

***Rape: A History from 1860 to the Present*, Joanna Bourke, Virago Press, London, 2007 (ISBN 978-1-84408-154-7)**

This book is a particularly comprehensive, informative, and well-written study of the history of rape. It will be of interest to criminologists, social historians and those interested in the history of psychology and law as it applies to rape. However, its title is somewhat misleading: it does not purport to provide a complete history of rape from 1860 to the present; rather, it focuses on Britain, America and Australia. Since the author claims that 'rape and sexual violence are deeply rooted in *specific* political, economic and cultural environments' (p7), it is surprising that she does not explain why she chose to study these countries rather than others.

The author's definition of rape proceeds 'on the simple principle that sexual abuse is any act called such by a participant or a third party' (p9). This definition is useful because it allows her to address 'divergent ways of viewing the act of rape and the identity of the rapist' (p11). However, it is problematic in two respects; first, it does not draw a clear distinction between rape and other forms of sexual abuse, such as exposure (a crime in England and Wales under s66 of the *Sexual Offences Act 2003*). This makes the focus of the study unclear; is it a study of the history of rape, or is it really a study of the history of sexual abuse in general? Second, Bourke's definition of rape is extremely wide; 'so long as someone says that an act is "rape" or "sexual abuse", that claim is accepted' for the purposes of her analysis (p9). While this wide definition allows Bourke to consider a variety of perspectives on rape, it renders certain statistics meaningless; for example, Bourke claims that 'one in eight Hollywood movies includes a rape scene' (p15), but even if she is right, this only tells us that one in eight Hollywood movies are perceived by at least one person in the entire world as including a rape scene. This is not revealing, since it simply raises questions about the way in which the scene in question is depicted and its context.

This book comprises seven sections. The first serves as an introduction, explaining that the book will look at the perception of rape throughout modern history in Britain, America and Australia. Section Two is entitled 'Lies', and deals with rape myths, such as the view that it is almost impossible for a single man to rape a resisting woman and the pervasive belief that 'no' means 'yes'. Much of the information in this section will be familiar to readers, but its importance makes its inclusion necessary, the relevant sub-sections are succinct and presented in an easily comprehensible fashion, and Bourke's conclusions in this section are well-argued and convincing. Section Three, 'Identities', contains chapters examining 'the main historically specific ways of conceptualising the rapist' (p206); for example, biological and social explanations throughout history offered to account for aggressive sexuality. This is a thorough exploration of different theories about rape throughout modern history.

Section Four, 'Case Studies', is particularly interesting. It consists of three chapters, the first of which examines female perpetrators and male victims of sexual abuse. This chapter is among the most thought-provoking in the book; as Bourke says, '[f]or many principled feminist, pacifist and human rights campaigners, incorporating the existence of female perpetrators into their analysis of sexual abuse has been hard' (p210). It is in this context that Bourke states that '[m]en commit practically every rape: only 1 per cent of incarcerated rapists are women' (p212). She cites official US and UK statistics in support of this claim. However, as she subsequently explains, rape is legally defined in England and Wales in such a way that it can only be committed by men as principals, and the law is the same in this respect in Scotland and Northern Ireland (women can be liable as secondary parties in

all three of these jurisdictions; for example, by aiding and abetting rape). The use of statistics in this manner is jarring: the UK statistics simply are incapable of supporting the point Bourke is trying to make because they are dependent upon a legal definition which is not gender-neutral. This might make certain readers question other aspects of Bourke's analysis even where there is no genuine cause to doubt it. The second chapter in Section Four considers exhibitionists. It is not clear whether this chapter really belongs in the book, since it is not clear whether the book is intended to deal with sexual abuse in general or rape in particular. On this matter, Bourke merely says: 'Why does a book on rape contain a chapter on exhibitionists? The acts performed by exhibitionists are often described as sexual. The people they expose themselves to do not consent. This makes exhibitionists sexually abusive according to my definition' (p250). The final chapter in Section Four considers changing definitions and views about the 'sexual psychopath' throughout modern history. It is hard to know what, if anything, the three studies in this section have to do with one another, although each is enlightening in its own way.

In Section Five, Bourke discusses 'violent institutions': the home, the prison, and the military. The chapter on the home discusses rape and the history of marriage as an institution, considering issues such as the notorious marital rape exemption; the chapter on the prison builds on the insights provided in the earlier chapter about female perpetrators and male victims of sexual abuse; and the final chapter deals with the history of rape and sexual abuse relating to the military, as well as relevant contemporary war crimes. Section Six considers the way that legal systems deal with rape. Bourke is surely right to point out that, given US and UK conviction rate statistics, 'rapists who end up being convicted in a court of law must regard themselves as exceptionally unlucky' (p389). Of course, this is not a new point: indeed, the low conviction rate is one of the reasons why the UK Government introduced the *Sexual Offences Act 2003* to reform the law (see, for example, Office for Criminal Justice Reform, *Convicting Rapists and Protecting Victims – Justice for Victims of Rape: A Consultation Paper* (2006)). In this context, it is disappointing that Bourke spends little time discussing the 2003 reforms to English and Welsh rape law. She is right to state that 'these law reforms have been analysed in many texts' (p404), but an overview of them is necessary here for the sake of completeness, since readers will not necessarily be aware of their details.

Bourke finishes with Section Seven. Entitled 'Resistance', this section draws together Bourke's conclusions about rape. Rejecting the view that male sexual violence is a given, she states: '[t]error is always local. To universalize it (as in "all men are rapists" ...) is to remove the specifics of individual histories and the possibilities of acting otherwise ... By revealing the specificities of the past, we can imagine a future in which sexual violence has been placed outside the threshold of the human' (p441). Bourke's hopeful conclusion is persuasive: rape may have existed as a social practice throughout history, but, as her book demonstrates, notions about it are historically contingent and this suggests that significant positive change is possible in this respect.

Jesse Elvin

The City Law School, City University London

Reference

Office for Criminal Justice Reform 2006 *Convicting Rapists and Protecting Victims – Justice for Victims of Rape: A Consultation Paper*