

**already injured by a
brutal experience,
society also inflicts
its cruel punishment
on**

the

rape

victim

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ONE OF THE injustices in America today is the way we mistreat the innocent victims of rape. These victims are exhorted to cooperate with the police so that other women and children may be protected from sex criminals. But too often, when victims do cooperate, they are first pilloried in the newspapers and then subjected to a hideously unfair form of ostracism. This is an injustice which must be corrected if we are to curb a crime which in the past ten years has been perpetrated on at least 150,000 American women.

Notice what can happen when a victim does cooperate with police. In New York City last year a young model-actress acted as decoy in capturing three bandits. The armed men had entered her apartment. After binding her wrists together with a belt, two of the thugs had ransacked her place, while the third raped her. The girl finally attracted a neighbor by kicking a wall.

Next day, when two of the men phoned their victim, each at a different time, the actress had an opportunity to play a useful role. She invited the criminals to a rendezvous where detectives grabbed them.

After accepting much-merited thanks from the police — and after deserving the gratitude of every woman and child — the girl turned to the morning papers. Her most alluring photograph decorated the front page, and the story dwelt on every lurid detail of the rape. She

was fully identified: private name, professional name, address — it's to be wondered that her telephone number was omitted. Horrified, she telephoned the police, but she was incoherent. By the time they reached her apartment she was dead. Her suicide note read: "What's the use? This rape has ruined my career."

It was not the rape, of course, which had driven the girl to her death. It was the publicity — plus her knowledge that even some of her friends would begin avoiding her; and much of the public, whom she had hoped to please, would regard her with less than compassion.

Why is it that when a woman has been humiliated by rape, her humiliation must first be advertised, and then she must be regarded with derision as someone who has lost face or been made unclean?

The young actress who took her life had less to fear from the publicity than does the average rape victim. For the actress lived in New York where humiliations can be forgotten more quickly than in smaller communities. A college girl, whose rape by a paroled convict was exploited by the press, killed herself because she was convinced that her fiance would no longer want her.

It is now a recognized fact that notoriety injures the rape victim in two ways: first, by increasing the subjective damage inflicted by her experience; and second, by reducing

the girl's chances for marriage and even, in many cases, excluding her from a normal life in the community.

Is it any wonder then that, for every rape case reported, at least several go unreported in the hope of avoiding these penalties? Is it any wonder that, with sex crimes increasing, the FBI has found it necessary to issue a special plea for more co-operation from rape victims? The "smart" girl who is raped remains permanently silent, if possible.

PSYCHIATRISTS CONTEND that there is only one cure for the subjective damage sustained by a rape victim: obliteration of the memory. But our whole legal process works to prevent such obliteration. First, there must be questioning by skeptical police. Then the victim must appear in court, confront her attacker, describe the intimate details, be cross-examined by a relentless attorney for the defense, and then see the whole story emblazoned in the newspapers. All of which only burns the hateful memory into her mind. The possibility of a recovery becomes remote.

Most demoralizing for the victim is the knowledge that many of her friends will regard her as having been "degraded." And she feels that however some people may pity her or try to help her, her standing has changed in their eyes.

In a recent rape case in a small Massachusetts town, a girl developed

a morbid fear of being seen by anyone she knew. She refused to venture onto the street during daylight. She finally told a psychiatrist that she felt that every time a person looked at her that person reconstructed the crime in his imagination. The girl's only hope for a normal life was to move to a distant community and change her name.

It is difficult to believe, but there are still a very large number of Americans who subscribe to the old folk lore that a victim of rape is sexually ruined and unfit to become a wife or mother. And, paradoxically, many well-meaning people are actually kinder to unmarried mothers than to rape victims. A girl's "mistake" is attributed to youth or to love. But because rape is thought of as a foul, beastly act, these well-meaning people regard the blameless victim of rape as having been defiled in a manner that the willing partner in an illicit affair escapes.

The results of this attitude are tragic in their consequence. Every year hundreds of rapists go scot-free, because in most cases the victim is the only witness to the crime; the only chance of indictment is through her testimony; and in too many cases she prefers to keep quiet. Forty-four percent of these rapists are criminals with police records, yet they go on to make rape the fastest growing crime in the country. According to the FBI, there is a criminal assault every forty-three minutes, day and

night, in the United States, an increase of sixty-two percent over the past ten years.

Despite the fact that the rape victim is often stigmatized, *legally* she is virtuous. But this can actually work to a girl's further disadvantage, as witness a Colorado case.

A Denver paper reported that a girl, raped the previous New Year's Eve, had become a mother. This report was published seven months after the rape which had been widely publicized because the girl's brother had been murdered by the rapist when he tried in vain to protect his sister.

But the story that the girl had borne a child, or had been made pregnant by the rape, was completely unfounded. When the girl sued for libel, the jury found in her favor, but the Colorado Supreme Court reversed the judgment. The court held that the misstatement of motherhood did not constitute defamation of character since "a woman raped against her will is not thereby made unchaste." The false report of a raped girl having given birth, therefore, did not impute lack of virtue to the girl. Even had the birth occurred as the consequence of the assault, it would only mean, in the language of the court, "that mysterious nature had taken its course in that process by which the human race is propagated and continued . . . she may, notwithstanding the outrage committed upon

her, be of unspotted purity. The child in her arms is not the result of her own evil." The court closed its decision by quoting from *Aurora Leigh*: "Man's violence, Not man's seduction, made me what I am."

INCREDIBLY, by publicizing rape victims instead of rape criminals, many newspapers today, by discouraging the victims, are actually contributing to the spread of the crime. This fact was made clear recently by FBI chief, J. Edgar Hoover, when he called for a program of "education and action" to combat the increase in rape cases. Newspapers, he said, should handle such cases by "pitilessly pointing the spotlight on the offenders and their background while withholding the names of the victims, even when the case is tried in court." He asked that attention be focused on such significant news as where the rapist came from, his past criminal record, and what police or court action was taken in each case.

But editors know that they can sell more papers by writing, not about the criminal, but about the victim, particularly if she happens to be physically attractive or socially prominent.

A New England paper began its report of a rape trial with this paragraph:

"A district court was told today how a tiny art teacher, struggling in the arms of a drunken rapist, ap-

pealed to the man's companion and got the reply: 'Take it easy. Jackie won't hurt you.'" The next paragraph identified the woman and her husband.

Most papers identify all rape victims as either "graceful" or "attractive" blondes or brunettes. It is almost as if the reporters are trying to find extenuating circumstances for the criminals.

A few conscientious newspaper editors are trying to cooperate with the FBI in withholding victims' names. Of the four daily papers in Washington, D. C., only one admits that it still insists on full "freedom of the press" in naming victims. Another of the Washington papers has an absolute rule against publishing the name of a rape victim unless the victim has been killed during the rape.

About a decade ago a movement began in this country to protect "innocent bystanders" from notoriety. Unwed mothers and juveniles are now protected both by law and by practice from publicity, and decency dictates that this same merciful anonymity should be extended to the innocent victim of rape.

How can offending newspapers be made to respect the rape victim? "It's up to the community to force that trend," said one editor. "We're in a transition period; meanwhile some people will get hurt. Newspaper policy depends on the com-

munity." He pointed to St. Louis, where a parents' organization appealed to the city's press to omit names of molested children.

Three states — South Carolina, Georgia, and Wisconsin — have made it illegal to publish the name of a rape victim. But this good law is circumvented when newspapers in bordering states print names and full details.

A second way that has been suggested for protecting rape victims is for the court to withhold the victim's name. In divorce cases involving salacious detail, records can be impounded and withheld from the public on the motion of counsel. The press learns only the result of a divorce action. Or when hearings are held to commit a person to a mental institution, the court has the power to close the proceedings to spare the defendant embarrassment. But none of these safeguards are at present legally permissible in a criminal case such as rape.

Under our American system the rapist is entitled to a fair trial in an open court; he is entitled to be confronted by his accuser; the accuser must be cross-examined; and the press insists on admission to all

such criminal proceedings.

A third method for relief could be for the presiding judge to "request" that names be withheld from publication. In England the judge states that "it is the request of the court that the name remain unprinted," and for the British press this request has the force of law. But the American press is jealous of its freedom. One editor, when asked if he would abide by a similar American practice, said: "We are not prepared to give a judge that much power. The best way to make sure that a name is printed is for a judge to try to withhold it."

PERHAPS THE BEST hope for sparing rape victims lies in some sort of voluntary policing by the press. During the Second War the voluntary censorship on news which might have given aid to the enemy was completely successful.

This press code can come in response to a public demand. And such a public demand can come only when a responsible percentage of the American people rise up and demand justice and compassion for rape victims instead of injustice, unfair publicity, and ostracism.

THE NEW ORTHODOXY



*And the
Decline
of the
Book Business*

ROBERT CANTWELL

IN THE PAST two decades there has been a disturbing break in the continuity of American culture, and the nature of the upheaval is only now becoming clear.

Some of the relevant symptoms are the disappearance of the old publishing houses, the steady transformation of those still in existence, the retirement of the older editors, the introduction of advertising office methods and personnel into editorial offices, and the lessened influence (when they are not closed down altogether) of the literary publications and sections.

Then, as additional signs, consider the respectful critical attention given to ghost-written books, the

injection of press-agentry into scholarship (the Boswell journal, for example), the crude exploitation of themes like psychoanalysis which, in the present treatment, serve to distract from rather than to contribute to understanding of contemporary questions. Also disconcerting are the sudden literary booms and revivals (Kafka, Conrad, James, Ford Madox Ford, etc.) turned on and off like water taps, the elevation by ballyhoo of sophomore first novels to august critical eminence, followed immediately by an equally awesome critical condemnation. We see the market flooded with political books, the contenders killing each other off, the dubious qualities of the incompetent