

# WAS HE ASKING FOR IT?

A recent issue of the American Bar Association's *Law Journal* carried an article discussing the fact that few rapists are punished for their crime: only one in five rapes is reported and only one out of eight reported rapes ends in conviction. To illustrate the point, imagine a robbery victim undergoing the same sort of cross examination that a rape victim is subjected to:

"Mr Smith, you were held up at gunpoint on the corner of King and Phillip streets?"

"Yes."

"Did you struggle with the robber?"

"No."

"Why not?"

"Because he was armed."

"Then you made a conscious decision to comply with his demands rather than resist?"

"No - I was afraid."

"I see. Have you ever been held up before?"

"No."

"Have you ever *given* any money away?"

"Yes, of course."

"And you did so willingly?"

"What are you getting at?"

"Well, let's put it like this, Mr Smith. You've given money away in the past. In fact you have quite a reputation for philanthropy. How can we be sure that you weren't *contriving* to have your money taken by force?"

"Listen, if I wanted -"

"Just answer the questions, Mr Smith. What time did this holdup take place?"

"About eleven p.m."

"You were out on the street at eleven p.m.?! Doing what?"

"Just walking."

"Just walking?! You know that it's dangerous being out on the street late at

night. Weren't you aware of the risk that you might be held up?"

"I hadn't thought about it."

"What were you wearing?"

"Hmm, let me see... I believe it was a suit. Yes, a suit."

"An expensive suit?"

"Well, yes - I am a successful lawyer, you know."

"In other words, Mr Smith, you were walking around the streets late at night in a suit that practically advertised the fact that you might be a good target for some easy money, isn't that so? I mean, if we didn't know better, Mr Smith, we might even think that you were *asking* for this to happen, mightn't we?" ■

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