

A War Of Attrition: Recent Research on Rape

Printed in *Trouble and Strife*, 2000, 40.

After many years of feminist activism and a large increase in the numbers of women reporting rape, why are rape myths so tenacious? *Liz Kelly* reviews current research on rape and sexual assault which shows how men continue to get away with rape.

When I first began researching violence against women in 1980, the majority of published feminist studies were about rape. Yes, most of it came from the US, but there was quite a lot of it, and it revealed important and interesting things which informed the practice of many rape crisis centres. The 1990s have been 'the decade of domestic violence' in terms of both research and policy development. I have lost count of the number of times I have attended conferences or read reports which are called 'violence against women' yet are limited to domestic violence. And whilst the rhetoric that domestic violence includes 'physical, sexual and psychological violence' is invariably recounted, the reality in the practice of agencies, including women's groups, is that the sexual violence is rarely addressed or explored explicitly.

Rape and sexual assault have become a residual issue, and the dearth of research on it for the last decade has been both an outcome, and reinforcement of this neglect (as has been the negligible funding for rape crisis groups). The disappearance of rape from the feminist, policy and research agendas has not been confined to the UK, it has been echoed in many other (western) countries. The situation is arguably even worse with respect to sexual harassment. There is an interesting piece to be written about why and how this has happened. What makes domestic violence a more acceptable issue for national and international discussion and policy? Why have more feminist researchers chosen to focus on this area? Why has domestic violence been an arena where innovation in legal reform, models of intervention and support has been so fertile? And why are forms of male violence which have an explicitly sexual aspect in their name more challenging to address? There have, however, been some developments recently in the UK, and the possibility exists in 1999 to move on. In this piece I explore new developments in research and policy which foreground rape and sexual assault.

In from the margins?

Whilst there has been some legal reform in the 1990s - criminalising marital rape and rape of men - the last national policy initiative on sexual assault was in 1986. A Home Office circular to the police (69/86) called for better training, the appointment of more women officers, better facilities for forensic medical examinations, and recommended that no rape cases should be 'no crimed'¹ unless there was an admission from the complainant that it was a false report. There has been no evaluation of this circular, of the rape examination suites which were established as a result, or of the three sexual assault centres which it prompted (all based in the north of England).

The good news is that a number of factors have combined, in the UK at least, to challenge the marginalisation of sexual crime. The most critical have been two recent developments: the establishment several years ago of the Rape Crisis Federation of England and Wales (similar networks have also recently been established in Scotland and Ireland), which for the first time provide collective voices for women's organisations working on sexual violence; and the

effectiveness of a small feminist campaign - Campaign to End Rape (CER) (see *T&S*, 35) in publicising the attrition rates in reported rape cases and lobbying for reform in both the letter and practice of the law. A current review of sexual offences law by the government (due to report in spring 2000) is, in part, the outcome of this pressure.

There is also some new research which provides us with important insights into what is going wrong when women (and some men) report rape. I look in turn at *Policing Sexual Assault* and *A Question of Evidence?*, both published in 1999, exploring what they tell us about rape and responses to it, and the challenges the research findings raise for feminists. I also draw on welcome publications from elsewhere in the world which can inform our thinking and our activism.

A lonely furrow

Sue Lees has, along with Jennifer Temkin, continued throughout the 1990s to research and write about rape. There has been a lonely furrow to plough compared to the (relative) explosion of studies on domestic violence. For example, to my knowledge no government department has commissioned external research on sexual assault in the last decade, and none of the twenty projects in the current Violence Research Programme funded by the Economic and Social Research Council focus on it.

Sue Lees' latest book, *Policing Sexual Assault*, written with Jeanne Gregory, makes more widely available work already published in various places. The title is something of a misnomer, since it is neither limited to police responses nor to sexual assault. Perhaps the lack of research on rape explains the frequent references to studies on other forms of male violence, especially domestic violence. Whilst this does buttress the argument at various points, it also sometimes confuses and distracts from a focus on rape and sexual assault. Pedantry aside though, there is much important information here, especially the study of attrition done in North London at the end of the 1980s, with more details here of women's assessments of the process than in the original research report.

The attrition study involved tracking 301 reported cases of rape and sexual assault between 1988-90 in Islington, North London. Since the police were cautious about giving access to current open files, two women police officers were assigned to collect and collate the information. At first glance this seems like a poor compromise, but ironically the enthusiasm and insider knowledge of the officers meant that more accurate information was gathered, including cases which were 'no crimed' at a very early point. In the research report a flow chart aided understanding of how, and at what point cases dropped out of the Criminal Justice System; whilst a version of it appears in Chapter 4 of the book it applies only to the 109 cases of rape and attempted rape. It is also rather odd to locate it at this point, rather than in the previous chapter on attrition. Following exactly what happens is also difficult in *A Question of Evidence?*, although for slightly different reasons. To help comparison I have done my best to extract the relevant findings (see the table below on attrition).

From the original sample of 301 sexual assaults, over a third were no crimed (38%) and for the rapes and attempted rapes this rose to 43%. The extent to which police officers still believe that many - and some of them estimate the proportion as 50% - of reported rapes are false complaints is shocking. Gregory and Lees note there is little, if any curiosity amongst officers who take this position as to why this might be the case. Instead they invoke the centuries old cliché that 'rape is

the easiest crime to allege' and/or anecdotes to justify their position. The bitter irony is that we know from research that women are less likely to report rape than domestic violence, and that one of the main reasons for not reporting is (justified) fear of being disbelieved by the police. In this context it is hard to imagine why one woman, let alone such large numbers, would voluntarily subject themselves to having to give a statement and being forensically examined about something which had not happened. But it appears that many police imaginations still take entirely different routes to those of women working on sexual assault.

Of the 185 'crimed' cases over half did not proceed to the Crown Prosecution Service (CPS): in 88 cases where the perpetrator was a stranger he was never identified, in 4 cases the offender was given a police caution, and in a further ten the police decided to take no further action. Thus less than a third of the original cases - 88 - were referred to the CPS. Gregory and Lees put forward the thesis that the police are 'second guessing' the CPS, only referring up cases they think will be accepted. They comment:

However, the police are not always successful in anticipating what action the CPS will take. Despite their apparently stringent screening procedures, passing through the CPS gateway provided absolutely no guarantee that a successful prosecution would ensue and the processes of attrition continued unabated (p71).

The CPS dropped a fifth of the cases referred to them. Of the 71 which were prosecuted just over half resulted in a conviction, but many of these were for the crime of 'indecent assault'. There is a detailed examination of the CPS and the many criticisms which have been made of the service, not least that it is over-centralised and disconnected from the police and victims/witnesses. It appears that increasingly - as with the police - success rates and 'performance indicators', rather than justice, have become the overriding priorities.

Drawing on their own study and one conducted at a similar time by the Home Office (Grace et al, 1992), Gregory and Lees provide us with important insights into which kinds of cases are lost, and for what reasons:

- much of the increase in reporting involves rapes by known men;
- rapes by strangers were most often 'no crimed' because they were thought to be false complaints, whereas those involving known men were most frequently dropped because women withdrew their statements;
- attacks by strangers have the lowest detection rates (that is finding the attacker), but where they go to court they are most likely to result in a conviction;
- cases involving intimates are least likely to be prosecuted;
- cases involving acquaintances, which are prosecuted, are most likely to result in an acquittal;
- cases most likely to result in conviction involved under 16s and over 50s, and those where there was evidence of injury.

So in the early 1990s rape by a partner, ex-partner or father was not really rape at all (rape by a husband was not a crime at the point both these studies were conducted), and rape by someone known hardly qualified either. The stereotype of 'real rape' - by a stranger, outside, involving a weapon - had persisted, despite being challenged by feminist research and activism.

Gregory and Lees point to a serious conceptual problem in Home Office studies: how 'acquaintance' and 'intimate' are defined. In the Home Office the category 'intimate' includes

relatives, friends and work colleagues, whereas Gregory and Lees reserve this category, rightly in my view, for current or ex-partners. The Home Office 'acquaintance' category includes men who the victim met within the 24 hours before the rape, and in the 1992 study half of all acquaintances fell into this group.

The authors make a very strong case for including this group within the 'stranger' category, since the 'knowing' involved is minimal. They argue that since DNA evidence now makes the 'it wasn't me' defence virtually impossible, serial rapists have changed their targeting strategy, using pubs, clubs and bars rather than outdoor public space. By engaging the woman in some form of 'consensual' contact, if the rape is reported it is then possible to use the consent defence. I have no doubt that there are some men who operate in this deliberate and calculating way, but I am not totally convinced that this is the whole story, since it relies on this group of rapists having a detailed knowledge of the legal system. Other, simpler, factors may account for a shift in the contours of reported rapes. For example, it is easy to forget the major changes in patterns of social life over the last three decades, with women, and young women in particular, having more of an independent social life. Many more women can be found in varied social settings, and interactions between men and women have become less formalised. Also more women have cars, and use taxis - if they can afford one or both. Thus the street and public places may simply be less successful 'hunting' grounds for predatory men. An even simpler explanation would be that, as with rape by intimates, women are reporting assaults which always occurred, but were not previously perceived as criminal offences.

Whatever the reason, what is more important about these categorisations, is how they lead to a misidentification of the problem, which as we will see with *A Question of Evidence?* has serious consequences for how the policy context is constructed.

There is virtually no research in the UK on how race and rape are and are not connected. Few of the Home Office studies provide data on this area, and Gregory and Lees acknowledge that their sample is too small to draw firm conclusions from. They do report a much higher proportion of Black suspects than in the population (44%) with a much lower percentage (15%) of complainants being Black. A lower proportion of cases involving Black suspects were 'no crimed' (37% compared to 48% where the suspect was white). Where the accusation involved rape across racial categories racism appears even more strongly, with 73% of the cases involving accusations by Black women against white men being 'no crimed' compared to only 32% of cases where the complainant was white and the suspect Black. In the discussion of what the small sample of women who were interviewed had to say some complexities emerged: white women being reluctant to report because they feared racist responses to their being attacked by a Black man - not just from the police but also from others, including their white boyfriends; of race being used by attackers and defendants' lawyers to suggest that white women find Black men irresistible (p157). There is much to be explored here, since there is minimal information to date on the decisions Black and ethnic minority women make about reporting rape, or their experiences when they do.

Gregory and Lees cite a recent study of 100 prosecuted cases of marital rape (Sue Lees has elsewhere published a study of marital rape cases referred to the Court of Appeal), which found the average sentence was lower than for attempted rape, and that the presence of aggravating factors such as injury and considerable additional violence were downplayed (p110). This response has echoes in Australian feminist, Patricia Esteal's, recent paper. She points out that instead of the

predicted flood of marital cases, hardly any are reported and a tiny number have been prosecuted in both the US and Australia (the impression I got is that there have been more prosecutions in the UK, if so, quite why this might be the case is an interesting question for further exploration). She cites research which shows that rapes by current and ex-partners are the most likely to cause injury, and that they are only second to stranger rapes in terms of the use of weapons. These factors, and the betrayal of trust involved, are invariably seen as aggravating factors in criminal cases warranting higher sentences, but not where rape by a current or ex-partner is concerned.

Table 1 - Explaining Attrition - Three Studies:

	Lees and Gregory 1993	St Mary's SARC 1996-7	Harris and Grace 1998
Initial sample	109	378	483
Lost at police stage	57%	44%	67%
No-crimes	43%	-	25%
Referred to CPS	43%	30%	31%
Dropped by CPS	18%	07%	11%
Prosecuted	25%	24%	20%
Convictions for rape	09%	09%	06%

Research from within

A Question of Evidence? is the most recent study of attrition, conducted by Home Office researchers Jessica Harris and Sharon Grace. Its publication has been long awaited, and was considerably delayed until June this year. The research was commissioned at the height of parliamentary concern about the decrease in the conviction rate for rape in 1996/7. It offers little succour, rather it suggests that the situation is even worse than we imagined; if the 'no-crimes' cases are included the conviction rate for this sample of almost 500 cases reported in six areas of England and Wales in 1996 is 6% (see the table above). The 9% figure which is most often quoted, is based (like Home Office national figures) only on those cases which are crimes.

Thus the study provides even more ammunition for the charge that the Criminal Justice System (CJS) is failing women, confirming many of the findings of Gregory and Lees as well as providing additional details as to where exactly some of the problems are. How the data is presented - not using actual numbers, and beginning each new section (on police investigation, prosecution and trial processes) with a notional 100 - makes it extremely difficult if not impossible to work out exactly what happened to the initial case sample (this is why the table above only includes percentages).

Some of the most important findings are:

- over a quarter of the cases involved victims under 16;
- in both 'no crimed' and 'no further action' cases a significant percentage were women withdrawing their statements, this was most likely where it was an acquaintance;
- cases involving strangers and intimates were more likely to be designated 'false' complaints by the police;
- 'no-criming' rates varied between police areas from 14-41%;
- cases involving acquaintances were most likely to be 'no crimed';
- cases involving intimates were most likely to be no further action or discontinued by the CPS;
- cases involving strangers where the suspect was identified were most likely to proceed to court;
- the CPS were less likely to discontinue if the victim was young or elderly;
- conviction was most likely where the victim was under 16: half of cases involving woman over 21 result in an acquittal;
- many defendants pled guilty at court to lesser offences;
- 20% of sentences for rape were below the minimum (4 years) set in the Billam guidelines over ten years ago; comments by the judges interviewed made clear that they see the guidelines as applying to stranger, i.e. 'real' rape.

Some of the most important findings in *A Question of Evidence?* (such as the 6% conviction rate) are under-emphasised. Others appear on a single page, such as that very few of the reported gang rapes or rapes involving women with learning disabilities were prosecuted. These are key, and serious, findings, yet no additional information is presented nor reasons given for them, and they do not appear in the executive summary which is all most policy makers will read. Those of a cynical disposition might muse on why this might be the case, why certain findings are underplayed, whilst material from a small number of interviews with CJS personnel is given a significance which they do not warrant. Indeed, some of the most contentious recommendations at the end of the report appear to draw less on a detailed reflection of the research findings than the opinions of five judges and five barristers.

So what conclusions can we draw from these studies? *A Question of Evidence?* shows 'no criming' has decreased, but has been replaced by an increase in the no further action category, meaning that in both studies only a third of reported rapes are considered by the CPS, the majority having been lost before this point. In both the proportion of cases dropped by the CPS is lower than many presume (under 10%). But this disguises the involvement of the CPS at earlier stages. Harris and Grace reveal that 20% of cases where there was a detected perpetrator were referred by the police to the CPS for guidance on whether to charge; the CPS advised no further action in two-thirds of these cases. These, however, appear as police, rather than CPS decisions.

Harris and Grace note that a major gap in our knowledge, is why so many women withdraw their statements at an early point. The little information we do have suggests that women's perception of the police 'testing the evidence' and warning them about the difficulties of getting a conviction, is that they are not believed, and that they are being encouraged to drop the case. All the recent research makes clear that, as Jennifer Temkin notes, 'Old practices and attitudes ... are still in evidence', that guidelines are not always followed and that disbelief and stereotyping persist. She also makes the point that improvements are most noticeable at the very early stages, where the initial contact is often with specially trained women police officers. The problems increase where

the investigation is taken over by CID. Both studies concur that the police are acting as gatekeepers, second guessing how the case will be perceived by the CPS and the courts.

Many of the practitioners interviewed in the Harris and Grace study were at pains to stress that it was not their practice which was at fault, or even the letter of the law; rather the problem was that too many 'weak' cases being prosecuted. Given the huge attrition at all stages before the trial this is simply not a tenable explanation, but it is clung to tenaciously by the key players in the CJS, especially lawyers.

The paradox of reported rape

Over the last two decades reported rape has increased year on year, whilst the conviction rate has fallen almost in direct parallel. At the same time we also know that the majority of rapes are not reported, at most 1 in 10 are, a much lower reporting rate than for domestic violence. When asked in surveys why they do not report women cite three main factors: fearing an unsympathetic response from the police; lack of faith in the courts; and fear of further attack. The evident failure of the CJS - police, prosecutors and judiciary - to deliver justice must confirm these misgivings, yet increasing numbers of women continue, despite all evidence to the contrary, to seek justice.

Home Office attempts to explain this sorry state of affairs use one of two approaches: looking at all crime, or the specificities of sexual crime. The first refers to the fact that attrition is high in a lot of reported crime. This is true, and particularly with respect to robbery and burglary. But this is a very weak argument, since the main factor accounting for attrition in property crime is that the offender is hardly ever identified; this is not the case with respect to reported rapes in the late 1990s where the majority of reported cases now involve a known perpetrator.

The second, and preferred approach, is reflected in some of the conclusions and recommendations in *A Question of Evidence?*; that the problem is 'acquaintance rape' - both that this accounts for the increase in reporting, and that these cases are much more difficult to prove in court. This was a key message in the Home Office press release announcing publication of the research study in June, and was immediately translated in the media to the problem of 'date rape' - sex gone wrong. Yet within the Harris and Grace study the single largest category of rapists were ex-partners. And if we take a closer look at the acquaintance category, just under half had met in the previous 24 hours. If these were re-categorised as Gregory and Lees suggest into stranger assaults the picture would look rather different.

Current thinking in the Home Office clearly seeks to explain the abject performance of our justice system by references to the increasing proportion of reported rapes that involve 'acquaintances'. Rather than explore why the justice system seems unable to adjust to what research and feminist services have known for two decades, that most rapes are committed by known men, we were offered a counsel of despair in *A Question of Evidence?* - floating the possibility of a 'lesser' crime of acquaintance rape. There was no rationale offered for this proposal, other than it is hard to get a conviction when victim and offender are known to one another. Accepting this would in effect involve downgrading the majority of rapes. These kinds of tinkering with levels of rape have not proved effective in other jurisdictions, such as Canada and the USA, and they represent a refusal to engage with a complex reality in which the neglect of rape - and feminists have to take some

responsibility here - has meant that the myths of 'real rape' persist in the minds of CJS personnel and juries. It is, in fact, extremely unlikely that the current sex offences review will recommend a lesser offence, but it continues to be a favoured theme in the media and is supported by many of the largest selling newspapers.

What both studies show, however, is a more complex picture, with each kind of rape - stranger, acquaintance and intimate, adult and child - dropping out at various stages for different reasons. Not to mention that there were also convictions in each of these categories. To suggest that there is only a problem in relation to one area, when the research findings themselves suggest otherwise, demonstrates either a lack of understanding or a desire to over-simplify within the Home Office.

International research

Here I just want to highlight some recent work which *T&S* readers might not be aware of, and which they might find useful. Some of the most interesting recent research on rape and sexual assault comes from Australia and New Zealand.

Jan Jordan has conducted a detailed study of women's experiences of reporting rape in New Zealand, which has both similarities and differences with UK research. Unlike here women report significant improvements in satisfaction with respect to forensic examinations, perhaps due to the establishment of many sexual assault centres in Australasia. Apart from this similar continuing problems with police and judicial attitudes persist. She concludes that much of this can be traced to the tenacity of myths and stereotypes about rape.

Heroines of Fortitude, from New South Wales, Australia, is a remarkable study of 150 court hearings and trials. The vast majority involved known men (90%). Just over a quarter plead guilty (26%) but in the trials less than a third (31%) resulted in a conviction. Some of the detail of the trial transcripts is deeply depressing - since new South Wales is one of the jurisdictions which is seen to have done most to limit sexual history evidence and change the conduct of rape trials. One of the report's conclusions is that women were routinely discredited and attacked during cross-examination by biased questions which drew on stereotypes about the appropriate behaviour of women in relation to sex and sexual assault. Over half were accused of making vengeful accusations, and a third accused to taking the case for the compensation. Over half (57%) were asked about sexually provocative behaviour, over a third about resistance (37%). The old style corroboration warning (similar to that which used to be required in the UK - that it is dangerous to convict on the uncorroborated word of a complainant in rape cases) was given in 40% of cases. Despite the sexual history legislation the woman's reputation was raised in 12% of trials and sexual experience material raised in 95 of the 111 trials. It was allowed in evidence in 84% of the cases where it was raised, but commonly admitted without prior application, with no challenge from the prosecutor or question from the judge. These actions contravene the law reforms which sought to limit sexual history evidence, in much the same ways as Section 2 in England and Wales, and the stronger reform in Scotland, have been evaded.

Aboriginal women were hugely over-represented as complainants, and much more likely to be treated with disrespect through more references to alcohol, promiscuity and seeking compensation.

The study also showed that Aboriginal women experienced more shame in giving evidence and found it extremely difficult to give the kinds of graphic descriptions of the assaults which lawyers demanded of them. Defence lawyers also appeared to use jargon and authority to intimidate and confuse. A 'cultural' defence was also often deployed implying that casual sex and interpersonal violence was more acceptable in Aboriginal communities.

It is not normal practice in *T&S* to recommend books written by men, but *Unwanted Sex*, by American law professor Stephen Schulhofer is an exception for me. The respect he gives to radical feminist analysis and the detail with which he explores the tensions and difficulties in translating it into legal reform is unusual in any contemporary discussions of sexual violence. The areas discussed include: the principles which should underpin law on adult sexual offences; the failure of rape law reform in the US; and detailed exploration of contexts in which sexual harassment and abuse of trust/authority relations ought to be included in criminal law.

Part of Schulhofer's intention is to move beyond various deadlocks in recent debates, including whether rape should be a crime of violence or a sexual crime, and the much rehearsed supposed tension between pleasure and danger, women's right to say yes, and their right to say no. He is excellent on the arguments by 'power feminists' (Camille Paglia, Katie Roiphe et al) that women should 'take responsibility' for their sexual choices. Rather than being a progressive proposal Schulhofer argues that placing the burden on women to communicate clearly, merely rehearses the position rape law has always taken.

He proposes that the principle of sexual autonomy should underpin sexual offences law, an especially strong statement from the US, where most legal reform has emphasised force and violence.

[Law] still refuses to outlaw coercion and abuses of trust which prevent a woman from deciding freely whether to choose or refuse a sexual relationship. And when she does refuse, the law still fails to ensure that her clearly expressed preferences will be honoured and enforced (p9).

And:

Sexual coercion is simply any conduct that threatens to violate the victim's *rights*. Conduct that forces a person to choose between her sexual autonomy and any of her other legally protected entitlements - rights to property, to privacy, and to reputation - is by definition improper; it deserves to be treated as a serious criminal offence (p132).

In the US reformers in the late 70s and 1980s focused on three areas: removing the resistance requirement; taking consent out of the definition of rape; and introducing degrees of rape/sexual assault. He argues that whilst the reformers knew men's failure to obtain genuine consent was at the heart of rape, they opted for a strategy which they believed would focus on the behaviour of the assailant, rather than the victim. The consequence was that the focus ended up again on force rather than autonomy. That there have been such meagre gains from an extensive reform process, is according to him partly due to appeal courts reintroducing (non)consent as a necessary key element in rape cases.

Thus consent is not avoidable, and the law has to address when no means no - most women when they say no intended their statement to mean just that - and that if consent is to have any valid meaning it must require some form of saying yes.

By requiring affirmative permission, through words or conduct we can insist that any person who engages in intercourse shows full respect for the other person's autonomy - by pausing, before he acts, to be sure that he has a clear indication of her actual consent (p273).

As Jennifer Temkin has pointed out, this is not a difficult burden for the law to place on men, since the woman is present.

By taking the point of departure as sexual autonomy Schulhofer finds it easy to make the kinds of connections radical feminists have between rape, sexual assault and sexual harassment. I have to say I found it more than a little ironic that it is a man who has provided the most cogent and passionate unpicking of the notion popularised by a number of high profile US women calling themselves feminists - that legal reform around rape and sexual harassment has 'gone too far'. In fact US sexual harassment laws are very limited in scope and effectiveness - they only protect employees and students. To win a case there needs to be an explicit threat in terms of one's job or academic performance, and even in the unlikely event that you win the individual harasser is not liable, the employer or institution is. So using the civil discrimination, rather than criminal route, as encouraged by Catharine Mackinnon's definition of sexual harassment as sex discrimination in the later 1970s has not delivered effective remedies either.

So where to now?

There are at least two ways to base rape law reform on the principle of sexual autonomy. One involves defining consent in law, as they have done in parts of Australia, as 'a positive and free agreement'. This is the route proposed by the Campaign to End Rape in the UK. The other is the current proposals recently published in South Africa to define rape as 'sex obtained under coercive circumstances', with specification of what these circumstances might include. The intention in the latter case is to remove consent as far as possible from the case, and for the complainants' evidence to be focused more on what their assailant did, rather than their state of mind. There is no way of knowing at this point which of these strategies will prove the most effective, but they are both seeking to recast law in ways which take feminist analysis into account.

A key commitment in *Living Without Fear* is to decrease attrition and increase prosecution in rape cases. Welcome though this ambition is, it will come to nothing if where the problems lie is mis-identified. We do not need more research to see that the majority of rape cases are being lost at a very early point; we do need research to find out what is going wrong in the encounters between women reporting rape and the police. Both UK and international research confirms that there remains a core problem in perceptions and understandings of rape, which is not limited to the 'acquaintance' category. Feminists and women's projects need to begin some serious thinking, and quickly, about how we might begin to make sustained inroads into the myths and stereotypes about rape.

It looks increasingly likely that the Home Office review of sexual offences law will reflect aspects of feminist research, thinking and analysis. But they will remain paper proposals if the understanding of 'real rape', 'real rapists' and 'real victims' continues to exclude the majority of forced sex. We will not improve responses to rape and sexual assault until policy makers and legal practitioners begin to expect the best of men, rather than seeking to excuse or justify the worst. We will not improve

responses to rape until CJS practitioners understand that it is in fact the hardest accusation to make, and that it is their practices which make a critical difference in whether justice is done and seen to be done.

Note

1. This is a bureaucratic police category into which cases which are not pursued are placed. Cases which are 'no crimed' do not appear in official crime statistics, and it seems to be disproportionately used in relation to both rape and domestic violence.

References

Department of Women, *Heroines of Fortitude: The Experiences of Women in Court as Victims of Sexual Assault*, New South Wales Department of Women, 1996.

Patricia Esteal 'Rape in marriage: has the licence lapsed?'. In Patricia Esteal (ed.), *Balancing the Scales: Rape, Law Reform and Australian Culture*, Federation Press, 1998.

Jeanne Gregory and Sue Lees, *Policing Sexual Assault*, Routledge, 1999.

Jessica Harris and Sharon Grace, *A Question of Evidence?* Home Office Research Study 196, 1999

Jan Jordan, *Reporting Rape: Women's Experiences with the Police, Doctors and Support Agencies*, Wellington University Institute of Criminology, 1998.

Stephen J. Schulhofer, *Unwanted Sex: The Culture of Intimidation and the Failure of Law*, Harvard University Press, 1998.