

RAPE AND SOCIO-ECONOMIC CONDITION IN TRINIDAD AND TOBAGO:

SOME PRELIMINARY NOTES

BY

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"We must educate the people in the real cause of crimes. They must be made to realize that even crimes of passion are the psychological effects of an economic order that was decadent a hundred years ago. All crimes can be traced to objective conditions"

George Jackson

"No woman is safe or free until all women are free".

Eugene Gordon (a black newspaper man)

INTRODUCTION

Despite the salience of rape as a continuing problem under mature capitalism in the metropolises and its outbreak in peripheral capitalist societies like Trinidad and Tobago in the emerging Third World pattern of turbulence and social deviance, the crime of rape is still one of the most neglected and poorly understood phenomenon in conventional Criminology.

The present paper is a response to what appears to be a panic about rape in Trinidad and Tobago at present. The Police statistics do show an increase in the crime, especially since the 70's, though not a dramatic one, and newspaper commentaries amplify it as "a problem". Thus Justice Sunny Maharaj was reported in the Express of 14/7/76 to have said that he notices in recent times "with a great deal of dismay, the emergence of a criminal pattern. We have groups who will steal a car, take up a female and would rob and rape her. They lure unsuspecting females and terrorise them for hours and subject them to every kind of indignity they can think about". On the 30/12/77 another Express article referred to "a bizarre type of crime (in this case rape-murder) that has taken a more sinister turn this year". This article justified its use of the adjective "bizarre" in observing that there was an overall increase in rape in 1977, especially child-rape, and in noting that a three year old girl who was kidnapped from her bed and raped in December 1977 was "the latest victim in a series of child attacks in recent months". The article also reported that during the same 1977 December month a man during the recess period attacked a 6-year girl in a school toilet, and revealed that 8 girls under the age of 10 were reported raped between March and December in 1977. Interestingly enough, the rape "crisis" in the Republic has coincided with the contemporary "money-is-no-problem" era of "petro-dollars" and capitalist affluence.

Recent studies by feminist researchers and critical criminologists have established that a strong relationship exist between the crime of rape and certain conditions of urban capitalist society. A reading of some of the findings produced for the U.S.A. coupled with our general understanding of crime and the rape problem in Trinidad and Tobago, led us to the hypothesis that it is possible that the correlation between rape and the pressures of urbanization might also hold for Trinidad and Tobago as a developing capitalist society. Empirical data linking rape with poverty conditions in urban America were compared with statistical information on the same variables in Trinidad. Our expectation that in Trinidad and Tobago the picture was roughly the same was confirmed (see analysis below). This suggested to us, given the strength of the similarities, at least with regard to the specific patterns cited here, that the problem was structurally-produced, and as such required for its explanation a stronger and broader theoretical framework than a purely bio-psychological one that locates the problem in individual abnormality which has only given rise to "rape myths" and is one reason the rape event is so poorly understood.

This paper then is largely an attempt to make sense of the so-called "rape problem" in Trinidad and Tobago. After a consideration of evidence revealing the high incidence of the offence in the depressed urban areas of county St. George, the paper argues that, though certainly "bizarre", rape is not necessarily the product of a "sick" mind, but is an expressive response by lower class males to the destruction of manhood under capitalist and sexist conditions where conventional avenues of masculine expression are non-existent.

The rising crime rate in Trinidad and Tobago²

The increase in the figures for rape in Trinidad and Tobago has to be seen against the backdrop of a generally rising crime rate in the Republic as a whole. The rising trend not only includes the more well-known violent crimes such as homicide, felonious wounding, robbery, rape, larceny and malicious wounding, but also misdemeanours, and corruption in high places. An analysis of the data reveals that in 1962, the year of Independence, the total number of reported serious crimes was 2,621. By Republican year, 1976, this figure had increased to 9,783, resulting in a total percentage increase of 273%.

Crime, urbanization and population concentration³

The "high crime" milieux tend to overlap with the most highly populated areas that are undergoing rapid urbanization and industrialization. The main population centres according to the 1970 Census are Port of Spain, the largest municipality, with a population of 62,680; San Fernando, the second largest with 36,879 people; and Arima with 11,636. Port of Spain has a population per square kilometre of 6,529.2, while San Fernando has a population density of 5,673.7.

The demographic picture also reveals that the population of the two sister islands making up the Republic is highly concentrated on the West coast of Trinidad in the county of St. George particularly, but also in the counties of Caroni and St. Patrick. Tobago therefore emerges as a predominantly rural area with a low population density and is ecologically insignificant in the rising crime trends.

The urban centre: County St. George

Comprising the core of "the capital region" is the St. George county which receives the largest internal migration and is the most heavily occupied county in the Republic with the largest urban centres. Two of the three municipalities - Port of Spain and Arima - lie within the county of St. George which has a population of 31,285 people. Although the bulk of the country's agricultural and industrial activity is located outside of St. George itself, it nevertheless houses the Republic's leading political, commercial and cultural centres, as well as the worst slums. The population of county St. George is also the most mobile of the western counties as movement within it has centred around the drift out of Port of Spain to the wards of Diego Martin and Tacarigua especially and to St. Anns, an important catchment area. San Fernando, on the other hand, has suffered a reduction of its population due to an outward drift of population to county Victoria. It is the internal movement of population from the rural counties to urban and suburban areas which in recent years has assumed "phenomenal proportions" that is mainly responsible for the increasing growth of St. George. St. George received an addition of 73,810 people to its population through internal migration in 1970. All the other counties, on the other hand, excluding Victoria, recorded net losses in their populations due to outward migration.

The urban concentration of crime in Trinidad and Tobago

Further analysis of the statistics indicate that county St. George with a population of 38,640 in 1970, accounted for 53% of serious crimes in 1970 and 58% in 1972. This is illustrated in the crime figures for the three Police Divisions which encompass the two main municipalities: Port of Spain and San Fernando. These figures are given in the table below. (The Western Division which is included in the table includes Diego Martin, Maraval and west of Maraval River. The table does not show the figures for the North Eastern Police Division and the Northern Police Division which include such important urban centres as San Juan, St. Joseph, Tunapuna and Arima).

TABLE ILLUSTRATING ANNUAL PERCENTAGE OF THE TOTAL NUMBER OF SERIOUS
CRIMES HANDLED BY POLICE DIVISIONS LOCATED IN SOME OF THE DISTRICTS
OF THE MAJOR CONURBATIONS OF TRINIDAD AND TOBAGO IN THE PERIOD
1964 - 1972

YEAR	D I V I S I O N S	
	P.O.S. DIVISION AND	
	WESTERN DIVISION	SOUTHERN DIVISION
1964	47%	18.3%
1965	47%	16 %
1966	48%	15.8%
1967	47%	15.8%
1968	51%	12.7%
1969	51.5%	13.6%
1970	53%	14.8%
1971	56.7%	15 %
1972	58%	17 %

Rape in Trinidad and Tobago: a statistical profile

The overall picture of the crime of rape in Trinidad and Tobago, as far as reported rape is concerned, is illustrated statistically as follows.

TABLE SHOWING ANNUAL INCREASES FOR THE CRIME OF RAPE IN TRINIDAD AND TOBAGO FOR THE PERIOD 1962 - 1976.

YEAR	NO. OF RAPES
1962	60
1963	96
1964	97
1965	121
1966	113
1967	100
1968	118
1969	99
1970	92
1971	134
1972	144
1973	139
1974	127
1975	123
1976	124
1977	116

If we concentrate on the period 1973-1977, 1973 being the first of the affluent "petro-dollar" years, we'll see that a total of 612 rapes were reported in Trinidad and Tobago.

The figures of the Police Service also show that the incidence of rape to a large extent follows the urban pattern outlined above and once again is concentrated mainly in the county of St. George. A more detailed breakdown of the figures indicate that the municipality of Port of Spain is the area with the highest incidence of reported rape. Interestingly, the next leader in this offence is the county of Victoria in which is situated San Fernando, the second largest municipal area. Trying to find the third major locale for the occurrence of rape takes us back again to county St. George, to the ward of St. Anns. The fourth place is a tie between county Caroni and the area east of San Juan encompassing the urban centres from St. Joseph to Arima which are also in St. George. County St. Patrick is fifth and is followed by

Diego Martin which is another heavily populated area in St. George.

The dominance of St. George as the rape capital of the Republic is readily apparent from the statistics. Out of a total reported figure of 612 cases from 1973-1977 county St. George recorded 342 cases. Wards in St. George had higher figures than entire counties. And it is the districts in St. George which are depressed by the blight of urbanism and capitalist exploitation and inefficiency that are the leaders in rape cases. The pattern of rape therefore closely follows the concentration of population on the west coast of the island, as the Eastern counties of St. David, St. Andrew, Nariva and Mayaro record only 26 cases of rape on the entire period under consideration. The statistical picture therefore confirms the correlation between urban centres and the incidence of rape in Trinidad and Tobago. The similarity with the United States of America is striking. For example, the F.B.I. figures show that rape in the U.S. is essentially a big-city crime. Cities with populations of a quarter of a million or more show higher rates per capita than suburban areas, while the rate in rural areas is negligible. Thus Greater Los Angeles is the rape capital of the U.S., closely followed by other urban centres like Philadelphia, Memphis, San Francisco, etc.

Rape and Socio-economic conditions

The figures for the U.S. also revealed that most rapists, like their victims, are slum-dwellers from inner-city areas and are predominantly from the lower social classes. In the well-known study of rape by Menachem Amir, published in 1971 and based on an analysis of 646 cases in Philadelphia, as many as 90% of the rapists studied belonged to the lower part of the occupational scale in descending order from skilled workers to the unemployed.

If we take a second look at the county of St. George which is the area that has been identified statistically as the rape centre of Trinidad and Tobago, we will see that impressionistically at least the same relationship between rape and urban poverty exists also in Trinidad.

For an understanding of living standards and the quality of life in St. George, the Census figures must be supplemented by a description of the material conditions obtaining in some of its subcommunities. In the first place St. George is a county of great contrasts: it takes in plush suburban middleclass areas such as Valsayn, West Moorings and St. Augustine, as well as areas of unspeakable wretchedness such as Laventille, John-John and Morvant in the ward of St. Anns. St. Anns is by and large peopled by "scrunters" from the working class. The terrain is hilly, drainage is poor, and sanitary conveniences and living conditions generally reflect the compressed "pressure-cooker" atmosphere of the place as well as the class position of the inhabitants. What strikes one immediately is the density of the population and its manifestations in the rows of wood and brick houses choked together in the hillside landscape. The districts of Laventille and Belmont within Port of Spain throws up the same type of shanty-town environments characterized by filth, delapidation, alienation and decay. These blight conditions in the urban landscape are the visible manifestations of "industrialization without employment" and an illusory "modernization" propelled by the greed of foreigners and the rapacity of a local, but parasitic "get-quick" minority. Mass-poverty in Trinidad and Tobago has been accompanied by a spectacular increase of the urban dispossessed: the unemployed who have been "unsuccessful" in the educational system, the domestic,

the vagrant, the squatter, the weed-smokers, the limers and rastafarians and the "scrunting" migrants from the "small islands" which are even lesser developed. This creation of a "surplus population" is the necessary result of underemployment and large-scale structural unemployment which is intensified in the wards and cells of urban St. George. The unemployment crisis is therefore a further pointer to the degree of powerlessness and stagnation that must exist in these communities.

Researchers⁴ have shown that by 1975 out of a total labour force of 400,000, 60,000 were unemployed. Between 1965-1974 unemployment in Trinidad and Tobago grew at a rate of 4% per year and would have been greater still had it not been for the large-scale migration of Trinidadians and other West Indians to Britain and the U.S. which had the effect of course, of transferring some of our problems to those countries. The unemployed are young, as about 60% of them are between the ages of 15 and 24. The unemployment rate is particularly high among males but indications are that males may hold only a slight edge over females in being victims of unemployment - a finding which has strong implications for our theory of lower-class rape. A high proportion of the unemployed are handicapped in the occupational structure by an incomplete secondary education but are still relatively educated compared with the unemployed in other parts of the Caribbean: 50% have completed primary school and 22% have had some secondary schooling. As well as being slum dwellers the majority of the unemployed are usually of a dependent status rather than heads of households.

RAPE: A PREDOMINANTLY LOWER-CLASS PHENOMENON

The fore-going general analysis of the correlation between rape and urbanization has established convincingly that a higher incidence of rape is structurally-produced in lower-class communities in both the U.S. and Trinidad and Tobago. We are of course, aware of the methodological problems involved in making assumptions based on police statistics, especially in the case of rape which is such a notoriously under reported crime. We are aware too, that it is unlikely that the class biases found in official criminal statistics that applies to other types of offences do not also apply to rape. Furthermore, it has been shown that middle class victims of rape are more likely to go to psychiatrists, gynaecologists or private hospitals where they can be assured secrecy, while victims from the lumpenproletariat and manual classes go to public hospitals where there is a policy of informing the police of suspected rape.⁵ These tendencies could quite conceivably make for an over-representation of slum neighbourhoods in rape statistics and create the impression that rape is inherently a lower-class crime.

Against this, we have to point out that it has been noted that: "Social class looms large in all studies of violent crime";⁶ and Fanon⁷ has articulated in his Wretched of the Earth that violence is endemic to the experience of the underprivileged and the oppressed, especially those who have been deracinated and demoralized by the forces of colonialism and neo-colonialism in the Third World. Fanon also tells us that in the form of armed struggle violence amongst the down-trodden under colonialism is necessary for the re-assertion of their dignity that has been "smothered in the filth of the shanty town", but how when the black poor can find no meaningful externalization, aggression is interiorized and turned inward and become misdirected into a purely expressive, demonstrative and self-destructive form of violence.

Said Fanon, the psychiatrist and articulate student of colonialism:

"I am talking of millions of men who have been skilfully injected with fear, inferiority complexes, trepidation, servility, despair, abasement".

The finding in the case of rape, a violent "crime against the person", that there is commonly a similarity between the socio-economic background of the victim and the rapist and a strong likelihood that they will come from the same area would seem to corroborate the insight of Fanon, which finds still further corroboration in crime statistics for America showing that rape tends in the overwhelming majority of cases to be an intra-racial phenomenon among lower-class blacks. It is worth pointing out here that years after the publication of Soul on Ice, Eldridge Cleaver, talking about his ghetto experience, admitted in an interview that:

"I was in a wild frame of mind and rape was simply one of the weird forms my rebellion took at that stage".⁸

And we should not forget too that after conceiving of rape as "an insurrectionary act" to inflict against white women, Cleaver himself confessed in Soul on Ice that:

"To refine my technique and modus operandi I started out by practising on black girls in the ghetto".⁹

The profile of rape as an essentially "lumpen" activity also find some confirmation in the legendary violence which characterized lumpenproletarian behaviour for almost two decades in Jamaica where "carnal abuse", rape and "aggravation and assault against women and children" emerged as important categories of offences.¹⁰

Why do lower-class men rape?

Our question at this point then is, why do lower-class men rape?

In Criminology the traditional approach to the problem of rape is to explain it as an abberation and to see rapists as men with "sex problems" or driven by uncontrollable, but natural, urges such as a strong sex drive or the proverbial male-lust.¹¹ This position has been called into question by the feminist view¹² that the male-female contradiction and the sexist superstructure it establishes intimately influences the cultural environment that fosters a "rape ideology", namely, a view of masculinity, equated in our culture with violence and toughness, that feeds on the weaknesses and vulnerability of women as male property and sex objects. Whereas we accent this perspective as a lucid and theoretically logical starting point for our problematic of why lower-class men rape, we would like to state that we do not believe that cultural values in themselves, at a macroscopic level, are as such a precipitant of rape: sexist values, however "overdetermined"¹³ do not have a life of their own which independently "push" men to rape. The position adopted here is that in the lower-class situation, for sexist values to be instrumental in producing the motive to rape they have to be mediated, firstly by certain material conditions such as unemployment or low-status employment; and secondly by certain sensitizing subcultural norms, namely, the norms of machismo. Some

support for this framework can be found in a general way in the writings of the subcultural theorists on delinquency, including David Greenberg who in a recent paper hypothesized that:

"One would expect masculine status anxiety to appear with greatest intensity and to decline most slowly in those segments of the population in which male unemployment is exceptionally high. This conforms to the general pattern of arrests for offenses such as homicide, forcible rape and assaults - offenses often unconnected with the pursuit of material gain, and hence most plausibly interpreted as a response to masculine status anxiety".¹⁴

In this formulation the mystification of a purely cultural theory of criminal behaviour giving primacy to a "subculture of violence" is avoided and the connection between lower class crimes and political economy is clearly demonstrated. In Trinidad the higher incidence of rape in Port of Spain and county St. George over the rest of the island, is a social indication that the economic contradictions of growth models borrowed from the capitalist metropolises are reproduced in those areas which are characterized by mass-poverty, high levels of unemployment and underemployment. The percentage of the population that falls into the "reserve pool" of the unemployed - especially if they are males - are naturally exposed to the most severe forms of alienation and humiliation that inevitably arise from these conditions. The male unemployed e.g. are faced with the attacks of a male-dominated sexist society where prevailing concepts of masculinity project the man as the active provider, the breadwinner. Unemployed males are then faced with the problem of failing to live up to the standards of being 'man'. Liebow lucidly explain this condition of unemployed negro streetcorner men in America in relation to the institution of marriage.

....marriage is an occasion of failure. To stay married is to live with your failure, to be confronted with it day in and day out. It is to live in a world whose standards of maleness are forever beyond one's reach, where one is continually tested and challenged and continually found wanting. In self-defence, the husband retreats to the streetcorner. Here, where the measure of a man is continually smaller, and where weaknesses are somehow turned upside down and almost magically transformed into strengths, he can, once again, be a man among men".

We believe that in the sexist society, the need to replenish one's male image, under the pressures of economic demoralization, inevitably leads some males to attack the easiest victims that can bolster the self-conception of manhood. The predisposition to abuse females e.g., can be triggered whenever they are conceived of as a threat to the male, as for example, the employed females in the district; or the females who resist the conventional advances of males because of their haughty attitude. In this way the inefficiencies of the capitalist system lay the foundation for rape attacks.

We hold to the belief that in the Caribbean in poor communities what accounts for the intensity of expressive deviance and the high rates of "crimes against the person" is the mediation of the code of machismo at the level of the individual and the streetcorner, and the compensatory striving

for "reputation"¹⁵ and personal status, due to the destruction of manhood in a demeaning environment. But Trinidadian lumpens and lower-class men are not cut off from the rest of society and sealed off on the street corners of county St. George in their "culture of violence";¹⁶ for their criminal violations are also a response to their exposure to the new goals of materialism under modernization, which are denied them, but which at the same time are ruthlessly purveyed through advertisement and the mass media. This is not to suggest that middle class men are somehow free from materialistic pressures, or immune to the contradictions in the contemporary world which breed violence. However, their considerably better-off economic position provide them with the means to achieve culturally approved goals of success and respectability in the form of educational, professional and financial achievement and their "violence" is expressed symbolically in barbed-wired homes in affluent suburbs, air-conditioned motor-cars, frequent travel, jet-set life-styles, "white-collar" crime and corruption and ruthless economic exploitation of other sectors of society, all of which "represent gradations of distance from the more earthly mesomorphic masculinity"¹⁷ of low-income male offenders.

Within the framework elaborated here then lower-class rape is the acting out of masculine frustration, "a power trip", an act of dominance and an expression of contempt against the world through an object offering the least amount of resistance, a woman's body. This understanding of rape is in keeping with the discovery in the U.S. that most rapes are planned and perpetrated not by "weirdos" but by ordinary violence-prone aggressive youths; that a high population of female victims had two or more assailants, suggesting "male-bonding"; and that the crime frequently occurred as part of a pattern of celebration on weekends. Recent studies also tend to show that rape, contrary to popular opinion, is in many cases only secondarily sexual, which go a long way in explaining the arbitrary choice of victims by rapists, including the very young and the very old, and the degree of violence and sexual humiliation that is inflicted on them. One study has even pointed out that where oral sex was involved, rapists on the whole were uninterested in cunnilingus, "what they demanded was fellatio done on them".¹⁸

Rape victims

The connection between the socio-economic position of some sectors of the female population and rape must be noted. In Trinidad and Tobago which is a multi-racial society, in newspaper reports rape victims, like rapists, are typically black or Indian and invariably of the same lower or working class background as their assailants. Our point of view is that the main reason Afro-cindian women of the labouring classes are singled out is that owing to economic, social and political inequality established during slavery and indentureship and retained under modern capitalism, they are unprotected and, therefore, easy prey. However, given the hegemonic sway of sexism in the superstructure, the Trinidadian white or middle-class mullato woman is safe only to a degree above the safety of the slum/plantation-dwelling Afro-cindian woman

But that it is possible at all for men in our culture to abuse women and rape for status and masculine self-expression is an indictment of the "overdetermination" of sexism in our civilization. In Trinidad and Tobago, as in other Caribbean societies, the basic sexist myth that women exist to satisfy male grandeur was passed into the superstructure through the mediation

of the plantation mode of production. The researches of feminist Caribbean writers such as Lucille Mathurin attest to this:

"The Elizabethan Statute of Rape, which had been administered in Jamaica since 1731, protected only those women who were white, and/or free.. It was not until 1822 that the case of an extraordinarily sadistic assault by a white planter of the parish of St. Elizabeth on a female slave child under ten years old served to stir up the normally impassive creole conscience. Thomas Simpson, the accused, was tried in the Cornwall assizes, convicted and sentenced to hang. He petitioned for mercy: the Chief Justice and the Attorney General examined the legality of his trial and concluded that in fact the statute involved could not be enforced in cases 'where rape is committed by a white person on a slave'. Both officials deplored 'this defect in the colony's criminal code' and sought a legislative remedy. As a result of their representation, the Jamaican House of Assembly in 1926 extended the law of carnal abuses and rape to cover those victims who were slaves".¹⁹

In the present era in Trinidad and Tobago, the stunted nature of the island's peripheral capitalist system intensified the socio-economic subservience of the female, among the Afro-cindian poor, and especially among the Negro-African element with their cultural background of slavery. The economic weakness of lower-class and working-class black women is evidenced in the "unstable" mating patterns and the proliferation of "fatherless" families that typify black lowerclass life-styles in the development of the Caribbean capitalist mode of production. **Within** the framework of the demoralization of the family, the subservience of the woman was made worse by the unavailability for a long time of educational opportunities for women of the labouring classes and the entrapment of working class women in the domestic service of the colonial elite and the native middle class. The dependence of the woman on the male for economic support, and with nothing to bargain with but her sexuality, resulted in multiple relationships with males in pursuit of economic support for her children. The working class female continued to exist within this broad social framework with changes slowly occurring with the passage of time as in the case of the modern state provisions for increased educational opportunities for the working class generally. Even so, since the petty bourgeois females have benefited considerably more from the expansion of educational opportunities in the post-colonial period as evidenced by their greater occupational and financial independence, the less fortunate Afro-cindian females, relatively speaking, have continued to experience the pains of subservience in a context of male-female relationships not much changed.

The economic servility of the mass of the females in Trinidad and Tobago has naturally contributed to the intensity of socialization to the myths of male supremacy and female subseivence. The oppressed males of the Republic have had evidence of the physical wretchedness and dependence of their female counterparts which is taken as indications of a naturally granted male supremacy. Perhaps the most critical variable here in the socialization of the male are the examples set by mothers who take for granted and inculcate attitudes reinforcing the ideology of the dominance of the male and the vulnerability of the female. The situation is strikingly similar to the case

of the "Sambo" and "Quashee" racial stereotypes where the African slaves in the New World internalized these negative stereotypes about themselves and passed them on to future generations. In the colonial trauma the Third World working class women experienced the most intense exploitation as she was assailed by both racial and sexist myths. Under these circumstances the dispossessed colonial male naturally exploited the ghetto females, victims of social dependency, as a channel for replenishing his ego which is constantly under attack. The predicament of the working class female, ironically, has not lessened but has deepened with the intensifying of the contradictions in the post-colonial Trinidadian economy enjoying financial windfalls and promising mobility and material security. The push to succeed, under these conditions, naturally increases the tension within the under-privileged male population in terms of the demands of machismo which finds expression sometimes in conquering the body of another human being. To us as social scientists it seems evident that this dilemma exist because capitalism in the periphery cannot afford to hand out gifts to its own working class for peripheral capitalism is itself dependent on gifts from metropolitan capital. Short of meaningful transformations then, the condition we have described in the depressed areas of Trinidad will continue to exist and spawn males who rape for status.

RAPE VICTIMS AND THE LAW IN TRINIDAD & TOBAGO

The Law: friend or foe

In the absence of struggle, the law under capitalism can be a potent weapon for repression for it performs the subtle (and sometimes not-so-subtle) function of reproducing in the superstructure economic and sexist inequalities, as in the conception of rape in Western jurisprudence where male dominance and the notion of females as 'property' are projected into the law on rape. Although rape is fundamentally a violation against a person's body (and mind), the law has never treated it as such. Rather, the law since Biblical times, has tended to disregard the effect of the act on the victim, and has conceived of the offence as a weapon that can be used against the man she belongs to, as an attack on his property. So the law derives out of the cultural conception of woman as male property and out of the economics of sexism which defined her in the economy and in the family as an "instrument of labour" as production, as well as an object for sexual use. This has resulted, since the days of the Old Testament, in a pre-occupation with the virginity of the victim, in rape cases, the so-called "hymen syndrome". To enhance the prospects for marriage and reflecting the economic basis of marriage, the daughters of the household should remain chaste, the commodity should be in top condition. It follows then that to plunder the women of your male enemies (as in war) was naturally the most powerful act of aggression. The law today, even in Trinidad and Tobago, still betrays an over-riding concern with the "hymen syndrome" as is expressed in the harsh moral judgment of female victims of rape in legal proceedings.

Of course, central to the problem of rape in law is the question of consent, which is supposed to protect the male, since if there was consent, there can be no grounds for rape, and the act cannot be seen as having been perpetrated "against the will" of the victim. But in practice the male bias of the courts has made for a very hypocritical interpretation of consent. Thus legal sexism has the effect of "blaming" the victim for the crime; of suggesting the female "caused" the rape by the exposure and flaunting of her body. The very styles and fashions for which she is now condemned were designed to encourage femininity to please male society. We accept that the stress on the morality of the victim could be used to protect

men wrongly accused and to guard against the actions of the persecuting female or the so-called "Potiphar's wife" type of women who, having been rejected or offended by a male, tries to get back at him by claiming rape. But often the court is influenced by myths such as the Freudian belief that women want to be raped as it satisfies the deep-seated masochism of the female psyche. The effect of these attitudes in practice, is to exonerate the rapist and to blame the woman for the offence, to argue that she precipitated the crime. The resultant feelings of shame and guilt on the part of the victim is one reason why the crime of rape is so universally under reported, which again works against women, since in not reporting rape-events they simply go undetected and unpunished. Women are then conditioned in expecting rape as a practically inescapable danger in their lives and produces a fatalism which renders them easier potential targets.

The law on rape in Trinidad and Tobago, contained in a statute entitled Summary Offences Against the Person, deals with rape in only one paragraph, being mainly concerned to define offences against girls below 13 years of age or between 13 and 14 years old. The law itself is very limited in scope and application and is antiquated, having been placed on the statute book on the 3rd of April, 1925. The law does not define what is rape, nor does it contain any paragraphs on the protection of women over 13 years of age.

The first paragraph of the statute simply states the crime of rape is a felony. And because of the absence of a definition, it is left to the discretion of the judge to define the concept for jurors. The omission of a formal definition allows the judge to express his or her personal opinion on what effectively constitutes rape: a curious state of affairs since this is not allowed in other criminal proceedings.

The second clause of the first paragraph of the law classically expresses the idea of the wife and her body as the property of the husband since a husband cannot be charged for rape and rape is said to be committed only when a man seduces a married woman by impersonating her husband. As such "impersonation" and seduction of another man's wife is a felony.

The following paragraph of the statute deal with sexual unions with girls below 13 years. Strangely enough (maybe because the law is out of date), in a society that legally grants adults status at 18 years of age the female defined as a minor is considered in need of protection only at the age of 13 and below. The attempt to have sexual union with a 14 year old girl is treated as no more than a misdemeanor. At 13 years old and below the defence of "consent" is no defence, but above 14 it is a defence. In these circumstances, a man accused of carnal knowledge of a girl between 13 and 14 years can plead that he was under the impression that the victim was above the age of 14 i.e., he can claim that the girl "consented" by simply stating that the girl looked older than or as a 14 year old. So we are back in the area of the "mortality" of the victim, although in this case the idea of female consent to the act is not even debated as 14 is the marginal age. It seems this is a loophole for once again passing on the guilt of the crime to the victim.

The foundation of legal proceeding in a rape case are the concepts of consent, character and corroboration. The onus is therefore on the victim to prove her innocence, which is an indication of the insurmountable difficulties a prostitute would have in convincing a jury that she was raped. The prostitute is therefore fair game for rapists as she receives no protection whatsoever

under the law. The trend in rape cases is not in denying that sexual intercourse took place but in proving the conditions under which it took place. Here again it might be said the purpose is to protect the accused against the malice of a vengeful woman. Yet what are we to make of the fact that it is the victim and not the attacker that is cross-examined about his character. As has been noted:

"Rape is the only crime where the victim finds herself on trial as a possible accomplice and where cross-examination of the victim's character is permitted".²⁰

The concept of corroboration is perhaps the one that acquits the majority of men accused of rape. The legal process demands that other than the victim the execution of the crime must be validated by a witness. Where corroboration cannot be obtained the outcome of the victim's case will again depend on her morals. The following statement by Hugh Wooding, late Chief Justice of Trinidad & Tobago, underscores the attitude of the bench to corroboration in rape cases.

"The facts disclosed that at the time specified the prisoner did have carnal knowledge of the prosecutrix as he himself admitted, so that the sole issue between the crown and the prisoner was whether he did so with the prosecutrix's consent. It became necessary having regard to the type of offence with which the prisoner was charged that there should be due and proper adequate warning given by the learned judge, to the jury of the danger of convicting on the uncorroborated evidence of the prosecutrix, and therefore of the 'desirability' or expediency of having that evidence corroborated".²¹

The victim is further attacked with guilt and shame when she is forced to give public testimony as to the sordid details of the crime. She has to testify as to whether penetration occurred, if she experienced climax and if she struggled against the act. The penetration of the victim is said to be necessary to validate the claim of rape. Failure to struggle reflect on the morality of the victim as resistance is supposed to demonstrate the female's revulsion towards the act. The victim is cross-examined also as to the method employed in the crime as questions such as these are intended to unearth possible lies by the prosecutrix. The hostility of male police investigators in the initial stages and the embarrassment of testifying publicly in court heavily influences the low report rate of crime in Trinidad and Tobago. But victims are also dissuaded from reporting rape by the attitude of their female peers who as a rule advise them not to. Trinidadian females, especially in the poorer classes, continue to view males and marriage as vehicles of social mobility. The idea that the rape victim is at a serious disadvantage in the race for mobility is borne out in the general male attitude to them that they are defiled property and also, to some extent, explains the rationale of the defilements and humiliation the rapist usually subject his victim to. The tendency is for the victim's female friends and relatives to instruct her to avoid reporting the crime. Where she becomes pregnant an abortion is arranged - if it can be afforded.

The law of rape that exist today in Trinidad and Tobago is therefore biased and ineffective. Necessary to any effort to effectively deal with rape in our society is a redefinition of the concept of rape, as well as the legal principles informing the statute. But central to the whole issue must be the destruction of the myths that surround the sexes in society. The most progressive rape laws can neither eradicate rape nor effectively protect the victim in a capitalist sexist society.

CONCLUSION

The paper statistically explores the correlation between rape and urbanization and population concentration in the Republic of Trinidad and Tobago and argues that rape is predominantly a lower-class phenomenon expressing an attempt to replenish manhood at the expense of economically unprotected lower-class women who are similarly socially disadvantaged. The paper also tries to elaborate a victim's perspective on rape and shows that rape is also a product of sexist values expressing the subservience of women in the social structure and their status as objects for sexual use.

FOOTNOTES

1. Ken Pryce is lecturer in Criminology in the Sociology Department, University of the West Indies, St. Augustine, Trinidad.

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2. All the crime figures used in this paper were gathered from primary sources in the Police Service of Trinidad and Tobago. All the statistics giving percentage increases in crime should be read with caution, since the corresponding figures giving percentage increases in the population are missing from the paper. To be truly meaningful a percentage increase in crime should be assessed in terms of the corresponding percentage increase in the general population or a particular sector of the population, since if the population is increasing either at the same rate or at a faster rate, it cannot be said there has been an increase in crime.
3. All the demographical statistics in this paper were drawn from Jack Harewood: The Population of Trinidad & Tobago, CIREO series, 1974.
4. See Trevor Farrell: Unemployment Crisis in Trinidad & Tobago. Mimeo, 1978. Department of Economics, UWI., Trinidad.
5. Carol Smart: Women, Crime & Criminology RKP, 1976 See p. 97.
6. The quotation is from M. Wolfgang and F. Ferracuti: Subculture of Violence. London, Tavistock, 1967 and is quoted on p. 180 of Susan Brownmiller: Against Our Will. Simon and Schuster, New York, 1975.
7. Frantz Fanon: The Wretched of the Earth. New York, Grove Press, 1965.
8. Cleaver interview in Playboy, Dec., 1968.
9. Eldridge Cleaver: Soul on Ice. New York: Dell-Delta/Ramparts, 1968, p. 14.
10. See Hyacinthe Ellis, "Criminal Violence in Jamaica: A Psychological Perspective". in Special Number of Caribbean Issues on Crime, edited by Ken Pryce, Dept. of Extra-Mural Studies, UWI, St. Augustine. See also Terry Lacey: Violence and Politics in Jamaica, 1960-70. Manchester University Press, 1977.
11. Chap. 4 entitled Prostitution, Rape and Sexual Politics in Carol Smart, op.cit.
12. See the fol: Carol Smart, op. cit.; Susan Brownmiller, op. cit.; J & A Schwendinger, "Rape Myths: in Legal, Theoretical and Everyday Practice" in Crime & Social Justice, Vol. 1, No. 1; J.M. Reynolds, Rape as Social Control. Catalyst, No. 8, Winter.

13. That is, taken on a "nature-like" existence, become an independent reality sui generis. For a discussion of the concept of "over-determination" see Louis Althusser (1969): For Marx, London, Allen Lane The Penguin Press, as well as his Reading Capital (1970). London, New Left Book, and Nicos Poulantzas: Political Power and Social Classes, (1973). New Left Books, Sheed and Ward.
14. David Greenberg: "Delinquency and the Age Structure of Society", p. 208 in Contemporary Crisis. Vol. 1, No. 2, April 1977.
15. See "Reputation and Respectability - A suggestion for Caribbean Ethnography in MAN, Journal of the Royal Anthropological Institute, Vol. 4, No. 1, 1969.
16. Wolfgang and Ferracuti, op. cit.
17. p. 306, ibid.
18. p. 197, Susan Brownmiller, op. cit.
19. Lucille Mathurin: "Reluctant Matriarchs" in Savacou, a Journal of the Caribbean Artists Movement (Gemini, 1977).
20. Spear, May 1977, Vol. 6, No. 10, page 33.
21. West Indian Law Reports, Vol. 7, 1964-65, page 217.

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