

A Self-Criticism of “Rape in Trinidad and Tobago 1973-1978”
and “Rape and the Socio-Economic Conditions of Trinidad and
Tobago”

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Introduction

The writings that follow were done in the period 1981-1982. In 1978 I presented “Rape in Trinidad and Tobago 1973-1978” for my B.A. (Hons) thesis at the University of the West Indies, St Augustine, Trinidad. The paper “Rape and the Socio-Economic Conditions of Trinidad and Tobago” authored by Dr Kenneth Pryce and I followed on this thesis. Dr Pryce was the supervisor of my B. A. thesis and my guide into the world of academic criminology in the period 1978 to 1981. From 1978 to 1982 I wrestled with a journey through three discourses: Marxist-Leninist dialectical materialism then Western Marxism/Feminism/Marxist Feminism and finally the discourse of Michel Foucault especially the Foucault of the History of Sexuality Vol. 1 and Power-Knowledge. The journey continued from 1982 to the present with the return to the discourse of Franz Fanon the source and foundation to build upon. Rape has not been part of my writings since 1982 but my interest and reading continues especially my interest in serial and gang rapists and serial killers. The position I articulated in Part 2 remains the foundation i.e. rape is part of the discourse and sexist and racist power relations of the west and to understand this reality the erotic of rape and its operational presence in western sexuality must be deconstructed. Rape in T&T is then impacted by the discourses of sexism and racist hegemony and these discourses must be deconstructed to reveal the aggressor and the victim it constitutes.

A Self-Criticism of “Rape in Trinidad and Tobago 1973-1978” (1981)

A recent publication of “Rape and the Socio-Economic Conditions of T&T” effectively crystallized the conviction that a self-criticism of my viewpoint is necessary as I no longer agree in entirety with the theoretical foundation of the paper. Since the writing of my thesis on rape one has definitely matured for one has delved deeper into the issues and the literature being produced by the Marxist Feminists. From the outset the theoretical foundation of the study is weak and undefined causing severe inadequacies in depicting the sexist superstructure of the mode of production in T&T.

The issue should and has to be approached through the articulation of the mode of production with special emphasis on the position of women within this mode. The depth of sexism operative in the allocation of positions in the means of production is indicative of the intensity of sexism in the superstructure. The class/race relations have of vital importance, to be articulated. The growth of white dominated monopoly capitalism, the black administrative bourgeoisie, the East Indian competitive capitalist, the aristocracy of labour, women in the working class, these are just instances of the wider picture which demand articulation.

The mode of production has to be articulated for it is of vital necessity in unravelling the relationship between the family and the capitalist mode of production, especially the role of the housewife in the reproduction of labour. The family is of significant importance in uncovering the ideological apparatus of the superstructure. The ideological determinants of the subject must be articulated to fully understand crime and especially crimes against women. The ideologies of sexism and racism both serve the ideological processes of capitalism in T&T whilst dialectically influencing each other. In the family we uncover the labour demands of the mode of production and the continuity of the ideological apparatuses in creating subjects.

The paper on rape presented the rapist as a knowing subject, independent in making the decision to rape in response to structurally determined psychological pressures. This position is economic determinist for it places the subject as the being wholly determined by the mode of production at its best, this is simplistic reductionism. One cannot abide with this position of the knowing subject for the

subject is the subject of the ideological apparatuses (master subject). The decision to rape exists based on the realisation that woman is victim and forcible sexual intercourse is an adequate action to perceived male needs. Rape, incest and all sexual crimes are the outcome of ideological processes that create woman as victim and man as aggressor. Rape is then a crime vitally necessary for the continued existence of the capitalist mode of production, for rape is simply the act that continues to affirm the sexism of the superstructure whilst breathing continuous life into it. One can now fully appreciate S. Brownmiller's statement that rape is social control for it is part of the superstructure that assures the hegemony of male dominated class fractions that form the ruling class. To unravel the sexist ideological apparatuses one must trace the development of sexism in the decline and overthrow of the matriarchal states by the nomadic patriarchs. The psychological basis of sexism was laid in the ascent of man to social power and one affirms that the foundation of sexism is the fear of woman. The psychological profiles created by any ideological apparatus based on class/sex relations must show the dichotomy of sex roles. The basis of these sex roles is the denigration of the female body and as such things are branded female/unmale/unclean vis a vis male/clean. Ideological apparatuses are dialectical in nature and as such all constituted subjects are the images of this dialectic.

Racism has intensified the role of sexism and vice-versa in the genesis of individuals in T&T. This dialectic can be visibly identified in the East Indian ethnic group as they are experiencing the decay of pre-capitalist patriarchal institutions which were kept alive and redefined by the plantation mode of production. The institutional decay has caused the dislocation of elements of the sex role creation process to lose their effectiveness. One then cannot generalise on the position of women and the nature of the ideological apparatuses for different relations to the mode of production have brought ideological apparatuses with varying emphases to bear upon the individual.

The use of official statistics in the study as a means of inference is now contradictory to one's epistemological position. Though one recognized the problems and weaknesses of these statistics the concentration of the paper on lower class rape and the depiction of forcible rape as a lower class problem was based on the geographical picture given by these inadequate statistics. To depict

forcible rape as a lower class problem is totally unjustified and somewhat sensationalist in keeping with the tradition of structuralist criminology. Pinning rape on the working class male adds further credence to the ideological position on crime as the domain of the working class thus the need for law and order thereby justifying perpetual policing by agencies of the state. The paper unknowingly added fuel to the hegemonic ideologies of the ruling class, what is needed now is the adoption of a position which surveys the position of women in society and rape.

Rape must be redefined for forcible rape is itself a sexist concept as it for example continues to protect seduction from being classified as rape. Bourgeois sexist law draws upon the red herring of consent by making it the most relevant criterion in determining rape. Forcible rape is only recognized as being illegal in sexist law for forcible rape is RAPE. Consent is irrelevant to the issue of rape for it has no bearing on the ideological lesson in the act of rape. Consent is a juridical principle created by sexist jurisprudence for law creates juridic subjects and it must create practice in line with the ideological content of the superstructure. Marxist Feminist research must recognise the concept for what it is and summarily reject it. Consent only recognises the existence of forcible rape for obvious reasons for it is itself hegemonic as it hides the true nature of rape. Rape is sexual intercourse against the will of the woman, an act based on the powerlessness of the woman in determining the destiny of her body. Women who give consent to sexual intercourse with males with power over her destiny as the checker or area foreman on the Special Works Program are being raped. The wife who consents to the husband's wishes against her will is being raped. The lesson of rape to women is their powerlessness for the male has the ultimate right to her body whenever he so desires. The society has various means to point out to the woman her powerlessness entirely different in circumstances and procedure from forcible rape and in many cases much more poignant as a teaching aid. It is therefore futile and theoretically incorrect to differentiate rape on the modus operandi for the criterion is not how but the lesson to be taught for the lesson is of vital importance to the preservation of the status quo. Rape is therefore not a lower class male crime but an instructive aid open as a valid tool to all males, especially important in its demonstrative effect on the women of sexist society.

The paper did not fully bring out the role of law and the capitalist state for there was need to point out the interrelationship of law and sexism. Law defines the legality of social actions in the hegemony of law and order but illegal acts are also images or reflections of the ideological superstructure. Law can legitimise relations from prior social relations, the law suffers from dialectical inertia the best example being the law on rape. The law is open to pressure for change from changes in the mode of production or from developments in the social relations. Law cannot erase the practise it has legalised, fostered or developed under a prior social contradiction if the former practise is still vital to the mode of production or superstructure. The law cannot erase sexism but it responds to pressures in order to maintain hegemony by implementing piecemeal reform. The sexism of bourgeois law confirms the position of sexism in the superstructure and the relation it has to the mode of production. Law can then answer to the conjunctures in the superstructure which are totally unrelated to the contradictions of the mode of production. The failure to articulate these characteristics of law resulted in a disjointed and shallow analysis of the law on rape in T&T. The legal principles of consent, character and corroboration were not recognised as simply bourgeois legal concepts linked to a jurisprudence based on private property making it very unlikely that these concepts would ever be discarded by the law. The entire mechanism charged with the creation of sex role reflection continues to throw out images that reinforce the rationale behind these concepts. The law on rape in T&T can undergo superstructural changes, any attempt to implement an equal wages act would cause intense opposition from the capitalist class. The limits to any reform on sexist law is the abandonment of sexism itself.

Part 2 Afterword (1982)

The time that has elapsed since the writing of my self-criticism of “Rape in Trinidad and Tobago 1973-1978” has necessitated the writing of an Afterword to outline the development of my position on rape. Rape is a multidimensional phenomenon demanding analysis which goes beyond focusing on the nature of the crime, the law, the victim and the attacker and causal theorising. From the outset it must be recognised that rape is a historical phenomenon necessitating a clear definition of the historical period and/or mode of production which is/are the historical reality of the act. Rape in the capitalist mode of production has an

entirely different body of ramifications aligned to it as distinctly different to rape in the feudal mode of production. It is a useful tool when studying rape in the capitalist mode of production to apply the concepts of the articulation of the mode of production and reproduction. Proper articulation of these modes would uncover the relations of production and reproduction and the interrelations between the respective modes. But what of the systems of power/knowledge which are products of not only the relations of production but of history itself. What of the ideological systems that assure the continuity of capitalist mode of production and sexism?

It is apparent that capitalism has adapted itself to a sexual division of labour and sexual politics predating capitalism. Capitalism has changed the relations of these historical discourses breathing new life into these systems of power. It has placed its unmistakeable stamp upon the sexual systems of power. But it has been willing to compromise its drive for capitalist rationality to preserve the basis of these systems of sexual power. The best example of this is the changes wrought in the structure of the family as the capitalist mode of production developed from its early days to present day monopoly capitalism. One can safely posit that capitalism has given sexism a resiliency seen in a most visible system of sexism. It has withstood the challenges of the 1960's and early 1970's effectively compromising when pressured and resurging in times of crisis in the mode of production. The sexist systems of power have effectively "compromised" with for example the gay community by "ghettoization" of these communities. They now have to assert themselves and their culture to make imprints on mainstream society.

To study rape one then has to recognise the power structures that have created sexuality in capitalism and its relationship to the historic phenomenon of gender. Capitalism has the unique ability to create discursive practices through the creation of discourse based on knowledge of the human in total. Sex is the basis of a discourse of power/knowledge operative in the system of sexuality. Sexuality or crudely eroticism is the system of control devised which collects knowledge of the sexual drives of the human in the form of scientific discourse by enabling sexual drives to blossom along determined channels. Sexuality is in itself a system of discursive practices. The system has concentrated its "GAZE" on the child, the "pervert" and the woman. It has surfaced the eroticism of the child through

problematizing it therefore creating the sexuality of the child. A sexuality expressible only in discursive practices and open to constant surveillance. One can posit that it was necessary to problematize the sexual drives of the child in order to persuade the wider society of the need for surveillance of the child's sex drives. The drive to knowledge /power was climaxed in the formulation of the scientific discourse of the Oedipal complex. This was the climax to the drive to knowledge founded on the problematization of the sexual drives of the child.

The fabrication of the label "pervert" was the basis for the creation of the system of knowledge/power which focused on the sexually "abnormal". The criterion of "normality" was heterosexuality for it was already enjoying a historic hegemony. In its quest for knowledge/power of the sexual "pervert" the scientific discourse constantly fosters the blossoming of methods/types of perversion in its quest for knowledge/power. Sexuality is the mother of pornography as there is the constant quest to experience the further reaches of sexuality both as participants and as paying spectators. This is possible through the objection of objects of knowledge which form the basis of the systems of power/knowledge in capitalism and the individualisation of citizens through their relation to the means of production.

The hysterization of the female body formed the basis of systems of knowledge that focus on the female body and especially the mechanics of reproduction. Psychiatry was to be the scientific discourse that climaxed the process of the creation of knowledge/power on the female. In fact, psychiatry climaxed in the late 19th century along with the system of sexuality that was in piecemeal construction since the dawn of the mercantile era in European history. Proof of this lies in the areas that early formative psychiatry was concerned with: (a) the sexuality of the child (b) the hysterization of the female concentrating on the interpretation of dreams and (c) the abnormal sexuality of the pervert. There is a constant flow of ideas/theorisation on the issues of sexual inequality emanating from the "scientific" agencies of the state charged with the production of discourse to maintain the systems of power/knowledge. Women are constantly assailed with new official theories of sex, gender especially and reproduction of the species. Motherhood is revamped, reshaped and advertised to suit the contradictions in the mode of production. In fact, motherhood has had a resurgence in popularity supported by seemingly distinct phenomena as the

campaign against baby formula in support of breast feeding to the resurgence of revamped biological determinism in the theorisation of sex roles.

Rape in capitalist society has then to be situated within the borders of sexuality, never failing to recognise the historical reality of the crime. Rape has then a dual character: the historic phenomenon linked to its use as an effective tool of sexist society to coerce women. The forcible entry into the person against their will is perhaps the most effective means devised to coerce recalcitrant individuals. Its demonstrative abilities are supported by the fear of rape that pervades the female psyche. Rape in the framework of capitalist society and the production of discourse entails the formulation of a different perspective for one is attempting to uncover the relationship between the historic aspect of race and its position in the production of scientific discourse. The historic continuity of the crime of rape has been the base upon which a body of rationalisations stand. In essence these are apologies created by male dominated societies for the consumption of their “ladies” or “good women”. Sexist society must always seek to protect “their” women and discipline the recalcitrant, that is a task that has continued to be daunting in the case of rape. Rape law has then a remarkable continuity in regards to its principles because of the unchanging need for sexist society to coerce the female recalcitrant and protect the “ladies”. Rape law has always to be then in favour of the male as expected but also in favour of the “good ladies” for sexist society has to prove that “good ladies” are not raped. The women who are raped are not virtuous as they are prostitutes, adulterers or temptresses, the “good lady” is always protected by her male or males. The “good ladies” who are raped are the victims of sexual perverts, maniacs who must feel the wrath of male society in its need to protect “their women”. It is in the creation of the relationship between rapists and sexual perversion that we recognise the intervention of scientific discourse into the historic culture of rape.

The pervert represents the best derived rationalisation forwarded by sexist society to dissuade the fears of “their” womenfolk. It is the male driven over by lust that rape women, male society must then protect their women from these sex driven animals. The pervert has been the most effective measure devised to mark the reality of rape for he comes out of the discourse of sexuality with an already developed profile. The scientific discourse of the power wielding groups in male society make ample use of the actions of homicidal psychopaths to illustrate

the causal connection between sex crimes and perversion. The discursive practices that pervade the human psyche must be veiled for the sake of obvious sexual-political reasons. To point out the nature of the sexual offender without recognition of the role of sexuality in the maintenance of sexual power structures can only create a new scientific discourse which is easily absorbed by the scientific producing agencies of these superstructures. This is aptly demonstrated by the paper on rape in Trinidad in a more acute situation for in the case of Trinidad, the power structures simply had no use for the paper as the rationalisations still go unchallenged by the women of the society. It is conflict, class or sexual, that forces the knowledge producing structures of the state to discard, create, absorb or temporarily shelve discourses under challenge. The case of rape law in the metropoles is instructive, but in the peripheral capitalist societies as Trinidad, the conflict still centres on the struggle for survival.

Rape is therefore part of the erotic of the sexuality of capitalist society vital to the knowledge producing system of sexuality for it is part of the erotic as are pornography and straight sex and through its existence as an action under surveillance it produces knowledge vital to the maintenance of the power wielded by class/sex fractions of capitalist society. The eroticism of rape has been deliberately subdued in research because of the stigma of the crime and the position of the law. Rape is part of the sexist male erotic as is pornography for the act itself is highly reminiscent of the erotic exhibited by males participating in the erotic of pornography in rape the male is no longer a spectator but an actor/aggressor, acting upon a vessel which reveals a suppressed aspect of the erotic of sexuality. This is supported by the documented evidence on the act itself in which ejaculation was nearly spontaneous with the overpowering of the victim. The research on rape has then to be redirected for present empiricist research has reached a dead end for it is lacking in a clear anti-discursive theoretical formulation. To explain rape without the recognition of its dual nature forces one into the use of Freudian, and the Lacanian and the Feminist interpretations of Freud which produce a circulatory explanation of conjecture based on theoretical conjecture. These explanations are not mindful of power in capitalist society and the multiple, complex forms power adopts in capitalist societies.