

## *Research Report*

# ATTITUDES OF MEDICO-LEGAL PERSONNEL FROM THE NATIONAL BUREAU OF INVESTIGATION (NBI) AND CAMP CRAME MEDICO-LEGAL DESK TOWARDS RAPE VICTIMS

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## INTRODUCTION

### **Background and Rationale**

The New York Radical Feminists (1972) define *rape* as “ violence that takes sexual form”. It is a reflection of men’s aggressive stand against women, and is sustained and given full meaning by male-dominated establishments. Recent events saw the brutal rape of countless women regardless of age, sex, socio-economic background and status. Rape takes several forms and the rapist excuses no one, not even the four-year old girl who was raped by her uncle inside their house in Pasig (*Tempo*, October 11, 1991).

More recent cases of rape are even more controversial, such as the famous series of rape incidents in Marikina and Laguna, among others. Investigations undertaken so far provide limited hope of justice for the victims in these cases. More complexities have come out to obscure the realities and truths in these events, what with the many personalities involved in these cases. What is even more frightening in these recently reported rape cases was the consequent murder of the victims.

The focus of the present study, however, is on rape cases with surviving victims. Hence, it would be significant to mention the

dominant situations surrounding rape and the victims. For instance, case studies undertaken by feminists abroad point to the fact that the suffering and pain to which the woman has been subjected does not end with the rape act itself. As has been said "the victim is raped so many times." Her hope of receiving justice is restrained by either one or a combination of the following factors:

1. Lack of support from her immediate relatives. She is frowned at for "*actually asking for it.*"
2. Malicious and suspicious interrogations by police authorities, who are almost always men. The conditions surrounding the act are looked into beyond reasonable grounds because they believe that "*it is common for women to file false charges of rape against a supposed rapist because of unreciprocated love.*"
3. Uncooperative medical personnel.
4. Biased judges and lawyers who, behind their pronouncement of impartiality, go as far as to question the sexual conduct of the rape victim, and therefore turn around to "*accuse the victim and sympathize with the defendant.*"

In brief, the radical feminists are saying that the prevailing responses accorded by institutions to rape victims are grounded on a belief that "women have really wanted to be raped, after all." Thus, the defendant is pitied and eventually free to rejoin society. Meanwhile, the beaten, brutally raped and sometimes murdered woman is virtually padlocked behind doors of continued humiliation and violence.

### **Statement of the Problem**

It is the goal of the researchers to examine the attitudes toward rape victims of medico-legal officers in two (2) government agencies — the National Bureau of Investigation (NBI) and the Medico-Legal Division of Camp Crame.

More specifically, it shall address the following questions:

1. How do the medico-legal personnel behave toward, feel and think about the rape victims?

2. What are the principles underlying their behavior toward, and feelings and beliefs about her?
3. What are the specific values underlying their attitudes toward the victim?

### **Definition of Terms**

#### *a. Rape*

There are various definitions of the act of rape. According to Roper (1986), rape is defined from the perspective of men, as “unlawful sexual intercourse without a woman’s consent.” A definition accepted by several Asian countries is “a sexual intercourse with a woman who is not the assailant’s wife and is against her will and without her consent.” This excludes other acts which may be even more violent and degrading such as penile penetration of the victim’s mouth or anus or insertion of fingers and other objects, such as sticks and bottles into the vagina. This definition further excludes the possibility that wives can be raped by their spouses, in effect upholding the belief that a woman, once turned into a wife, becomes the property of the husband which he can use as he pleases.

Hilberman (1976) explored the psychological definition of rape and claimed that “it is an act of violence and humiliation in which the victim experiences overwhelming fear for her very existence, as well as a profound sense of powerlessness which few other events in one’s life can parallel. . .Short of homicide, rape is the ultimate violation of the self”.

For purposes of this study, the researchers opted to adopt the definition in the Revised Penal Code of the Philippines. Under the Code, rape is “committed by having carnal knowledge of a woman under any of the following circumstances: (1) by using force or intimidation: (2) when the woman is deprived of reason or otherwise unconscious: and (3) when the woman is under 12 years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present” (Revised Penal Code, 18th edition, 1990).

*b. Attitude*

In this study, attitudes pertain to the expressed feelings, ideas and behavior of the medico-legal officers under study toward the rape victim. Their responses to a prepared interview guide shall determine the attitudes they hold toward her.

*b. Medico-Legal Officer*

The medico-legal officers referred to in this study are those medical practitioners in two government agencies in charge of criminal cases, including rape. These officers belong to the medico-legal divisions of Camp Crame and the National Bureau of Investigation (NBI).

**Theoretical Framework**

Rape remains in many quarters of society as "problem denied". It is almost routine for women to complain that their experiences of victimization have been trivialized, ordained unimportant or turned back on themselves by "helping agencies" to which medico-legal officers may belong.

This refusal to recognize a woman's experience can appear to many as a "secondary assault." Despite formal legal recognition of her need for protection, a woman who is raped may find herself victimized again by various institutions which include medical agencies. Perversely, it can be *her* actions or behavior and *her* responsibility for the offense, rather than the offender's which is judged.

Feminist research has begun to expose the extent of this secondary victimization. Attempts to challenge institutionalized "victim blaming" have also been initiated.

For many acts of violence and sexual assault upon women, the man's behavior may be seen not only as non-criminal but understandable, normal or even an irrelevant concern. Rape then becomes the understandable response of a man led on by a woman dressed provocatively: sexual harassment, the normal behavior of virile males.

Rape is also unfairly seen as an act of "sick" men, rather than the outcome of power inequalities between men and women. It

appears not only natural but just that legal intervention should be guarded.

Behind the pervasive practice of victim-blaming rests a myriad of strongly-held myths about the issue of rape and of the rape victims themselves.

### ***The Myths***

**One.** In the literature of the 1950s and 1960s special scrutiny of women complaining of rape was required because “men understood women to be confused and ambivalent” in their relationships with men (Barrette, 1986). According to an article published in the *Stanford Law Review* in 1966, “although a woman may desire sexual intercourse, it is customary for her to say ‘no’ although meaning ‘yes’ and to expect the male to be the aggressor. The problem of determining what the female *really meant* is compounded when, in fact, the female had no clearly determined attitude, that is, her attitude was one of ambivalence.”

**Two.** A woman’s complaint is likewise viewed as a result of “moralistic afterthoughts” (Barrette, 1986). A woman who, after the sexual act, may find herself guilty of committing carnal sin is believed to resort to charging the man with rape to relieve her conscience. She actually desires sexual intercourse which she supposedly conveniently hides behind the guise of rape.

**Three.** Complainants may either be liars or psychopaths. This is influenced by Freud’s theory that there is an “unusual inducement to malicious or psychopathic accusation inherent in the sexual nature of the crime” committed by the complainant. Consequently, society holds that women lie and thus should not be trusted. Another myth supportive of this is that women who complain of rape are “disgruntled lovers” of a failed relationship. They are filled with anger, vengeance and deceit which motivate them to charge the defendant with rape if only to “get even” (Smart 1978) with the men who have hurt them.

**Four.** Rapists are not usually in their normal state of mind. The abuser is seen as mentally-ill and thus should be medically treated rather than jailed.

**Five.** Women are temptresses or seductresses. The abuser, on the other hand, is considered as a man only gratifying an uncontrollable sexual urge. In worse conditions, the victim is accorded the responsibility for arousing his urges because of her provocative clothing attire, language and body movements.

### *Impacts of the Myths*

These anti-victim and anti-woman beliefs determine the type of treatment that a woman receives from various institutions. She suffers from lack of support, if any, in her hope to prosecute the guilty party. It is no surprise therefore that rape is admittedly one of the most underreported cases. The rape victim is discouraged from bringing her case to court for fear of being “raped the second time around.” In the same way, rape victims doubt the nature of the possible treatment they may get from medico-legal officers.

A more extensive explanation for the acceptance of these myths on rape can be gathered from more recent theories. In feminist theory, “rape is viewed as a singularly male form of sexual coercion — an act of violence and social control that functions to *keep women in place*. The justification for forced sexual access is buttressed by legal, social and religious definitions of women as inferior male property and sex as an exchange of goods” (Scully 1991). Moreover, rape is related to the power relationship between men and women, which Lympam-Blumen (1984 in Scully 1991) argued, is at the very core of our social fabric and forms the blueprint for all other power relationships. Violence, rape in particular, is used to control women.

Another view which feminist theories advance is that rape is an extension of normative male behavior, the result of conformity to the values and prerogatives that define the male role in patriarchal societies. Crucial are the “control myths” that teach the innate superiority of men and the corresponding inferiority of women. Equally important are socialization practices that teach men to have expectations about their level of sexual needs and corresponding female accessibility, which functions to justify forcing sexual access.

### **Significance of the Study**

The researchers had the opportunity to watch "The Accused" which showed Jodie Foster as a rape victim who had difficulties seeking justice because of the penal code's lack of full understanding of the plight of rape victims. It was a powerful vehicle which effectively roused our interest to learn more about the issue of rape. The materials which we sought in university libraries and one crisis center convinced us that institutions are really inclined to side with the defendant and quick to blame the woman for her victimization. However, we chose to suspend our judgment on whether the research findings in Western countries also prevail locally. One objective of this study is for it to be an additional source of information in the current available local materials pertaining to the issue, particularly since we find that not many local studies have been done on this topic.

The researchers feel that results of this study will be important in effecting necessary changes in some departmental interventions and policies, and in human responses to the conditions of the rape victim. Although it is unlikely to provide a complete solution to the problem of male violence, these changes could help alleviate the difficulties of abused women.

### **REVIEW OF RELATED LITERATURE**

The incidence of rape in the country now appears to be accelerating and this has become one of the pressing social problems in society today. Many feminists have claimed that the world we live in today is never safe for women and that women were not, are not and will never be free unless the plight of women is immediately addressed.

Women's groups have become very critical of existing laws covering rape cases. Just a year ago, thirteen (13) women's organizations working together as SIBOL (Sama-samang Inisyatiba ng Kababaihan sa Pagbabago ng Batas at Lipunan) drafted a bill on rape that integrated and reflected the experience, the needs and therefore the position of women from all over the country on the

position of rape. Recently, the same group expressed their discontent over the inaction of said bill. Through a letter to *Manila Bulletin* (October 3, 1993), they urged the legislators to accord it the highest priority.

A number of studies previously undertaken provides insights on the struggle of women in society especially those who have been victims of sexual violence including rape. In addition to this, an account of their trauma, intensified by the humiliating treatment accorded to them by their own environment, reveal why many rape victims have opted to remain silent or passive and why they become alienated to everything that surrounds them after the "nightmare". A review of studies on the other aspects of rape which include myths and attributions about rape also provides a better understanding on why some people react or respond the way they do. Similarly a review of the studies reflecting the common treatment accorded to the victim was done.

### ***The Medico-Legal Officers***

In most countries, rape is really difficult to prove. It is not accorded the status of a medical emergency like gunshot and stab cases. In the case of rape, the surviving rape victim is required to make a police report first which usually takes several hours. In some cases, permits from parents or husband were also sought.

In addition to these, there is also the trauma experienced by the rape victim in securing medical assistance from the hospital. There are also times when medical personnel become very uncooperative. "Medical personnel become very status and money oriented" (Schwendinger and Schwendinger. n.d.). There was once a case of a raped university professor who related her very disgusting experience in a hospital where she sought medical assistance a few hours after the event (Katz, n.d.). The first person that she encountered in the hospital was the emergency room nurse whose responses were cold and too clinical. Before she was even provided with her immediate medical needs, the victim was asked to fill out a battery of forms. She was never given any information on the procedures to be followed during the examination. The doctor made her feel even more alienated. The questions asked were very



indicative of his lack of awareness and empathy for her as a rape victim.

Interrogations conducted by a doctor from the gynecology unit, a consultant doctor and a ward doctor can also add to the trauma and emotional stress experienced by the victim. In effect, she has to re-live her nightmare again and again, having to contend with the endless questioning of each doctor.

The victim also has to contend with the strict, and sometimes humiliating, procedures during the physical examination, particularly, the internal examination. A record of bruises, scratches and broken bones, samples of hair, nail scrappings and saliva must be taken. Aside from these, the victim still has to be medically screened for injury and sexually-transmitted diseases.

In the study conducted by Schwendinger and Schwendinger (in Smart and Smart 1978), victims *invariably* complained about the callous treatment they get from the medical personnel. When investigated about this the personnel reasoned out that bad treatment was simply a mistaken judgment by an individual doctor and that rape victims were treated just like anyone else. The authors believed that if this (treating them “equally”) was true then everybody was being mistreated by hospital personnel.

### ***Approaches and Methodologies Applied in Past Rape Researches***

Schwendinger and Schwendinger (in Smart and Smart 1978) criticize previous researches on rape. They assert that in studies of the criminal justice system, rape is either ignored altogether or dealt with summarily. Said studies include those conducted by William Westley (1979) and by Burgess and Holstrom (1974) which were considered as “highly accommodative”. The two Schwendingers claimed that such “accommodative stance may be more successfully avoided in advocacy research, when institutional functions are evaluated directly in relation to the needs of the people requesting service”. In response to these research flaws, the two authors employed different methodologies in their study. They made use of a victim advocate who had direct access to the victims as well as the establishments supposedly responsible for the welfare of the victims.

However, the authors cautioned the researchers on the possible flaws that a researcher on rape might commit. "Researchers with a deep commitment to the status quo would not perform advocacy research; but if they did, their establishment connections, theoretical as well as professional, would prevent their biting the hand that feeds them" (Schwendinger and Schwendinger). The authors employed the following methodologies in their data gathering: (1) active participation in a movement: (2) traditional questionnaire method: (3) personal interview with the victims: (4) methods of an ethnographer as well as those of the activist-observer in a woman's anti-rape group: (5) formal and informal discussions with police officers: and (6) monitoring of trials.

### *Cultural Assumptions/Mythologies About Rape*

The concept of rape embodies various cultural myths and assumptions that lead to the existing attitudes of the majority towards rape. Previous studies on this aspect include that on "Cultural Myths and Support for Rape" by M. R. Burt (1980) which she conducted on selected American women. Her study provided an empirical foundation for a combination of social psychological and feminist theoretical analysis of rape attitudes and their antecedents. Using the Rape Myth Acceptance (RMA) Scale, Burt was able to generate results which implied that "many Americans do indeed believe many rape myths, and that their rape attitudes are strongly connected to other deeply held and other pervasive attitudes such as sex stereotyping, distrust of the opposite sex (adversarial sexual beliefs) and acceptance of interpersonal violence". (Burt 1980). At the same time, the data reported in her study implied that changing adherence to rape myths will not be easily accomplished since they are so closely interconnected with other strongly held and pervasive attitudes. It was suggested that a fruitful long-range strategy would begin by fighting sex role stereotyping at very young ages, before it is complicated by sexual as well as sex role interactions, and continuing to combat the extension of sex role stereotyping into the sexual arena as sexual interaction becomes more salient in adolescence. She held that "only by promoting the idea of sex as a mutually undertaken, freely chosen, fully conscious interaction, in contradistinction to the too of-

ten held view that it is a battlefield in which each side tries to exploit the other while avoiding exploitation in turn, can society create an atmosphere free of the threat of rape.”

“Rape is the logical and psychological extension of a dominant-submissive, competitive, sex role stereotyped culture” (Burt 1980). Acceptance of interpersonal violence is also considered as another strong, if not the strongest, predictor of rape myth acceptance. Burt asserts that if sex role stereotyping is the precondition for targeting women as potential target victims, acceptance of interpersonal violence may be the attitudinal releaser of assaultive action. She further holds that developing an accurate theoretical understanding of rape attitudes and assaultive behavior will help make social change efforts more effective.

Another research on the actor-observers' attitudes toward rape was conducted by Sheila R. Deitz et al (1982). It further tested the validity of a scale measuring empathy toward rape victims and rapists. The authors first reviewed the previous rape researches and found out that previous scales (such as Rape Myth Acceptance and Attitudes Toward Rape Questionnaire) used were still insufficient. They then suggested another scale — Rape Empathy Scale (RES) which was designed to assess the jurors' (observers) empathy toward both the rape victim and the assailant in a rape trial. The study was conducted in two phases — (1) construction and investigation of the reliability of the RES; and (2) investigation of the empirical, convergent, and discriminant validity of the RES. The latter phase also included the investigation of the predictive validity of the scale within the framework of attribution theory.

Judith E. Krulewitz and Janet E. Nash (in *Journal of Psychology* vol. 47 (4): 557-573) conducted a similar study although their study dealt more on victim resistance and rape attributions. The results of their study emphasized the complexity of rape attribution. Their data (gathered from 117 female and 112 male undergraduate students as subjects of the study) supported the suggestion “that rape victims are held responsible at least in part for being raped” (Krulewitz and Nash). The subjects attributed a greater overall responsibility to the victim of a completed rape than to the victim of a rape attempt. That is if the rape is not completed, it was

presumably because the victim was able to stop the assailant through physical or psychological means and the assailant is seen as more responsible than when he completes the attack. The implication may be that an incomplete attack is taken as evidence that the victim has not behaved in a manner that would encourage rape: hence the rapist must have been acting entirely without provocation. Surprisingly, women generally attributed greater responsibility to the victim and less blame to the assailant than did men. However, in evaluating the victim's specific behavior, men considered the victim to be more intelligent and less at fault as she resisted more physically while women attributed less intelligence and more fault to her as she resisted physically.

Moreover, the study conducted by Clive Seligman et al (in *Journal of Personality*, Vol. 45 (4): 554-563) revealed that the subjects in their study attributed responsibility to the victims. It further showed that a rape victim's physical attractiveness influences others' judgments of her although not at all times. Consequently, the results suggested "a tentative hypothesis for future research: a person's physical attractiveness will influence another's judgment of that person only to the extent that the attributer holds beliefs about the causal relationship between physical attractiveness and the specific behavior being judged. e.g., likelihood of being raped or robbed" (Seligman, et al). Since the study included the comparison of the severity of three different crimes (i.e., mugging, robbery and rape), the subjects were also asked to judge how severely the criminal should be punished. The subjects thought that the rapist should be punished more severely than the mugger who should be punished more severely than the robber. The study further supported the findings of Walster (1966) who showed that more responsibility is assigned to the perpetrator of an incident the more severe the consequences and of Jones and Aronson (1973) who found that longer imprisonments are recommended for criminals the more serious their crime.

More myths about rape have been discussed in the study undertaken by Carol Smart and Barry Smart (1978). Their study delved into the argument that the increase in press attention to rape has not improved understanding of the nature of the forceful sexual assaults on women. In contrast, the general form and content of

rape reporting have served to further confound a rational understanding of rape as well as to indirectly conspire to perpetuate women's social and sexual subordination by producing rape reports which serve as both a form of sexual titillation and as a veiled 'warning' to non-conforming 'independent' women, that is to say an implicit form of social control (Smart and Smart, 1978). It was held that the law, criminal process, police activity and attitudes towards victims themselves go a long way towards implicitly and explicitly discouraging women from reporting sexual assaults or taking their assailants to court (1976 in Smart 1978). This happens because the stereotypic notion of rape has always been reinforced. One of the most significant prevailing cultural stereotypes of rape is that involving a brutal assault where the aggressor is a sexual psychopath unable to contain or control his desires and the victim is the woman innocent, naive or 'foolish' enough to leave herself vulnerable to attack by being in an isolated space (socially or geographically), usually after dark or 'curfew'. The authors claim that such stereotype has been much used by generations of parents who have prudently warned their young daughters of the perils that lurk beyond the domestic threshold of conformity. Such imagery has also been widely employed in films and literature and by the police in the cause of crime prevention (Crime Prevention Department. 1976 in Smart and Smart, 1978).

Contrary to the aforementioned cultural myths about rape, studies have shown that the stereotype of rape is far removed from the reality. It has been revealed that rape in fact occurs in more commonplace situations than is conventionally believed (and reported) to be the case, (Amir 1967 in Smart and Smart 1978). For example, his study of 646 known rapes in Philadelphia between 1958 and 1960 shows that 48.9 percent of the victims and offenders in rape cases were 'known' to each other. By 'known' Amir means acquaintances, neighbors, friends, and family friends and relatives. Only just over a half of the total number of cases studied involved strangers. Moreover, Amir's evidence indicates that it is not in woods, on isolated moorlands or in dark alleys that rapes took place but actually in the home of either the victim or the offender.

Amir's study (1971 in Smart and Smart 1978) showed that a large percentage of rapes are planned rather than spontaneous re-

sponses to sexual arousal or opportunity. Consequently, Amir's evidence on the extent of planned rape indicates that individual victims are less responsible for the attacks from which they suffer than is usually assumed to be the case. The danger or threat of rape in fact resides more in the fact that women in general are the objects of male sexual or aggressive feelings than in the fact that particular women make themselves vulnerable or encourage attack. Indeed a large number of victims of rape are women who fall outside the customary category of being sexually attractive or alluring. Women in their 60s and 70s are not spared from rape. Neither for that matter are girls under 10 years of age, nor are heavily pregnant women or so-called 'plain' women (Smart and Smart 1978).

## **RESEARCH DESIGN**

This study is exploratory. It attempted to cull information from the experiences of medico-legal personnel from the National Bureau of Investigation (NBI) and Camp Crame Medico-Legal Desk who have been involved in the cases of selected rape victims. From their responses, the research attempted to produce a composite picture of the support (or lack of it) rendered by a social institution such as the medical establishment to the rape victims.

Data were gathered through the use of a pre-tested questionnaire which attempted to look seriously at how selected medico-legal personnel view rape victims as well as other issues related to the subject of rape. All available records, reports and materials from related sources were collated and examined. The researchers allotted 10 working days for their data gathering. They likewise kept a diary of field notes containing their observations and other pertinent information gathered from respondents.

### **Study Sample**

The study involved the participation of the twelve medico-legal personnel stationed in the National Bureau of Investigation or NBI and Camp Crame Medico-Legal Desk. The researchers issued questionnaires to a total of twenty medico-legal personnel

(population size) but were able to recover only twelve (12) which served as the sample.

## PRESENTATION OF RESULTS

The respondents from the National Bureau of Investigation and Camp Crame Medico-Legal Desk were asked to fill up a prepared questionnaire which looked at their attitudes toward rape victims as well as their views about other matters related to the issue of rape. The table below presents the data gathered on these concerns:

Attitudinal Statements	Frequency of Responses		
	Agree	Neutral	Disagree
Women say "no" to a man's advances although meaning "yes".	1	2	6
No woman would want to go through a humiliating rape trial case if she has not actually been raped.	2	3	7
Women complaining of rape are trying to avoid the guilt feeling which arises after her willing participation in a sexual intercourse.	2	1	9
Any normal male can be charged with rape.	2	1	9
Men who rape do so because they see women as sex objects.	9	0	3
Rapists are mentally-ill people who deserve to be medically treated rather than jailed.	2	1	9
There is no reason why a woman will falsely accuse anyone of rape.	2	1	9

Rape victims should be blamed for arousing the sexual urges of their assailants because of their provocative clothing.	6	0	6
A man is never justified for committing rape.	10	0	2
Any healthy woman can successfully resist a rapist if she really wants to.	0	6	6
Rape is a form of violence against women rather than a sexual act.	3	0	9
It is alright for promiscuous women to be raped.	0	3	9
A woman has every right to say "no" to a boyfriend's advances.	12	0	5
Women who complain of rape could be merely using the case to earn money the "easy way."	7	0	5
Women who falsely complain of rape merely want to get back at the man they accuse.	8	0	4
Fear of death deters many rape victims from physically resisting an assailant.	10	0	2

## DISCUSSION OF FINDINGS

This section attempts to further describe the data gathered by the researchers, and draw insights with regard to the prevailing attitudes, views and perceptions held by medico-legal personnel from the National Bureau of Investigation and Camp Crame Medico-Legal Desk towards rape victims. The findings are discussed in the context of prevailing myths regarding women and



rape.

**Myth 1: Women are confused in their relationship with men.**

1.1 Women may say “no” to a man’s advances while meaning “yes”.

Men are taught to ignore women’s refusal to engage in a sexual activity believing that women always protest before finally admitting willingness. This is further compounded by the sentiment encouraging men to be the aggressor, allowing them to be a “little rough” with their partners.

Of those who were interviewed the majority (6) disagreed with the statement that “women may say no a man’s advances although meaning yes.” The respondents were more inclined to believe that the women population still uphold “high moral standards” that they could not possibly be responding to men’s sexual needs outside of marriage. The underlying assumption held by the respondents was that ambivalence in sexual relationships commonly demonstrated by women existed solely outside the bounds of the sacrament of marriage. The message drawn was that the respondents believed that women generally refuse to engage in sexual activity prior to establishing a life-long commitment, and therefore ambivalence in their sexual relationships could hardly be observed.

Four of the respondents agreed with the statement. They claimed that “with a little more persuasion,” women would admit that they in fact wanted to participate in a sexual activity although initially refusing the offer.

The rest felt neutral about the matter. They said that “women vary in their moral values,” and therefore the statement that women say “no” while actually meaning “yes” to man’s advances could be true for those who are morally upright and grossly false for those with loose morals.

1.2 Any healthy woman can successfully resist a rapist if she really wants to.

The school of thought espousing the belief that “there was always a way out” makes it appear that rape victims enticed their

assailants and later cried foul for reasons only they know. Never mind if her assailant was triple her weight and therefore managed to bang her head against the wall until she almost lost consciousness, or that he poked a gun at her. Society expects women who "honestly" do not want to be victimized to find all possible ways and means to resist her assailant. If she fails to do so, she is not often believed.

Again, majority (6) of the respondents disagreed with the statement that "any healthy woman can successfully resist a rapist if she really wants to." They have encountered many cases where women were made unconscious, or threatened with a gun if they showed resistance.

The rest felt neutral about the subject somehow believing that some just did not put up a fierce fight to defend themselves. They personally preferred to be left lifeless rather than be abused and expected the same choice from others.

1.3 A woman has every right to say "no" to a boyfriend's advances.

All of the respondents agreed with the statement that it is a woman's right to refuse her boyfriend's advances. They asserted that a woman should be "protective of her own welfare" before even being bothered by the sexual needs of her partner.

1.4 Fear of death deters many rape victims from physically resisting an assailant.

Ten of the respondents agreed that many women end up not being able to resist an assailant for fear of being "silenced". In the face of a clear threat of loss of life, the respondents expressed support in the choice of the victims to "painfully give in."

**Myth 2: A woman's complaint is viewed as a result of moralistic afterthoughts.**

Nine of the respondents agreed that there are in fact cases where women come forward to file complaints against supposed rapists only for the purpose of appeasing their guilt. Many have encountered women who feared severing their ties with relatives if their sexual activities with their boyfriends and lovers were revealed, and therefore chose to invent stories of being forcibly taken and

abused. This sentiment is further supported by cases where victims took up their complaints with the authority only after several years of alleged abuse. Many ask "why only now?" Others go as far as saying that "some could have been in fact satisfied after all but refuse to take responsibility."

**Myth 3: Women are liars whose words should not be trusted.**

**3.1 Women who complain of rape could be merely using the case to earn money the "easy way."**

Approval of the above statement was expressed by seven of the respondents. They reasoned out that given the hard times many experience as reflected by the increasing rate of unemployment and the devaluation of the Philippine currency, many hardly know any other way to eke out a living but through acts of fraud and manipulation. This is even more true of women who are in a gravely disadvantaged position in terms of finding livelihood sources given their limited skills as compared to their male counterparts. The growing number of women who enter the flesh trade was cited as another manifestation of women's willingness to "sell" themselves and be humiliated in exchange for basic survival. Thus the respondents were inclined to question any reason to say that women would not falsely accuse their partners of rape for economic reasons although this may cost them their privacy and reputation.

The rest refused to support statement 3.1 above saying that filing criminal charges entails a considerably large amount of money and therefore defeats the supposed purpose of the complainant to "earn money" out of the case which she is not even certain of winning. Meaning, the cost of filing charges could outweigh the expected payment to be received for whatever moral damages she may have suffered. While they belied the statement saying that women could be merely falsely accusing their partners of rape, it was made in the context of economic considerations and not in defense of women whose credibility is in question.

**3.2 Women who falsely complain of rape merely want to get back at the men they accuse.**

Eight of the respondents agreed with the above statement. They claimed to have encountered complainants who seemed to be

merely raising a case against a supposed assailant for the simple need to get even. A case was cited where a woman complained of having been raped but this turned out to be just another story of a man who had a short-lived affair with the complainant before finally settling down with his long-time girlfriend. The woman, already seriously and deeply in love with the man, demanded commitment and acknowledgement. The man, afraid of losing the trust of his fiancée, refused any involvement with the supposed victim. This provoked her to get back at him to "tarnish his reputation." The respondents said that there were in fact many similar cases brought to their attention in the past.

The rest of the respondents believed otherwise. They said that no woman would choose to risk losing the respect of her relatives and friends if only to vent her anger at someone who may have hurt her in the past. They believed that no woman, no matter how seriously she has been offended, would want to suffer the rigorous and often degrading interrogations being gone through by rape victims in court.

**Myth 4: Rape is committed by men not in their normal state of mind.**

The old view being upheld by many is that rapists should be excused from their act because they are sick, psychologically incapacitated by previous experiences of being themselves abused and unloved. Others try to reason out that rape is committed by those too drunk to control their behavior. This is unfortunate for women whose person and rights have been violated yet end up not gaining sympathy from society.

Nine of the respondents disagreed with the statement saying that "rapists are mentally-ill people who deserve to be medically treated rather than jailed." They said that rape committed even by insane males merits punishment, but these men should be provided psychiatric consultancy assistance as well in preparation for their eventual integration with society.

They were also wary that the idea behind this statement could be used as an excuse for sexual violations against women such that even drunkenness could be a reason for acquittal.

A respondent even said that any normal male can be accused of rape. She claimed that it does not take a sick person to carry out sexual abuses. This affirms many feminists' claim that, in reality, the general physical and mental condition of convicted rapists resemble those of the larger male population, and they are commonly better integrated into their respective communities.

Those (3) who agreed with the statement claimed that "no man in his right mind would commit rape." This sentiment in effect lends support to the feeling that victims and institutions of authority should try treating rapists with more understanding and in the light of their poor health condition. This, they said, is the true essence of being humane.

**Myth 5: Rape is an act of lust.**

The public is regularly bombarded with media messages that men have naturally higher libidinal desires compared to women. More than this, theirs are almost impossible to control or subdue which explains forced sexual encounters. This makes the women entirely and solely responsible for taking precautions in relationships with men. The common adage, "You should have been more careful" rings out loud and clear. The victim carries all blame and scorn.

Ten of the respondents believed that men rape to satisfy their sexual urge. Some thought that those who rape may be longing for partners with whom they can share sexual activities, but not finding anyone end up forcing themselves on strangers they chance upon.

The rest felt that more than a mere act of lust, rape is a form of "release of men's anger against their victims." This supports the stand of many feminist groups that "rape is not in fact sexual" in nature. They claimed that "a lot of rapists cannot even get an erection and ejaculate." Majority of the rapists interviewed claimed not having any slight satisfaction from the act and in fact felt disgust more than anything else. In the words of one of the participants of a feminist consciousness-raising group, "rape is sexual but the violence aspect, the threat of violence. . . has a whole lot more to do with it" than pure sexuality. "Rape," she said "is violence that takes a sexual form."

**Myth 6: Women are temptresses.**

Not a few rape victims end up being blamed for “letting things get out of hand,” meaning, their heavy drinking, sending wrong messages to their assailant, or their donning sexy attire. The movie *The Accused* describes the difficult process gone through by its lead character in proving the truthfulness of her charge. Rather unfairly, the table was turned against her owing to her “questionable” reputation and the fact that she was actually on a date with her assailant. Victims are told that “they asked for it.”

Another general sentiment which continues to be shared by some sectors of society is that some victims should be blamed for leading their assailant into believing that they are “available”. They fail to consider the supposed reality that it is grossly unfair and painful for men to be refused in the middle of a petting activity. “You led them on,” is commonly said by many.

6.1 Women should be blamed for arousing the sexual urges of their assailants because of their provocative clothing.

Half of the respondents disagreed with the above statement. They claimed that in many cases they have previously handled, rapists were neither provoked nor seduced by the victim’s type of clothing. They merely wanted “to satisfy their sexual impulses with whoever was there.” Moreover, they said that men who in fact were aroused by a woman’s provocative clothing should look for other ways to satisfy their lust besides rape.

Reflective of the message underlying the question commonly asked by institutions handling rape cases, “what were you wearing at the time that you were attacked and abused?” is what the rest of the respondents believed to be women’s responsibility to dress properly if they want to be treated with respect.

6.2 It is all right for promiscuous women to be raped.

According to this kind of thinking, men are justified in punishing a women regarded as a “tease.” Because she has previously engaged in sexual activities, and in fact has done it with several partners, she has made herself “available” to whoever wants her.

Ten of the respondents did not support the above statement. They said that it was not a question of whether the victim was chaste at the time of the abuse, or whether she enjoyed a "good girl" reputation. She may be the person with the most number of sexual partners but that does not justify any sexual violation committed against her.

### 6.3 Men who rape do so because they see women as sex objects.

Nine of the respondents agreed that men see women primarily as sex objects which they can own and use according to their wishes. They mentioned the prevalence of commercials trying to sell a product, usually liquor and cigarettes, by including women in the "bargain."

One respondent felt that rapists not only treat women as sex objects but women are in fact objects of their anger. She spoke of many instances where victims were cursed and ridiculed after being sexually abused.

## CONCLUSION

Rape is a feminist issue. It is an experience that is persistently shared by many women of differing age, color, class and economic status. The women's movement has started tackling this issue for sometime now and is consistent in saying that rape is not merely a release of male sexual urges but is in fact "an act of violence" against the victims. More than being sexual in nature, it is seen as an exercise of power by men over women. This is a phenomenon which results from an unjust and unequal relationship which exists between the two sexes which is inherent in heterosexual relations. Rape is not done solely by psychologically maladjusted males. Feminists claim that the "average male is programmed to be a rapist." This removes the distinction between legal husbands who force their wives into having sexual intercourse and the strangers in the streets who pounce on women in dark-lighted streets. Women are beaten, molested, murdered and raped as an expression of males' exercise of power over them.

The overt bias of male-dominated social institutions in favor of the aggressor angers and impels many feminist groups to shed light on the matter. Victims are accused of lying, of leading on and seducing their attackers. Women from other parts of the world have started to speak out and have come forward to question these beliefs, as discussed earlier.

Foreign literature points out that these myths describe the kind of thinking of the majority. Media supports this. It pervades the academe, the justice system, and other major social institutions. This attitude which puts the blame on the victims is translated into cold and unsympathetic treatment accorded them.

In this study, focus was placed on the extent to which the legal-medical establishment in the local environment has been influenced by the cited anti-victim myths. Data gathered showed that the medico-legal personnel from the two leading agencies assigned to handle rape cases, namely, the National Bureau of Investigation and Camp Crame are beginning to question the validity of some of these myths while at the same time continue to be gripped by the remaining vestiges of an anti-woman mind-set.

The myth that "women are confused in their relationship with men" which explains the supposedly many instances where women say "no to a man's sexual advances although meaning "yes" is not as pervasive as written in the literature presented earlier in this article. Majority of the medico-legal personnel interviewed believed that the word of a woman should be listened to and respected. They claimed that women are not without a mind of their own nor do they hide behind a facade of not wanting to engage in sexual activities.

This is further supported by the data generated by the study pointing at their changing attitude towards the need for the complainant to show bruises and injuries as proof of resistance. The idea that "there is always a way out" is beginning to appear outdated and irrelevant.

In fact, all the respondents believe that a woman has every right to refuse a lover's sexual advances as she sees fit. She should not be forced to satisfy a boyfriend's sexual impulses if only to keep a relationship going or to please him. In the words of a re-



spondent, "she should protect her welfare" before even thinking of how her boyfriend would take "no" for an answer.

One disturbing finding of the study is the prevalence of the myth that "a woman's complaint is a result of moralistic after-thoughts." Because of the prevalence of cases the respondents have handled in the past validating this belief, the majority are inclined to be suspicious of the motives of the complainants especially so when "loopholes" in the report are seen. This myth, as revealed in the study is still very strong among medico-legal personnel and in effect makes the job of proving the validity of the charges of the victim more difficult to handle.

Again, the burden of proving the charge continues to be thrown at the victim (who thereby becomes the accused) by the medical-legal institution supposed to render support and assistance to women who have been violated. Majority of the respondents still believe that complainants may lie, either for economic gains or to get back at someone who may have treated them unfairly.

Furthermore, probably because of the increasing cases of convicted rapists who are not at all mentally sick, the myth that a sane man cannot be charged with rape is fast losing ground. Moreover, the respondents who disagreed with this myth suggested that even rapists who could be proven to be mentally ill should still be accorded due punishment in order to render to the victim the justice that she deserves.

The view that rape is not purely an act of satisfying a man's sexual impulses but is in fact an act of exercise of power and domination over those he considers inferior to him remains, sadly, to be shared only among like-minded feminists. Majority of the medico-legal personnel included in the study still uphold the view that men rape because they have uncontrollable sexual needs which they must satisfy in whatever way they can. The unequal power relations dictating how men should treat women remains unscrutinized in the level of a major social institution such as the medico-legal agencies.

Finally, the myth that "women seduced their assailants" was discarded by the respondents. The matter of how a woman carried herself with men or how chaste she has been was deemed unim-

portant when handling rape cases. A simple and direct "no" from a woman should be more than enough to stop an assailant from pursuing her.

One last point that this study wishes to make is the call for a departure from previously held anti-victim myths about rape and the rape victims themselves if society does in fact intend to end further abuse of women. Suspicion and distrust shown by various sectors of the society should be replaced with complete trust and support. Unless this step is taken, men will continue to have an easy time evading conviction in court. In particular, the medico-legal personnel, the first group of people usually approached by victims, should continue to make an effort to see the experience of victimization from the perspective of the woman who carries the trauma of being beaten, humiliated and violated. Consciousness-raising activities should penetrate the realm where medico-legal personnel operate for this could be one vital step towards encouraging more rape victims to come forward and initiate complaints against their assailants. True, the fear of being sentenced to a life behind bars could deter men from abusing women. Hopefully, this could open other avenues whereby other women's equally pressing issues could be examined.

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