Review of Literature

Chapter: II
I. INTRODUCTION:
As stated earlier in the text, there is paucity on the sociological literature on rape. The silence which prevails socially also gets reflected in the academia. However only with the second wave feminist writings and movement in the West has rape become visible. This sort of visibility in the Indian context was derived in a somewhat similar fashion, by the anti-rape campaign of the late 70s and early 80s of the women's movement. My study found that the cultural specificities within which rape victims suffer and live are of great importance. Yet the literature on rape from the west often brought to the surface the similarities that the phenomenon of rape had across cultures.

In this chapter I attempt a broad overview of literature available in the field of rape. The subject of rape is still a taboo in our society and this is also reflected in the nature of the literature available. I begin with some definitions of rape followed by a sociological classification of the theories on rape. A look at the feminist writings/understanding in the West and finally a view of feminist literature on rape in India. The literature available is very west centric. However, an insight into this literature is very important to the understanding of rape as a social phenomenon.

Sociology has neither systematically nor extensively looked into the subject of rape. Since the social sciences weren't too equipped to deal with this issue, the feminist interventions proved the break. It is only through the feminist writings and the women's movement that rape has become a visible phenomenon. However I have sought to include whatever limited sociological literature was available on rape.

Social anthropology has highlighted that rape is not a universal phenomenon. This is the study by Sanday (1982) which has introduced the concept of 'rape-free' societies. While feminist interventions gave fresh insight into the question of rape, it is the sociological categories (like social institutions, myths, beliefs, attitudes etc.) informed by a gendered view that may provide some answers to the social nature of rape. I have sought to use these concepts
fruitfully towards a sociological understanding of rape. One chapter therefore exclusively through the text deals with the sociological understanding of social institutions.

Feminist scholarship is important for studying rape, it is broad and expansive, interdisciplinary, rather than strictly defined by the pressures to imitate, yet distinguish itself from the natural sciences. It commences with the recognition that science is situated within society and, as such, reflects pervading social values. At some level however, many topics chosen for investigation in contemporary social psychology mirror the concerns of the feminist movement. Therefore, in this section there is an emphasis on feminist literature because it was this literature which dealt extensively with sexual violence and specifically rape.

This study would be incomplete without a discussion on the definitions of rape.

II. WHAT IS RAPE: THE IMPORTANCE OF DEFINITIONS
Definitions set the parameters of research and influence the results and conclusions. It is important to highlight the various researchers' definitions of sexual assault, rape, and related terms. Definitions vary along several dimensions, including (a) the sexual behaviours specified, (b) the criteria for establishing non-consent, (c) the individuals specified, and (d) the perspective specified— that is, who decides whether sexual assault has occurred.

Language is an important resource. It is claimed that language is used by dominant groups to label, define and rank (Tiefer, 1990 cited in Muehlenhard et al 1992). In patriarchal social systems, men have controlled oral and written production of language. This man-made language (Spender: 1980) reflects and reifies the experiences of men. To the extent that this language does not describe the experiences of women, it does so from the perspective of men.

The study of sexual assault is a field which uses popular terms likely to be influenced by the unacknowledged biases and political concerns of the dominant
group. Rape, sexual assault and related terms have the power to label some acts negatively, while ignoring and, by implication, condoning other acts. How these terms are defined affects how people label, experience, evaluate, and assimilate their own sexually coercive incidents. In addition, the definitions of these terms convey numerous assumptions about power and coercion, sexuality and gender. Although all definitions of sexual assault and related terms include the notions of non-consensual sexual behaviour, a review of literature reveals that definitions vary along several dimensions. It is revealed that narrower definitions have served the interests of men. In contrast, broader definitions would be more inclusive of the interests of women.¹

The term rape is derived from the Latin word "rapere" meaning to steal, seize or carry away. It implies hiding and attacking women by men for their sexual desires. A man who rapes is an object of universal aversion and is a potential threat to all females (Plascome, 1968). While the English dictionary defines rape as an act of taking anything by force, the medical opinion states that no adult can be raped if she did not want. This implies that the complete act of sexual intercourse is essential for rape.

Rape can be defined commonsensically or legally (Kuper & Kuper: 1992).² The commonsensical definition includes sexual activity in which one partner is an unwilling participant: it requires the use of force or threat of force to obtain sexual contact. Legal definitions yield much greater variability, with victim non-consent, assailant force, and evidence of sexual intercourse often required to satisfy legal statutes. In the strict legal sense, 'rape is an act of forced penal penetration of a woman's vagina without her consent, other than by her spouse'. This definition excludes penetration of any other orifice by any other object and marital rape. However, all the above acts are intrusive, humiliating, and

¹ This reiterates the point that those who have experienced sexual violence/assault/abuse (but not rape) often feel similar anguish and trauma as the victims of rape feel. The fears are similar and the responses of the society at large, are the same.

² Common sensical definitions are important sociologically because these are day to day usages and references and form a very important part of the way people think, what they believe in etc.
violating, whatever their labels. At the other end of the spectrum, some women feel violated when their private space has been invaded. Sometimes, using the term sexual assault may pose problems. It tends to perpetuate the notion that rape is only sexually motivated. This view ignores the act's violent nature. It cannot be stressed enough that rape is a violent act motivated by a desire to control and have power over someone.³

According to the Osborn’s Concise Law Dictionary 7th Edition, “A man commits rape if he has unlawful sexual intercourse with a woman who at the time of intercourse does not consent, knowing that she does not consent or being reckless as to whether she consents. For the purpose of this offence, intercourse is deemed complete upon proof of penetration.” The Law Lexicon Dictionary, Act 45, 1860, Section 375, defines rape “as the carnal knowledge of woman without her consent. It must not only be obtained by force and threats but without the consent and against her will. It must be forcible and against the will of the prosecutrix. The fact that the complainant was not a virgin does not lessen the crime of rape in the slightest degree.” When viewing the Award Illustrated Dictionary, the meanings of the word rape are “take by force; violate chastity of, force sexual intercourse on. Carrying off by force; ravishing or violation of a woman; (law) unlawful sexual intercourse with a woman without her consent.”

“Rape is defined as a more or less conscious process of intimidation by which all men keep all women in a state of fear” (Brownmiller: 1975). This definition draws attention to the power dimension of the act. Power relationships are themselves a function of complex and economic processes. However, some reviews of the anthropological and sociological literature is that rape is part of an entire socio-cultural complex in which men lose control over their own destinies and in which violence towards women is a response to powerlessness in other spheres of activity (Sheffield: 1988). Sigmund Freud had

³ In this study, many times the term sexual assault has been used and it in no way must lessen the trauma felt by its victims. Because the acts involved in sexual assault are intrusive, humiliating and violating. Therefore, whenever the term is used in the text, it essentially implies its violent and social nature, rather than the sexual aspect.
little to say on the subject of rape. The father of psychoanalysis, who invented the concept of the primacy of the penis, was never motivated, as far as studies suggest, to explore the real life deployment of the penis as weapon (Brownmiller: 1975).

Rape is a hostile, violent assault that persons commit to dominate, overpower and humiliate other persons. A woman is raped any time she is coerced into performing a sexual act. Coercion may take a variety of forms. It may involve the use of physical force, threats of bodily harm or threats of financial deprivation. Coercion may also appear as a 'bargain'; for example, when a man demands that a woman trade her sexual performance for access to a job. The common feature of all these forms is the abuse of power to control women. A rapist asserts power by dominating his victim. He violates her spirit as well as her body. By coercing a woman to submit to sexual acts against her will, the rapist attempts to degrade and humiliate her through his denial of her dignity, her freedom of choice and ultimately her dignity.

Thinking along these lines, the character of the violation is specified still further by defining rape as an extreme infringement of a right to sexual freedom. There is a powerful view that what is unique about rape is not simply its specific, individual occurrence, but its wider social implications in terms of the fear that it instils in all women at all times. Rape has also therefore been described as an institution (Brownmiller: 1975).

The traditional common-law offence of rape is defined as “carnal knowledge of a female forcibly and against her will” (Beinen: 1981). Carnal knowledge means penile-vaginal penetration only; other sexual offences are excluded. It is important to highlight that rape is the most highly sanctioned sexual penetration offence, many other forms of sexual victimisation may be psychologically experienced as traumatic. Included are unwanted touching, non-consensual voyeurism, threatening phone calls, workplace harassment and sexual coercion. The distinctions among these incidents are more apparent legally. Although this
thesis focuses on rape, there are many similarities in response to these other sexual offences.

Many definitions of rape focus exclusively on penile-vaginal intercourse. Russell's (1984) definition, based on the legal definition of rape in California, was restricted to "intercourse (i.e., penile-vaginal penetration)". Definitions used in several other studies also include only penile-vaginal intercourse (cited in Powch, Giusi et al. 1992). Other definitions of rape use the term sexual intercourse which usually is understood as the same (as described above). Some definitions of rape also include anal and oral intercourse and penetration with objects. Koss and Wisniewski's (1987) definition, based on the legal definition of rape in Ohio, included unwanted "sexual intercourse" and "anal or oral intercourse or penetration by objects other than the penis". In Rape in Marriage, Russell (1990) also discussed forced oral, anal as well as penile-vaginal intercourse.

Some authors have broadened the definition of rape to include "any form of non-consensual activity" (Veronen & Kilpatrick: 1983). Smeaton and Byrne (1987) measured rape proclivity by asking men how likely they would be to push their partner in the experiment (a female confederate) further than she said she wanted to go sexually.

III. A SOCIOLOGICAL CLASSIFICATION OF RAPE:
Sociology may provide the necessary conceptual tools to understand the phenomenon of rape. In a useful review of the literature, Lee Ellis (1989), a sociologist, has identified three contemporary perspectives on rape:

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4 This definition adheres to the legal definition of rape. Even though many women get severely sexually assaulted, their crime is not recognised with such gravity as rape is, even though they may be as traumatised as rape victims. An acquaintance of mine claims she gets nightmares, even now, of the same man who sexually abused her as a child (this man is her uncle).

5 It must be kept in mind that here we are talking of definitions in the Western scenario. Legally, in the Indian context, anything besides vaginal-penile intercourse is not considered as rape.
The Social Learning Theory of Rape:
The social learning theory proposes that "aggression is learned primarily through imitation (modelling), and thereafter sustained largely through various forms of intermittent reinforcement" (Ellis: 1989). As applied to explaining rape, social learning theory would see it as an aggressive behaviour that was learned from observing acts in real life or the mass media, especially aggressive acts that go unpunished.

Although social learning theory is similar to feminist theory in its belief that social and cultural learning is largely responsible for rape, the two differ in that social learning theory sees as underlying causes of rape those cultural traditions that are more directly linked with interpersonal aggression and sexuality. Relative to the feminist approach, social learning theory is more willing to believe that rape is sexually motivated.

In summary, "social learning theorists see rape as resulting from the joint influences of cultural and experiential factors mediated by attitudes, sex role scripts, and other thought processes that link physical aggression and sexuality in the mind of males" (Ellis: 1989).

The Biological Theory of Rape:

The suggestion that a man rapes because of some biological or genetic tendency for him to do so is both compelling and frightening; furthermore, it supports the suggestion of some feminists that all men are potential rapists. Susan Brownmiller's (1975) book has articulated the latter position.

Another biological viewpoint, however, argues that there may be a genetic component involved in rape. Sociobiologists propose that their evolutionary approach cannot be dismissed when attempting to explain rape, if one is to understand fully the dynamics of rape (cited in Allison & Wrightsman: 1993).

Sociobiologists study the biological basis of social behaviour in various species, including humans. They rely on evolutionary theory and genetic inheritance to explain social behaviour. Their major premise- an extension of Darwinian theory of the survival of the fittest genes, rather than the fittest
individuals, that nature selects to survive. Social behaviours evolve, according to
the sociobiologists, because they are genetically adaptive and serve to produce
offspring.

To apply this theory to the behaviour of the rapist, sociobiologists argue that
rape occurs because it is a form of behaviour conducive to creating offspring. In
some basic way, all of humankind is motivated to create offspring; this is the
basis for having sexual intercourse, both consensual and non-consensual.

This controversial perspective does not subscribe to the proposition that all
men will rape. To the contrary, those who do rape do so only because they are
unable to pass on their genes and produce offspring in other, more socially
acceptable, ways, such as through marriage. This conception reflects a quite
traditional view of cultural values, in noting that in order to attract a mate, a
male must have both resource and status. Without such assets, females will not
be interested, as this goes against the survival of their genes, and the male will
have no chance to reproduce. This inability to find a mate produces the
desperate alternative of rape, an act of last resort.

Although the theory is not explicitly about rape myths, the development of
such myths is congenial with the theory because these myths provide a
justification for otherwise unsatisfied men to rape. However, little evidence has
accumulated to support this sociobiological perspective.

The Psychological Theory of Rape:

The psychological approach to the phenomenon of rape encompasses the
psychoanalytical approach, the psychiatric approach and aggression. For the
psychoanalyst, rape is to be understood mainly within the context of the theory
of perversion (Fine:1992). According to Freud's early theory of perversion,
infantile traits fail to undergo the normal process of integration during puberty.
Fixation on early forms of sexuality can be the product of strong, inborn drives
or of pathological experiences in infancy or early childhood (Johnson: 1989).
Freud also suggested another factor in perversion: the conflict between love and
sexuality. In perverts there is a break down of the relationship between sexuality
and affection. Further, the sadistic rapist is unable to sublimate his aggression, which is, therefore discharged in his sexual satisfaction, or the satisfaction may be derived from the act of humiliating the victim.

The traditional view of rape held by professional persons has contributed to the aberrant image, by taking a psychiatric perspective (Lottes: 1988). This orientation reflects several psychoanalytically based assumptions, including the following:

- rape is the product of great psychological disturbance,
- the act of rape is primarily sexual in nature, and
- the behaviours associated with the acts of rape are both strange and abnormal (Albin:1977; Scully & Morolla: 1985).

One of the implications of this perspective is a conclusion that rape is an infrequently occurring event that is perpetuated by only atypical and unusual individuals who differ drastically from the norm. For example, Cohen (1976) argued that "every act of rape is expressive of psychopathology: of a disturbance, moderate or severe, in the developmental history of the offender and his current efforts" (cited in Allison & Wrightsman: 1993). The psychoanalytic perspective often focused often on the victim, implying that her psychology might have influenced the rape as well.

Despite the initial popularity of the psychiatric perspective, attempts to understand rape as only an unusual and atypical act have not proven useful. Later, the search for understanding has turned toward more social aspect of the sexual aggressor. Both the feminist viewpoint and the social psychological one point toward societal and cultural factors as among the primary influences on

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6 Although it seems logical that when one is trying to explain rape, one would focus on the rapist as opposed to the victim, such is not always the case. To ask "Why was the victim raped?" instead of "Why does the rapist rape?" has a long history and is still prevalent today. This focus is partly the result of psychoanalytic perspective. As the originator of psychoanalysis, Sigmund Freud actually said very little about why rape occurs. As Freud did make mention of sexual assault while discussing suicide in his writings, "After all, the case is no different from that of sexual assault upon a woman, where the man's attack cannot be repelled by her full muscular strength because a portion of her unconscious impulses meets the attack with encouragement." (cited in Allison & Wrightsman: 1993).
the behaviour of the rapist (Brownmiller:1975 and Russell: 1975). In direct contrast to the psychiatric model of rape, these perspectives consider rape not as strange and abnormal, but rather as a conforming, or even over conforming, response to cultural beliefs and standards.

Cultural beliefs standards place the acceptance of rape myths at the forefront- myths that serve to enhance male dominance and female passivity, and alternatively, to explain and perhaps justify the occurrence of rape. The typical rapist might be the boy next door. However, the Freudian criminologists would define the rapist as a victim of an "uncontrollable urge" that was "infantile" in nature. To sum up the Freudsians' favourite phrase, he was a 'sexual psychopath'. However some abandon the individual oriented, clinical psychopathological studies of rapists and claim that rape is committed by ordinary men on ordinary women (Brownmiller: 1975).

The profile of the rapist should not be condoned off solely into the specialist field of the psychiatrist since the typical rapist could be a little more than a hostile, aggressive youth who chooses to do violence on women. To many, the rapist, for the most part is an ordinary violence prone person.

Like psychoanalysis, the psychiatric approach assumes the instinctual nature of sexuality, its synthesis with other components of personality, and the importance of childhood experiences, especially of traumas, which determine subsequent sexual behaviour. According to this theory rape appears as an attack on the mother figure or a distortion of that figure. In rape, the hostility is considered reactive and secondary rather than a primary instinctual component of the personality.

Rape has also been studied through the concept of aggression. Existing in the western world is the perception of the aggressive male and the passive female and relations between them, which may sometimes take the form of direct aggression of male upon female. Here, rape is viewed as an act combining aggressive and sexual drives. The classic psychoanalytic theory maintains the failure to solve the Oedipus complex, creates castration fears, fears of impotency,
sexual inadequacy and homosexuality (Karpman: 1951). These are coupled with the failure to integrate aggressive elements within the ego structure and may be acted out in the form of rape. Feelings of sexual inadequacy, inferiority and psychic impotency were suggested as underlying factors in aggressive sexual behaviour and rape in particular. Rape is viewed as a compensatory sadistic reaction to feelings of inadequacy toward women which result in hostility toward them.

The Feminist Theory of Rape:
On the theoretical level feminists have argued that rape is the consequence of deep rooted social traditions of male dominance and female exploitation. In essence, rape is the result of differentiated and unequal gender roles and social stratification (Rose: 1977). Feminists have maintained that violence against women is an integral part of a patriarchal society; rape is a social tradition of male domination and female exploitation (Brownmiller: 1971).

Rape has also been studied from a broad phenomenological approach by theorists. The clinical approach is not fully successful to explain rape and therefore the Durkheiminian model is used. Such an approach assumes, among other things, explaining the differential distributional and patterns of the crime, but in terms of variations among groups in their cultural norms and social conditions (Cloward and Stein: 1972). This approach also assumes: variations in cultural integration; variation in social integration, mal-integration between cultural and social structure; variation in the integration of conventional and deviant values, as well as the differences in the manner with which individual members are integrated into their programmes.

IV. FEMINIST WRITINGS ON RAPE IN THE WEST:
The first onslaught of feminist writings noted the invisibility of rape related topics in the professional literature. Susan Griffin (1979), for example, was quick to point out that rape was not widely discussed by male intellectuals who almost described almost every other form of male activity. On the theoretical level
feminists have argued that rape is the consequence of deep-rooted social traditions of male dominance and female exploitation. In essence, rape is the result of differentiated and unequal gender roles and social stratification (Rose: 1977).

Rape generally leaves a mark on the historical record only if it comes to trial, and the analogy of today's experience suggests that only a fraction ever reached court in the past; and even in those cases, the evidence that survives is far from the whole story. This neglect reflects the way rape has been so easily waved aside - mainly by men - as a marginal event, a private catastrophe doubtless, but one of little historical significance, for rapists have been generally considered as sex maniacs. Also, ingrained misogynistic caricaturing of women (such as the 'no means yes' syndrome) has always allowed people to trivialise rape and render it titillating to the pornographic imagination. It is therefore believed that such stereotypes in turn infect the way men have written history. A major achievement of feminist history has been to end this neglect and challenge this trivialisation.

Feminism has been credited by a number of scholars with defining rape as a significant social problem, and feminist writing on sexual violence has had a major influence on the reconceptualisation of rape. Feminist theories of sexual violence have concerned themselves with the definition, nature, causes, functions and consequences of rape. However, theoretical perspectives on rape derived from broader feminist theory which emphasises gender differentials in power that affect all social interactions between men and women. Feminists have maintained that violence against women is an integral part of a patriarchal society; rape is a social tradition of male domination and female exploitation (Brownmiller: 1975). The first and most important writings include the 'classic' works by feminist theorists Susan Brownmiller and Susan Griffin; these are the most powerful and frequently cited writings on rape in the 1970s. In this context Susan Brownmiller's Against Our Will (1975) has been recognised as the cornerstone of feminist scholarship on rape. The book considers the history and
politics of rape, psychological aspects of sexual violence, rape and law and other important issues. The book provides a powerful feminist perspective on sexual violence and an extensive documentation of sexual assault.

A major theme in feminist literature on rape centres on power (Griffin:1971). Consistent with sociological theories of conflict, it has been argued that rape is a direct function of the degree to which women are socially, politically and economically powerless in comparison to men. Not only does rape derive from power differentials, but sexual violence also serves to maintain the status quo. A number of authors have noted that women have some level of consciousness about the fear of sexual assault and that this serves to restrict and constrain their behaviours (Griffin:1971). Along these lines it has been emphasised that rape is the result not only of social stratification but also of differentiated gender roles and socialisation (Rose:1977). Setting the acquisition of gender-related behaviours in the overarching social context of the patriarchy, feminists have argued that men learn to be aggressors and women learn to be victims. In highlighting the social control aspect of sexual violence feminists have also made the point that rape is a crime of violence and hostility rather than a sexual crime per se.

The power and control issues associated with sexual violence have been further considered in relationship to sexual access and male ownership of females. From this viewpoint women are seen as property, and female sexuality is recognised as a commodity to be used and enjoyed by men (Millet:1969).

Although feminist theories have concentrated on the construction, causes and consequences of rape, a notable body of literature has commented on attitudes and myths about rape. A number of the early authors argued that sexist attitudes and the acceptance of violence, shaped by patriarchal values, directly contribute to sexual assault (Brownmiller,1975; Griffin, 1971). Also, a notable

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7 This perspective is enshrined in both traditional and historical rape legislation. For example, under Anglo-Saxon law the penalty for rape was a fine to be paid to a husband or father for loss of value to property (Clark & Lewis, 1977). In parts of the Arab world legal proceedings against rape are dropped if the assailant agrees to marry the victim (Nawal El Saadawi, 1980).
body of literature has commented on attitudes and myths about rape. Susan Brownmiller (1975) was one of the first to identify 'deadly male myths of rape' which distort and govern female sexuality. She identified four fundamental misconceptions: All women want to be raped, no woman can be raped against her will, She was asking for it and if you are going to be raped you might as well enjoy it. Although Brownmiller’s work is known to be good as part of early feminist writings on rape, a literature on rape myths was also emerging from feminists in other fields. The myths clearly frame rape in terms of sex rather than recognising it as an act of domination and control. In the 1970s, then, feminists had begun to identify prominent misconceptions about sexual violence. However, feminists drew on varied sources to extract and elaborate popular conceptualisations of sexual violence. These included the description of rape in popular journalism and the professional literature as well as analysis of rape legislation.

Rape is considered to be “the result of long and deep-rooted social traditions in which males have dominated nearly all important political and economic activities” (Ellis: 1989). The presence of both prostitution and pornography permit a portrayal of women in subservient and degrading ways. At the extreme, women come to be viewed as little more than property (Clark & Lewis:1977). The key term is the powerlessness of women; it causes dependency and subservience to men. For example, Andrea Dworkin (1989) has written, “All men benefit from rape, because all men benefit from the fact that women are not free in this society.”

‘The feminist approach does not consider sexual gratification to be a prime motive for rape; rather “rape is seen as the use of sexuality to establish or maintain dominance and control of women by men” (Burgess & Holmstrom: 1977).

A change took place in feminism’s approach to rape. Rape ceased to be an act of violence which criminals commit against individual women. It became placed at the service of a larger political agenda which accuses all men of raping
all women. In the 1960s, feminists shredded the myth that only bad girls who walked alone at night were raped. Research showed that every woman was vulnerable to attack, even in her own home and from someone she knew. Feminism replaced mythology with facts and with practical aid for women in pain.

In the 1970s, a theoretical groundwork was laid that placed rape at the very heart of American culture. Rape became an expression of how the average man viewed the average woman. By the 1980s, rape had become thoroughly politicised, it was viewed as a major weapon by which patriarchy kept women in their place. Rape was no longer a crime committed by individuals against individuals; it had become part of class analysis. The radical feminists blamed rape on patriarchy.

Individualist feminism was a part of the two basic traditions of the west. To individualist feminists, equality was achieved when the individual rights of women were fully acknowledged under laws that protected the person and property of men and women. It made no reference to women being economically or socially equal, only to equal treatment under just laws. Equality meant that self-ownership of women was legally respected. The 'self-ownership' was the term favoured by 19th century individualist feminists. It referred to the moral jurisdiction that every human being has over his or her own body and over the products of his or her own labour, as embodied in private property. Self ownership not only embraced private property but also natural rights theory that stressed individual rights rather than class ones.

The individualist feminist Camille Paglia offers a different perspective on rape. Instead of viewing American culture as the cause of rape, Paglia argues that it is the main protection women have against attack. Thus, women can walk down a street unmolested not in spite of society, but because of it. On her discussion of rape, Paglia exclaims: "Feminism keeps saying the sexes are the same. It keeps telling women they can do anything, go anywhere, say anything, wear anything. No, they can't. Women will always be in sexual
danger....feminism, with its pie-in-the-sky fantasies about the perfect world, keeps young women from seeing life at it is” (1992). The analysis of sexual violence in the writings of academic and author Camille Paglia, a latter day Freudian, draws exclusively from biology, psychology, and ethics rather than from an analysis of power or gender role socialisation. In *Sex, Art and American Culture*, for example, Paglia writes:

Aggression and eroticism are deeply intertwined. Hunt, pursuit, and capture are biologically programmed into male sexuality...I see in the simple, swaggering masculinity of the jock and in the noisy posturing of the heavy-metal guitarist certain fundamental, unchangeable truths about sex...We must remedy social injustice wherever we can. But there are some things we cannot change. There are sexual differences based in biology. Academic feminism is lost in a fog of social constructionism. (Paglia: 1992:53).

She does believe that the male "tendency toward brutishness" can be overridden through socialisation, but it is easy to see, through the above quote, how her statements of male sexuality could be construed to support popular notions that "boys will be boys". Some cross-cultural records do not support the view that violence against women is universal. Three separate cross-cultural studies confirm that there are at least a handful of societies where rape and/or wife abuse does not exist (or did not exist in the near past ). In her study of 156 tribal societies, for example, feminist anthropologist Peggy Reeves Sanday classified 47 percent of the cultures she studied as essentially "rape free" (i.e., rape was totally absent or extremely rare) (Sanday:1981). Even if one cedes that some of the societies designated "rape free" probably represent inadequacies in the ethnographic record rather than truly non-violent societies, the number of

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9 This notion of "boys will be boys" is a notion held by most people in society. Ever since little boys grow up, their aggressive activities are nurtured under this notion. When they grow much older and start teasing girls that is often justified as male activity. When men cry, which most often they don't, they are immediately termed 'sissies'. The whole stereotyping which takes place often gets deep rooted into the human psyche by the time men and women are old enough. These stereotypes linger on forever.....
examples cited (and the descriptions of life in these societies) suggests that there are or have been at least some cultures not plagued by gender-based abuse.

There is immense criticism for radical feminists and their politicisation of women's crime has been attacked. It has been asserted in recent readings on rape that rape is a crime committed against individual women, and the remedy must be an individualistic one as well. It is asserted by the individualist feminist school of thought that theories will not protect women from getting raped. Rhetoric regarding patriarchy cannot protect one single woman who is raped. On the contrary, women deserve to be empowered— not by having their pain and fear attached to a political agenda, but by learning how to use force to their advantage. Like, for instance, through self-defence strategies (McElroy: 1998).

The history of rape cannot be brushed aside as just the psychopathologies of individual perverts but has to be understood in terms of gender relations and sexual politics, stigmatisation and violence and crime as a whole. Rape is not a recent phenomenon, it has a history. Credit for putting rape back into history must go the American feminist, Susan Brownmiller; for the key contention of her *Against Our Will* is that rape has been a major social force, central to an overall male strategy of domination. One of Brownmiller's aims is to lay bare the patriarchal attitudes within which rape has been criminalised. From Old Testament Jewish codes up to feudalism, rape was treated primarily as theft, as a property offence, but one perpetrated against men. The crime was that of principally that of stealing or abducting a woman from her rightful proprietors, normally her father or her husband. Moreover, in the case of a maiden, rape destroyed her property value on the marriage market, and, because defloration polluted, heaped shame on her family. Hence legal practice routinely compensated patriarchal heads for this loss, usually by financial restitution, and aimed to remove the shame. Very gradually the law came round to its more modern form. Statutes and commentators alike reiterated its gravity (in England the offence remained capital till 1840), but opinion gradually came to stress that the true injured party was the woman. Once abduction was made a distant
felony in the sixteenth century, the crime of rape came to be seen essentially as that of sexual ravishment, which in turn was viewed as the theft of chastity and virtue, rather than of body and chattels (Tomaselli and Porter: 1986). Yet since the law still saw wives as patriarchal property, court room practice continued to treat rape as a crime to be settled man-to-man. According to Susan Brownmiller, the criminalisation of rape in the statute book perpetuated a man’s world. She contends that committing rape is actually functionally integral to patriarchy. Brownmiller is contending for three points. First, male attitudes towards virility ('machismo') and towards women (misogyny) form a ‘mass psychology’ encouraging rape. Secondly, throughout history rape has been much more prevalent than is generally recognised; for instance, Brownmiller offers abundant evidence of rape atrocities committed by marauding armies. Thirdly, rape legitimises patriarchy. As an act it brutally subordinates women to men’s will; as a menace, it constantly polices women’s behaviour, limits their freedom and fosters patriarchy’s ideology that women need male protection. Susan Brownmiller states: “Man’s discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire and the first crude stone axe. From prehistoric time to the present, I believe rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear.” Working from this premise it follows that to deny the history of rape would be to deny a full understanding of the nature and function of rape today. Brownmiller justifies her comprehensive presentation of the history of rape with the following statement, “Critical to our study is the recognition that rape has a history, and through the tools of historical analysis we may learn what we need to know about our current condition.”. Many of the attitudes, beliefs and mistaken ideas about rape have been with us for centuries.

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10 Often, women who are single face situations like these where they are reminded that if for nothing else then for security should they get married. Single women are often easy targets of murder also. In the early part of 1998, there were many reported cases of attacks on single women in a South Delhi residential colony.
By looking at myths such as, "women ask for it," and "women secretly enjoy rape", from a historical perspective, we can better understand how they evolved. In time, our understanding of the evolution of common myths can provide us with a firmer foundation from which to educate people about sexual assault. Rape has been viewed as 'man's basic weapon of force against women,' rape (a male prerogative') is less a sex offence than a protection racket; it is a political crime, men's ultimate way of keeping women subordinated as the second sex (cited in Tomaselli and Porter: 1986).

Edward Shorter claims that Brownmiller's reading of rape as a political crime does not ring true historically. Shorter does not dispute Brownmiller's assumption that rape was endemic in traditional society; but he does contest her explanation. It was not, he claims, a political crime, but a sex offence, an act of libidinal release, the way men coped with sexual frustration in the highly repressive communities of the pre-industrial past. Traditional village life had to put drastic curbs on legitimate sexual activity. Subsistent economies demanded that peasants married late. Church courts, community surveillance and misogynistic folk prejudices which saw women as polluting and dangerous, all combined to curb premarital sex between the young. Inevitably, therefore, frustration built up and pent up energies often found release in rape. Crime statistics revealed that rape gradually declined during the nineteenth century. This, according to Shorter was because as Western societies industrialised and secularised, they could handle population growth better, and came to permit more liberal sexual attitudes, greater indulgence in premarital sex, and not least, earlier marriage. Also contraception developed. There was thus less frustration, hence less rape.

It is further argued by Porter (1986) that the impact of Freud; the spread of contraception, the promotion by late capitalism of its own pleasure principle, consumer sex; the cults of youth, 'femininity', and glamour; the coming of affluence, high nutrition, health, cleanliness, leisure, privacy- all these have combined to thrust sex to the forefront of western society. The outcomes is more
free and legal sexual activity, yet there are also more, not fewer, rapes and other sex offences, such as child molesting.

Sexuality may thus be a modern invention as Michel Foucault has argued. In typical European communities of a few centuries ago there may well have been less lawful sexual activity, both within and outside marriage, but less violent or criminal sex as well, as Porter argues. Also, it is claimed that there was no way of knowing with tolerable accuracy how much sexual violence went on in Europe of two, four or six centuries ago. Both Brownmiller (and her followers) and Shorter assume that the rape plateau was high- Brownmiller because rape was the 'nuclear threat' which clinched male domination, Shorter because it was the volcanic eruption of sexual release. Yet, crime statistics hardly confirm high rape levels in past societies (Porter: 1981). Research conducted on felony show beyond dispute that rapes and other sexual assaults on women made up only a tiny proportion of crimes against the person indicted before the courts (cited in Porter: 1981). Reasons given by Porter for this could be that only a fraction of rapes ever got to court.11 Studies reveal that listening for rape fears in the past, one often is met by silence. It is claimed that some early feminists who deplored so many other facets of male tyranny and the wrongs of women, did not agitate about rape. Nineteenth century women activists campaigned against a multitude of sexual abuses (child prostitution, the Contagious Diseases Acts, etc.) but not so far, as reported, about the ubiquity of rape.12

Present myths and attitudes stem, in part, from past laws. These laws developed from the English Common Law system which in turn had its roots from the Bible. In early recorded history, rape was a ritualistic way by which a

11 At that time, a great deal of what we would call rape would have passed off as 'seduction' (e.g., the bedding of servant girls by their masters, under conditions in which the maid's 'no' carried no weight); these never resulted in court cases. Moreover, the obstacles hindering women bringing prosecutions would also account for many other rapes never coming before the courts.

12 Even for male reformers, it is informed that there was a crescendo of complaint about all manner of crime, vice and sexual evils- muggers, drunkards, pickpockets, prostitutes, highwaymen- but no reformer seemed to have thought that rape was the scandal of the day (Porter: 1981).
wife could be obtained. "Bride Capture," as it was termed, occurred when a man raped a woman and then was able to take her for his wife. This earliest form of permanent, protective conjugal relationship, the accommodation called mating that we now know as marriage, appears to have been institutionalised by the male's forcible abduction and rape of the female. No quaint formality, bride capture, as it came to be known, was a very real struggle: a male took title to a female, staked a claim to her body, by an act of violence. Forcible seizure was a perfectly acceptable way- to men- of acquiring women, and it existed in England as late as the fifteenth century. Bride capture exists to this day in the rain forests of the Philippines. Remnants of the philosophy of forcible abduction and marriage still influence the social mores of rural Sicily and parts of Africa. A proverb of the exogamous Bantu speaking Gusiiis of southwest Kenya goes "Those whom we marry are those whom we fight."

(Righted in Brownmiller: 1975).

Rape was always defined in relation to marriage, and marriage was considered an exchange of property.

Historically, rape was treated primarily as theft, as a property offence, but one perpetuated against men. The crime was basically that of stealing or abducting a woman from her father or husband. Moreover, in the case of a maiden, rape destroyed her property value on the marriage front and heaped shame on her family (Brownmiller: 1975). Many times, violated daughters would be given as offerings to nunneries, and in many societies they were married off to the abductor or rapist. Very gradually the law came round to its more modern form and opinion came to stress that the true injured party was the woman. The crime of rape came to be viewed as that of sexual ravishment, which in turn was seen as theft of chastity and virtue. Brownmiller feels that the criminalisation of rape perpetuated a man's world. She contends that rape legitimises patriarchy. As an act it brutally subordinates women to men's will; as a menace it constantly polices women's behaviour and limits their freedom. Therefore, rape according to this view is not the aberration of the 'weird' but is socially and historically charged with meaning. Cross- culturally the incidence of rape varies
considerably. Anthropologists classify societies as ‘rape-free’ and ‘rape-prone’ (Sanday: 1981).

Another research departs from the familiar assumption that rape is an inherent tendency of male nature, and begins with the assumption that human sexual behaviour, though based in a biological need, is an expression of cultural forces. Branislaw Malinowski maintained that rape, though based in a biological need, “is rather a sociological and cultural force than a mere bodily relation of two individuals” (Sanday: 1981).

“Rape-prone” societies included cases in which men rape enemy women, where rape was a ceremonial act- a threat used by men to control women in certain ways. For instance, among the Kikuyu in East Africa there is an act called ‘kuilaka mununya’ which means ceremonial rape, where young males prove their ‘manhood’ by raping. In some other rape-prone societies, rape is explicitly linked to the control of women and to male dominance. Another expression of male sexual aggressiveness which is classified as rape is the practice of sexually assaulting enemy women during warfare. Female power and authority is lower in ‘rape-prone’ societies, women do not participate in public decision making and males express contempt for women as decision makers.

“Rape-free” societies on the other hand, are defined as those where the act of rape is either infrequent or does not occur. In such societies women are respected and prestige is attached to female reproductive and productive roles.

Another socio-cultural approach is found in the work of Wolfgang and Ferracuti and Amir. They present the concept of the subculture of violence which is formed of those from the lower classes and the disenfranchised. The prime value is the use of physical aggression as the demonstration of masculinity and toughness. According to Menachem Amir, like assault, rape is an act of physical damage to another person, and like robbery it is also an act of acquiring property......hostility against her and possession of her may be simultaneously motivating, and the hatred for her is expressed in the same act that is the attempt to ‘take’ her against her will. In a violent crime, rape is an act
against person and property. Other types of approaches to the understanding of rape focus on the socialisation process and psychoanalytic variables.

Krafft-Ebing, who pioneered in the study of sexual disorders spoke little about rape. His famous Psychopathia Sexualis highlights very little about rape and generalises that most rapists were degenerate, imbecilic men. Sigmund Freud, whose major works followed Krafft-Ebing's by twenty to forty years, was also silent about the subject of rape. He however invented the concept of the primacy of the penis. Alfred Adler does not mention rape, despite his full awareness of the historic power struggle between men and women. Jung refers to rape in a rather obscure manner, a glancing reference in some of his mythological interpretations. Helene Deutsch and Karen Horney, each from a differing perspective, grasped at the female fear of rape, and at the feminine fantasy, they turned a blind eye to the male female reality (Brownmiller:1975).

In Woman Under Socialism Bebel used his imagination to speculate briefly about the prehistoric fights for tribal lands, cattle and labour power within an acceptable Marxist analysis: "There arose a need off labour power to cultivate the ground. The more numerous these powers, all the greater was the wealth in products and herds. These struggles led first to the rape of women, later to the enslaving of conquered men. The women became labourers and objects of pleasure for the conqueror; their males became slaves (Bebel cited in Brownmiller: 1975).

The theories that come out of history are being perpetrated today, although on a more subtle level. Women are still seen as the property of men, and are protected as such. Men and women are still taught to occupy very different roles in today's world. Men are usually in power positions, and women are seen as passive. This socialisation process may be changing, but slowly. Therefore an understanding of the history of rape should help us to understand why both myths and misconceptions about rape continue to be so common.

The most recent phase in the history of American sexuality developed out of the feminist movement of the 1960s and is often labelled a counter discourse
because of its opposition to the principles expressed in the historical discourse outlined above. The so called sexual revolution freed women to indulge in sex, but on male terms, as believed. The feminist movement was partly sparked by the soaring rape rates of the 1960’s.

The discovery of the ubiquity of acquaintance rape led to a significant lobbying effort in the early to mid-seventies which resulted in rape law reform in most of the states. “Earnest,” “sufficient,” or “utmost” resistance was abolished as being necessary to indicate non-consent in most states. The legal reform was an attempt to equalize rape trials so that fear of false accusers and examining a woman’s reputation no longer played a decisive role.\textsuperscript{13}

The reform changed outmoded laws and practices that had remained on the books since the seventeenth and eighteenth centuries. For example, in many states the death penalty for rape persisted up to the 1960s making conviction highly unlikely.\textsuperscript{14} Another hold-over from the seventeenth century, abolished in the 1970s, was the practice of reading to the jury the cautions of the seventeenth century English judge Sir Matthew Hale. By giving semi-legal status to the fear of the false accuser, Hale’s instructions to the jury read in many American courts created a pro-defense bias.

The innovation introduced by feminism to the American sexual culture was female sexual choice and affirmative consent. Women sought to return passion to women on a par with men. Women rejected Ellis’ and Freud’s belief that female passion needed to be passive to spark the fire of male lust. The basic proposition was that No means No and that sexual consent was to be established through discourse. Although articulated in the 1970s, these ideas only began to reach the American public in the 1990s. Today, there is an anti-rape movement on many college campuses which teaches men and women the necessity of

\textsuperscript{13} It is interesting to note the similarity in the course of action between the West and the Indian scenario especially as far as the changes in the feminist movement vis a vis campaign against rape exists. In India too, like the West (America in this case), the feminist movement was sparked by the rising rapes and demands for reform in laws followed suit.

\textsuperscript{14} In the Indian context recently, when there was a proposal for death penalty for rape, many feminist writers/lawyers objected to it claiming that convictions would be very rare.
affirmative, verbal consent. This development is believed to be the most significant change in the American sexual discourse.

Peggy Reeves Sanday's (1996) approach to the study of human sexuality recognises the interconversion between the body and the social. Being a cultural anthropologist the research strategy focuses more on the cultural and social than the biological. Her analysis is guided by the assumption that human sexuality sits precariously on the divide between individualised sensations and culturalised meanings making it both pre-eminently social as well as physiological. Sanday has used discourse to study the socio-cultural and historical framing of human sexual behaviour under the assumption that discourse reiterates the norms, roles, identities, ethos and gender-based power associated with sexual relationships.

During the 1970s, rape became an important issue within the feminist movement. Sexual assault was redefined from the victim's perspective. The act of rape was seen not as an end in itself, but as a means of enforcing gender roles in society and maintaining the hierarchy in which men retained control. Feminists refuted the long-held belief that rapists were men who were helplessly controlled by their overwhelming sexual impulses. Rape was recognised as an act of violence, not of sex as psychoanalytic theorists had previously held. Rape was a form of domination and control, a weapon used to enforce women's subordinate role to men.

In 1971, an article by Susan Griffin described rape as the "All-American crime." She reported that "forcible rape is the most frequently committed violent crime in America today," and emphasised that all women are victims even if they are not the direct targets of the attack because "rape and the fear of rape are a daily part of every woman's consciousness." She held that women's behaviour is shaped by their fear of attack, and as a result, women's movements are restricted. They fear to live alone, walk outside at night, smile at strangers, and leave their windows open. Psychological research has found that women's perceptions of their vulnerability to attack and their fear of being a victim of a
violent crime are related to the amount of precautionary behaviours in which they engage. Women, especially those unsure of their ability to protect themselves physically, engage in isolating behaviour, such as not going out at night or visiting friends (Gordon: 1981). This limits women's opportunities to be active participants in the public sphere:

The first rape crisis centre was founded in Washington, DC, in 1972, and the number of centres has increased steadily since that time (cited in D'Emilio & Donart: 1992). Rape crisis centres and rape hotlines provide valuable assistance to victims of sexual assault and rape.

Susan Brownmiller (1975), in her best selling book, *Against Our Will: Men, Women, and Rape*, reaffirmed the relationship between sexual aggression and women's fear, defining rape as "a conscious process of intimidation by which all men keep all women in a state of fear." Her book was crucial in the definition of rape from a feminist perspective. Her book detailed the evolution of rape in the American culture and the role it has played throughout history.

Brownmiller began her analysis by considering biology. Women are physiologically vulnerable to sexual attack, and once "men discovered that they could rape, they proceeded to do it." Rape served a critical function of domination and intimidation in primitive societies. She claims, "His forcible entry into her body, despite her physical protestations and struggle, became the vehicle of his victorious conquest over her being, the ultimate test of his superior strength, the triumph of his manhood." Rape, therefore, was a purposeful act of control. In some cases, rape was an act of manhood, a rite of passage, or a form of male bonding. This male bonding, on occasion is exhibited in the form of gang rape. Examining gang rape, Brownmiller concluded that "sharing the girl among us fellows' strengthens the notion of group masculinity and power." This bond between men results from their "contempt for women" and thrives in a culture of "forced and exaggerated male/ female polarities."

The victims of rape often are portrayed as secretly enjoying their victimisation—a depiction particularly common in the media. Movie images
often present the woman as resisting only initially and eventually becoming overwhelmed by sexual desire despite her original protests. These images reinforce rape myths, and therefore prompted many feminists to speak out against the way women are portrayed in the media. Groth and Birnbaum (1979) stated that “pornography is a media equivalent to the crime of rape. It is the sexual expression of power and anger.” Women began to speculate about the relationship between the way women were portrayed in the media and the prevalence of rape and sexual assault. As a result, the phrase “pornography is the theory, rape is the practice” became a rallying cry for some radical feminists (Morgan: 1980).

The use of coercive authority also is a component of sexual assaults in the American culture. Sometimes a mere difference in status provides the necessary tool to force intercourse on an unwilling partner. Date rape, homosexual rape in prisons, and rape by police are just a few examples of this form of manipulation. A woman’s resistance within a dependent relationship often is weakened and she becomes vulnerable to being victimised. In addition, victimisation may be facilitated by the institutional structure, which often places men in positions of authority and power over women. “Rape by an authority figure can befuddle a victim who has been trained to respect authority so that she believes herself complicitous. Authority figures emanate an aura of rightness; their actions cannot be challenged” (Brownmiller: 1975). The victim is left with feelings of guilt and powerlessness, while the aggressor’s behaviour is left undisputed.

As public discourse on sexual violence continued, it became increasingly evident that rapists were not only strangers behind bushes, but also might be dates, acquaintances, neighbours, husbands, friends, and relatives. Feminists made the case that every man is a potential rapist and all women are potential victims. Due to this reconceptualization, date rape became an area of concern in America.

New Considerations:
In the 1970s, many feminists argued that viewing rape as an act of power and violence against women was a constructive way of challenging patriarchal
culture. At the time, feminists argued that rape was not about sex but about violence and hence, power. British sociologist, Vikki Bell notes how feminists in the 1970s 'argued that rape was not about sex in order to reveal and highlight the power relations and politics that are involved from a feminist perspective and that had been ignored by legal and media discourse on rape' (1991). In adopting the view that rape was not about sex - the so-called 'desexualisation' strategy - early feminist work showed 'how the act of rape is motivated not by sexual desire but by power' (Bell: 1991).

In the 1980s the theory that rape was about violence was challenged by the opposing argument that rape is about sex. In particular, North American feminist, Catherine MacKinnon, was determined in her efforts to put 'sex' back into rape. As she argued, rape was a consequence of heterosexual sex and that "where the legal system has seen the intercourse in rape, victims see the rape in intercourse" (1989). Thus, to divorce sex from rape would be to ignore the ways in which women have been oppressed by men through sex.

One of the ways in which poststructuralist feminists in the 1990s have made radical breakthroughs in the analysis of rape discourse, is through inquiries into the ways in which male and female sexuality are constructed within a phallocentric culture. Carol Smart defines phallocentrism as a 'culture which is structured to meet the needs of the masculine imperative’ (1990). Furthermore, Smart examines how the crime of rape is viewed within the law of phallocentric culture. Discussing how the law and the (male) players within the courtroom are unable to understand what the crime of rape means to women, she suggests that while masculinist players see the issue of consent as crucial, the 'consent/non-consent dyad is completely irrelevant to women’s experience of sex' (Smart: 1989).

Poststructuralist feminists have also explored the language used by rape victims. North American feminist, Windred Woodhull stresses the importance of recognising the 'sexualised' character of women's language when they speak about rape. Woodhull argues that women’s accounts of rape are consumed by
`sex` because women live `in a culture where many forces converge to define women as essentially sexual beings (1988). One such force is the law. Smart observes that the law is one of the discourses which `constantly reproduces self-evident and natural women` and that law also reproduces her in a sexualised and subjugated form (1990). Smart looks back to cases of sexual abuse of women in the early eighteenth and nineteenth century. She notes that to openly talk of sexual abuse was to be immoral and that although times have changed, `it is still seen to reflect upon her own person rather than the rapist's' (Smart: 1989).15

The concept of `woman' as a universal term describing all women, has been challenged in recent years by poststructuralist feminists. This is imperative to discussions of rape as it effects feminists' practical influence and interaction with the law. Smart has critiqued different modes of feminism which assumes an universal woman's experience. An example is standpoint feminism. Smart describes standpoint feminism as an attempt by feminists to challenge the `truth' of the law by seeking `feminine values to construct a different ontological basis for knowledge' (1990). While feminists from this standpoint position (for example, Catherine MacKinnon, 1983, 1989) claim that `knowledge from the point of view of men has been presented as universal and fed back to women as a neutral and objective stance of the world' (Smart: 1990), post structuralist feminists argue that standpoint feminists fail to comprehend the repercussions of creating an alternative `truth'. The repercussions include subjugating `other' women who feel that mainstream feminism does not represent them. A number of post structuralist feminists have warned against the illusion that feminism is a movement which represents all women. For instance, the post structuralist philosopher Judith Butler argues that “There is a political problem that feminism encounters in the assumption that the term women denotes a common identity. Rather than a stable signifier that commands the assent of those whom it

15 This remains the case in present rape trials as the rape victim continues to be judged and `put on trial'. In the Indian context too this is evident.
purports to describe and represent, women, even in the plural, has become a troublesome term, a site of contest, a cause for anxiety” (1990).

Not only has the questioning of the term ‘women’ created gaps between various groups of feminists but it has left feminism with a precarious relationship to law. Smart argues that ‘the only purchase that feminism has had in relation to law has been based on a claim that feminism can reveal the truth of women’s experience and can give voice to something legitimate which has otherwise been silenced’ (1990).

The strength of recent post structuralist feminist theory lies in its ability to question and test the boundaries surrounding the masculinist discourse of the law. This interaction can create ‘spaces’ and ‘tools’ for feminists, which can open up new ways of conceptualising rape.

V. FEMINIST UNDERSTANDING OF RAPE IN INDIA:
The way rape is viewed in the West vis a vis India is different as the cultural specificities within which rape operates are totally different. In India, for instance, rape often becomes a family or community issue, where issues of honour, shame and stigma come to the fore. Rape often appears in writings on war, communal riots or social movements where women become part of the plundering and loot. Issues of rape are closely related to class/caste.

Feminist writings on rape are closely associated with the women’s movement as much of the literature generated on rape during the anti-rape campaign of the late 70s and early 80s. The International Women’s Decade 1975-85 provided an impetus to the growth of social science literature on women. The Mathura rape case (1972) led to a spurt in the women’s movement and evoked a mass anti-rape movement in India. Much of the literature appeared at this time too, the nature of the literature being mainly a post-factum analysis.

The Mathura case became a rallying point for women whose feminist consciousness was emerging due to the various factors at the time. Rape became an important issue for the evolving autonomous women’s movement during the
early eighties. The immediate trigger was the infamous supreme court judgement in the Mathura rape case. The fact also remains that rape became an important issue in the early 80s but later lapsed after the initial gains (Datar:1993).

Through sustained grass roots level work, the women's groups followed up rape cases locally, organised protests and tried to provide support to victims. With the help of statistical data, in-depth case studies and theoretical debates they tried to break the existing myths about rape in society and change social attitudes. Many of the early successful agitations were against 'custodians' or public servants such as policemen, army men or government officials in remand homes and jails. The Mathura rape being the prime case of such exploitation. The most successful facet of the campaign was its thrust towards legislative reforms in the antiquated rape laws to render justice to rape victims. This accounts too for the immense literature generated in the field of law vis a vis rape.

Rape was earlier perceived as a 'law and order' problem, but the systematic media reporting of incidences of rape brought out the layers of complexity and its many forms. During the initial phase, the women's organisation had tried to place the issue within the context of patriarchal and stratified social structure and power relationship of domination and subordination between the sexes. The initiative later got lost. During the mid decade, rape ceased to be an important issue for the women's movement. There were either sporadic investigations in an isolated case or a participation in a demonstration organised by an organisation. However, towards the end of the decade the women's movement had to confront the issue in the wake of several incidences of rape involving more complex dynamics and there were active interventions. The response of the state, society, and legal and political system and even strategies evolved by the women's groups had addressed the issue at a superficial level (Datar:1993). To

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16 Even now, certain cases become highlighted and become planks for debates, like the Bhanwari Devi rape case. Literature and write-ups are generated when such issues come in the limelight.
look for alternatives a conference of activists was called in April, 1990 in Bombay. The conference arrived at redefining rape. This did not, however lead to a revival of the campaign.

It was noticed that the regional press did not cover the rape campaign as much as the English press. The reason is attributed to the fact that the English press had been attuned to the happenings in the west and hence they could identify easily with the rape issue. It is claimed that feminists' exposure to western literature provided the possibility of sharpening of issues and extending the understanding of oppression of women in various directions.

Therefore, rape was one of the first issues on which women expressed and articulated organised resistance to gender specific violence. It was clear from an early stage that in societies such as ours, where human life and dignity were generally at a discount, the security of women counted for very little. The concentration of 'power' in the hands of few made women particularly vulnerable to sexual attacks. It is, therefore, not surprising that movement based interventions successfully focused on the element of 'power' in incidents of rape, and this was given recognition in the amendments made to legislation pertaining to the crime of sexual assault. Exposure of "custodial" rape formed an important element of women's organised resistance to crime against them. Also, women's movement has continuously pointed out that dalit and tribal, landless women are especially vulnerable to sexual assault from landlords and their hoodlums. Incestual rape is grossly under-reported. Rape has emerged as a crime to subjugate weaker persons so that rape of minor girls, and rape by those in authority, like the police and army, is coming to light. In the work place women face harassment, and in the villages entrenched patriarchy and poverty keep women in a disadvantaged position, constantly living in the fear of censure from other women, and physical violence from men from ruling classes if they dare to violate any of the societal norms.

When I spoke to some women about marital violence, I was asked to define it. The fact is that there is hardly a concept of rape within marriage in India.
Of all the issues taken up by the movement in the last many years, rape has provoked the most intense anger, frustration, despair and disillusionment. Rape is one of the most common and frequent of crimes against women in India, as seen by the enormous number of forms in which it is committed, and indeed in which it is classified. There is for example, the category of ‘landlord rape’ where he landlord has right to rape ‘his’ women wage slaves or the wives of his male wage slaves. There is the category of ‘rape by those in authority’ comprising the exercise of power within the workplace to rape women employees or juniors. There is the category of ‘caste rape’ in which caste hierarchy is exercised to rape lower caste women/tribals. There are forms of rape which are yet to be recognised by law, such as marital rape. Rape is also one of the most under-reported of crimes in India. Many feminists are of the view that the rise in numbers does not necessarily reflect the rate of increase in rape per se, but reveals that social attitudes towards rape are changing, so that more women have the courage to report it.

The issue of rape has been one that most contemporary feminist movements internationally have focused upon, mainly because sexual assault is one of the most brutal expressions of violence towards women and also because of what it says about the way in which the women’s body is seen as representing the community. In India, it is the latter reason which has been most dominant in the making up of campaign against rape (Kumar: 1993). In pre-Independence India, the nationalist feminist movement raised the issue largely to point to ‘excesses’ committed by the British state as foreign colonisers. In post-Independence India, the left and far left raised the issue both to point to ‘excesses’ committed by the

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1 The Supreme Court of India has held sexual harassment at the workplace punishable under law. It set certain guidelines which are legally binding and enforceable with effect for all public, private and other institutions. Employers and employees were equally responsible to stop the perverse violation. The judgement was passed in August, 1997.

1 In recent times, there has been a lot of media exposures on crime against women. Programmes on television like “Apraadhi” deal with issues of violence against women. Also, there are a number of talk-shows which have highlighted the problem of violence against women in society. These kind of programmes definitely highlight aspects which were once ‘in the closet’.
Indian state, and by the ruling class. The two major categories of rape singled out were those of police rape (including army and security forces) and landlord rape.

Thus, the agitation began largely with campaigns against police rape. The scale and frequency of police rape were startling: police records themselves show that the number of rapes by 'government servants' in rural and tribal areas exceeded one a day (Kumar: 1993). The figure may not reveal the true picture and underestimates the actual number of such rapes.

When the new feminist groups were formed in the late 70s, they were already familiar with the categories of police and landlord rape. Moreover, the issue of police rape achieved new significance in 1978, just as feminist groups were in the process of formation through an incident in Hyderabad, where a woman called Rameeza Bee was raped by several policemen. Given the left affiliations of most of the feminist groups of the late 70s, police rape was one of the first issues taken up by them. In 1979 there were women's demonstrations against incidents of police and landlord/employer rape in different parts of the country. The campaigns, though remained isolated from each other. However, in 1980, an open letter by four senior lawyers against a judgement in a case of police rape in Maharashtra sparked off a campaign by feminist groups (known as the Mathura rape case). This was the first time that feminist groups came together across the country to co-ordinate a campaign. The women demanded re-trial of the case, the implementation of relevant sections of the Indian Penal Code(IPC), and changes in the law against rape. Thus the campaign against rape marked a new stage in the development of feminism in India: the networks which had begun to form in 1978 were now being consolidated and expanded, and used to co-ordinate action; at the same time, through joint action, feminism began to be drawn into mainstream political activism.

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20 The police rapes have been described in two ways- incidents of mass rape which are acts against a community or class which is engaged in a struggle with those who hold power over it, the other, the rape of individual women, who generally belong to relatively powerless or marginal groups or communities.
As mentioned earlier, literature on rape is limited and is in the nature of post-factum analysis based on reported datas. Most of the books deal with violence against women in general rather than exclusively with rape. There are hardly any books exclusively on rape in the Indian context. To name a few:

Niroj Sinha's book *Women and Violence* is an outcome of the papers presented at the National Seminar on violence in Patna in January, 1988. It identifies family as the focal structure which indirectly perpetuates violence against women and views patriarchy as the major cause of its perpetuation.

Maithreyi Krishnaraj has written about violence against women in a UNESCO sponsored study. One of them *Women and Violence: A Country Report* deals with various forms of violence against women and rape has also been discussed.

There is a book exclusively on rape entitled *Rape and Victims of Rape* by Vimla Veeraraghavan which analysis the incidence of rape. She has analysed the nature of rapes that occurred in Delhi over a period of 25 years depending on police records. A lot of statistical analysis has been done. The emphasis in this study has been mainly on socio-demographic characteristics, social relationships etc.

In a recent book by Butalia (1998) on the narratives of partition (1947) survivors, she points out that the violence that women faced in the aftermath of partition is shrouded in silence. Little is heard about rape and abduction of women in historical accounts, and what is known of violence in general is related only to the men of the 'other community'.

Recently a book called *Father-Daughter Rape* (1998) was published which deals with this form of incestuous rape.

**Later Trends:**

The campaign against sexual violence has been central to the movement ever since the late 1970s when the Mathura rape case became the rallying point around which the movement gained tremendous momentum. Since then there have been various cases of rape which have been pursued by the movement. It
has demanded changes in the law and issues like marital rape and child sexual abuse have become part of its agenda.

In their campaign against rape, women's groups have thought differently regarding the issue of rape. Whether to focus on rape as a violation of an individual woman or to look at it as a structural problem that all women have to face in a patriarchal society. As reported, at a national meeting on rape held in Bombay in 1990, discussions centred around whether to locate rape more as an act of violence or stress its sexual nature. It was highlighted that emphasising it as related to the nature of sexuality would be effective if rape was viewed from the point of view of an individual woman. But it would not be effective in working strategies with the legal system, or to deal with 'structural violence' - custodial, institutional, political, communal, state (Rape Report 1990 as cited in Thapan:1997).

What we concluded was that though it was necessary for us to define rape, we should locate this redefinition in the larger socio-legal context rather than view it in isolation. In other words we move from the individual woman's violation to the rape of women in general, so that the issue always remains in focus (ibid.).

Since women are seen as sexually vulnerable, there has been a focus on women's right to live without this danger in various campaigns of the movement. In 1992, many women's groups in Delhi participated in a march to 'take back the night'.21 Women dressed in black protested their lack of safety in public spaces, took out a march at night with candles and torches. The aim of the campaign was to raise a voice against the increasing sexual violence that women have to face in public spaces and to demand the right to move around freely anywhere and at any time.22

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21 This concept of 'take back the night' has been totally inspired by the one in the West (USA).
22 The 'take back the night' campaign was similar to the one which feminists in the West (America) took out. Their campaign was also 'take back the night'.
Legal feminists have also carried out studies to highlight the biases in the legal profession (a judicial point of view). A report was recently taken out by Sakshi, an interventionist centre, which highlights the prejudices in the legal/judicial system. They are also demanding changes in the law and laws for child sexual abuse.

In the media also awareness programmes are also being highlighted which relate to violence against women.23

VI. CONCLUSION:

Even though sociology is silent about an issue like rape, it provides the necessary conceptual apparatus and sociological categories to study the phenomenon of rape. However, sociology took inputs from feminist theory and therefore much of the literature has been generated by them.

In the Indian context, the agitation against rape has been more comprehensive as compared to the 'writings' about it. Activism was more responsive. However, recently there has been a spurt in writings on rape in the print media. Legal issues have been the main focus of these writings.

The victims, their plight, their silence, an unsure strategy of action, common myths and theoretical neglect of the issue has demanded a re-thinking of conventional definitions, beliefs and attitudes.

The following chapters will reveal the importance of social institutions/society in framing attitudes and belief patterns amongst its members. It will address sociological concepts like social institutions, myths, attitudes in order to understand rape as a social phenomenon. This chapter will discuss rape mainly in the Indian context. It will be brought to light how victims of sexual violence are in a sense, 'thrown out of society' of which they are so much a part. The chapter will also highlight the importance of family,

23 Programmes like Apradhi and India's Most Wanted, along with talk shows on television, highlight issues relating to violence against women and strategies to cope with the problem at a practical level.
community, media and the state in perpetuating the crime of sexual violence, especially rape.