

## Rape and the Law: Time For A Change

The laws governing rape and other sexual offences, as they exist in our Criminal Code, have origins that date back thousands of years. When rape was first acknowledged as a crime, in biblical times and before, the laws were designed not only to protect women from dishonour and illegitimate pregnancy, but to protect their families from economic loss—for in monetary terms, a virgin was worth more on the marriage market than a 'soiled' maiden. Thus the penalty for rape of a virgin was enforced marriage to her and a money settlement to her family. Rape of a married woman was treated as adultery (that is, she would be put to death along with her assailant) unless she could prove that she had struggled and called out for help. If this sounds familiar, it should.

As time went on, more and more laws were added to weave a tighter net of protection around women, who were thought to need it. But now we seem to have come to the point where the rape laws in fact amount to over-protection—do women or men want a law that send any young man to prison for two years for seducing a young woman of previously chaste character? Are the ages specified in these sections realistic any more, considering our present way of life?

In actuality, the protection originally intended by these laws is no longer there, since trial procedures make it practically impossible to secure conviction. Few women will even take a rape complaint to court, since the laws of evidence allow that

the victim's morals, character, and past sexual can be held up for examination, cross-examination and 'proof' of her complicity in the crime against her. In most cases they guarantee it. Even if her assailant is eventually found guilty, the price she may have to pay, in terms of public scorn and family disapproval, is often just too high to be worth it. So much for protection.

At the present time, the only proposals for rape law reform appear to be ones that skirt the real issues. The Criminal Code amendments passed in April 1976, for instance, stipulate that the press be forbidden to release details of rape trials, that such trials be held behind closed doors when requested, and that questions relating to the victim's moral character and past behavior be allowed only in 'limited circumstances'. But in reality, none of these is especially pertinent to the issue nor will any of them do much for encouraging victims to report or juries to convict. It is not the newspaper-reading public that the woman fears, but her own family and friends. And they will continue to have good reason to scorn her as long as the law insists on drawing connections between her moral character and a crime that is committed against her. A muzzled press will only ensure that the public has even less information about the frequency of sexual crime and about trial procedures, and thus the government will suffer less pressure from that public to change the rape laws in any fundamental way.

What we need now is a law governing sexual offences that protects—really protects—both women and men, that discourages the attitude that past consent to sexual intercourse implies consent to a future incident, and a law that encourages victims to feel confident that they may be believed by a jury of their peers.

The following comments are taken from an article by Brian O'Leary, Clare MacNeill and Alan Maitland entitled 'Rape: the current law, its faults and proposed statutory changes':

*'The greatest damage to a rape victim is not necessarily physical, as in many cases the psychological harm is enormous. It is a crime which usually alters the victim's lifestyle and creates very real fear towards men and society generally. The law has no concern for this whatsoever, and after the victim has endured any of the legal process from police investigation to the trial and conviction, much bitterness is felt towards the social agencies which caused such an ordeal...'*

*'A more intensive reform of rape laws and procedure is required. A separate act should handle sexual offences and rape with greater emphasis on psychiatric and medical evidence and a lessening of evidentiary burdens and rules. Sentences would be diminished but would include psychiatric counselling, etc...'*

*'Evidently the most support for a rape victim comes from the rape assistance groups and probably, through their public information and education programs, they will be responsible for the greatest change in rape laws...In the meantime, government assistance should be provided to the rape assistance groups and this should include co-operation from government sponsored agencies.'*



The following questionnaire is part of an Independent Study Project being conducted by three senior nursing students, Charlene Hay, C. Estabrooks and M.E. Blizzard. The study is trying to discover why rapes are not reported, or if they are, to whom. This is an anonymous questionnaire. We would appreciate your response.

Please fill our questionnaire and mail response to C. Hay, 582 Broad St. or contact Rape Crisis Centre, 454-0437 between 9:00 a.m. and 5:00 p.m.

1. Age when rape occurred
2. Age now
3. Where did rape occur? (a) public place (b) hitchhiking (c) home (d) other (please specify)
4. Time rape occurred?
5. Brief description of the rape
6. Were you acquainted with the attacker? (a) yes (b) no
7. No of attackers
8. Did you report the rape? (a) yes (b) no
9. If so, to whom (a) police (b) rape crisis centre (c) family (d) friend (e) doctor (f) other (please specify)
10. If you did not report the rape, why not? (ie. fear of publicity, fear of court case, etc.)
11. Did you (a) fight (b) remain passive during the attack?
12. What was your reaction during the attack? (a) anger (b) fear (c) disgust (d) humiliation (e) other (please specify)
13. What is your reaction now? (a) fear of going out alone (b) withdrawal from social activity (c) guilt (d) fear of men (e) other (please specify)
14. Did you perceive the rape as an act of (a) sexuality (b) aggression (c) release of frustration (d) other (please specify)
15. If you reported the rape, were charges pressed? Yes No
16. If not, why not?
17. Did you go to hospital for pregnancy or VD tests? (a) Yes (b) No
18. If yes, what were your reactions to the health team
19. Did you receive professional help, or counselling? Yes No
20. If yes, from whom

## Film society

*Ninth Showing—Heavenly Creatures, Saturday, Feb. 1977 at 8:00 p.m. February 13, 1977 at 9:30 p.m.*

*Jean Renoir, La Règle du Jeu [The Rules of the Game] 1939, starring Gaston Modot, Marcel Dalis, Roland Marete, Nora Gregor, and Paulette Goddard.*

*Renoir is, of course (born 1894) of the Auguste Renoir, and he is probably written about his father in Renoir, My Father. Jean Renoir's last film, his elderly parent's last, drifted into cinema history as a desire to photograph his wounded while serving in the French air force (inspired by Grande Illusion of the previous season) and by the time he was making future films in the 1930's he was part of the front (e.g. La Marseillaise) and the fall of France fled where he has remained for long enough a resident of Angelos, a place he has made two movies, The Southerner (1946) and Diary of a Chambermaid. His later career produced great movies, usually including French Canadian actors. His (presumably) last next presentation (Feb. 27), La Petite Tende, Renoir, (1971), originally T.V.*

## Ski Club

The UNB/STU ski club is Sugarloaf again, on Sunday, Feb. 28, hopefully a great weekend of good spring skiing. The price is steady at a hundred dollars for coffee and lift tickets. Transportation will be provided for all people on Sunday, Feb. 28 at the SUB, Room 103.

## Camp

February
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March
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April
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