres in Auckland, Melbourne and Sydney. "In my work", he says, "I cannot avoid being overwhelmed by the problem of child sexual abuse in young women and female children. It has devastating psychiatric results and is frequently only diagnosed when the victim has been using narcotic drugs for many years to try to numb the psychological pain".

The author is one of the staff of the psychiatric hospital in Auckland who assisted Dr McDonald in his difficult work. He was one of a team which set about raising community awareness about the problem and prevalence of rape. This book is his analysis of the excuses given by men accused of rape. No doubt because he too has seen the devastating effect of rape on the women in his care, Mr Shapcott is angry with society and what he perceives as its male dominated attitudes and unsympathetic legal institutions.

The structure of the book is simple. After an opening chapter which provides an examination of the applicable law, legal procedures and some of the available statistics ten "myths" are examined. The book concludes with a summary of the author's opinions as to "why men rape". At the heart of his thesis is the suggestion that rape is a reflection of deep seated attitudes of male dominance and the subjection of women in society. He claims that such attitudes are celebrated and perpetuated in pornography. A perpetual fear of rape causes an "emotional debilitating effect" upon women generally. It reinforces the subservience of women in society. It is thus central to the modern effort to destroy the stereotyping of women to remove this fear. This explains the key importance attached to rape by the feminist movement.

The "myths" listed by Shapcott include: "I couldn't stop myself"; "She asked for it"; "It just happened"; "A real man doesn't take no for an answer"; "She loved it"; "It's no big deal"; and "Lie back and enjoy it". Obviously, a number of these "myths" overlap. Not everyone guilty of unconsensual sexual assault seeks resort to such myths. But an uncomfortably large number do and it is clear that many victims of rape do not come forward with their complaints. The reasons may include their relationship with the rapist; feelings of shame or embarrassment; and lack of confidence in the police and the legal system to deal sensitively, as well as effectively with their complaint.

Legal and administrative reforms have been introduced in most parts of Australia and New Zealand designed to make it easier for those with complaints of unwanted sexual attacks to

secure redress from the law. The reforms have included the institution of more sensitive police procedures for handling complaints; limitations on cross-examination about the complainant's past sexual experience; changes in the requirements of proof of complaints or of corroboration; new procedures for taking the evidence of children; changed verbiage for the offences of rape and a more graduated scale of punishments.

One suspects that these are not enough for Mr Shapcott. There is a distinct air of impatience in his book, especially about the legal procedures which protect an accused who is charged with rape, or its modern equivalent. But what people like Mr Shapcott have to understand is that the way society deals with a serious charge such as rape must be consistent with the way in which we deal with serious crime generally. There are built-in protections against wrongful convictions partly for the protection of the accused; but partly for the protection of society as a whole. The presumption of innocence, the right to silence and the heavy onus resting on the prosecutor are all part of a delicate mechanism of criminal justice that keeps the state and its police in their place and defines the meaning of freedom in our society. No doubt these reservations would be dismissed by Mr Shapcott, with his eyes fixed steadfastly and single-mindedly on the suppression of rape. But it is important that, in tackling this admittedly serious and often unrevealed problem, we should not barge recklessly into the criminal justice china shop.

Mr Shapcott is also for the censorship of pornography. He feels that it reinforces the myths exposed by his book. Whether pornography leads on to action (or permits its sublimation) is the subject of heated scientific disputation which he does not explore. One consideration which is often overlooked by the censors, is the increasing difficulty of controlling electronic pornography which may be beamed by satellite and which is part of a world wide market of huge proportions. To be successful, the attack on stereotyping may need to be more subtle and to begin earlier in the life of citizens.

There are a lot of defects in this book. They include the obscure jargon frequently used; the lack of comparative statistical and other empirical material and even, most surprisingly of all, the lack of anecdotal case studies to give focus to an understanding of just why rapists act as they do. In comparatively sexually "liberated" times, rape may be more and not less puzzling. Given that criminal charges represent but the tip of the iceberg of sexual violence and degradation and that many instances can be explained by a totally unacceptable and stereotyped view of the victim, the solutions offered by Mr Shapcott appear superficial and frequently ill judged. Furthermore, they could bring in their train illiberal oppression which would add disproportionately to the sum total of human misery. In dealing with rape, we must try new things and recognise the scope and source of the problem. But we should not add to the problem.

There are other serious omissions which amount to defects in the analysis offered by Mr Shapcott. By its title the book

avoids consideration of non consensual sexual activity by women. Surprisingly, because its thesis is the danger of stereotyping as a cause of rape, the book fails to deal with the subject in a thoroughly unstereotyped fashion. Nor does the book deal with the problem of homosexual rape, which is such a serious issue in many prisons. There is no discussion of the way in which the fundamental inadequacies that lead to rape could be tackled in a lasting way. Punishment alone may not be the long term cure for the rapist, nor will censorship of videos. Finally, there is not a single word about the new problem of HIV infection and the AIDS virus. The risk of acquiring this deadly virus adds a new terror to rape. It heightens the urgency of tackling the fundamental cause of rape in innovative ways.

Sadly, this book does not explore those issues. It is certainly easy to read and rightly puts the issue of rape into a wider, political context. But it falls short of tackling rape's real causes and shorter still in offering the solutions by which society could provide redress to the victim and disincentive to those tempted to this specially outrageous invasion of personal integrity. To discover why people rape, we must wait for another book.