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## **"A shot reputation:" rape in colonial Australia and why it matters today**

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In his *Navigation of Feeling* William Reddy discussed the connection between individual emotion that is a learned response and its effect on society. The roots of the framing of rape and sexual assault as we see it today in Australia go back to colonial times and the narratives of sexual crime executed in racy language that were freely circulated in Australian colonial press. The reports of Mount Rennie rape case by the frequency and "cross-cultural references invoked in discussing the crime achieved a singular level of cultural production which has far wider references than legal history" (Peers 1998). They gave birth to the debate of the "real rape" vs. "simple rape" as defined by Susan Estrich (1987) and marked Australian public discourse and public attitude toward rape until the present day. Thus, in November 2015 Michaelia Cash, Minister for Employment and Minister for Women claimed "We have a national crisis when it comes to violence against women in Australia" to which testify reports of the Australian Bureau of Statistics on women's safety, National Student Safety report, all the way to Brittany Higgins' story and the way it was dealt with in the media and within the legal system. As long as "One in seven young Australians say rape is justified if women change their mind" according to National Community Attitudes Towards Violence Against Women Survey (NCAS) there is still a lot to be done to change the cultural narrative of "real rape" so that rape does not go underreported and unpunished as women fear shot reputation.

*Key words:* "real rape, "simple rape," colonial Australia, Mount Rennie, Brittany Higgins, ABS report

In his *Navigation of Feeling* William Reddy claims that while "anthropologists of emotions have proven themselves highly sensitive to the workings of political institutions, deference, authority, and gender" they were unable to "show what is at stake for the individual in submitting to such institutions, in accepting and feeling the emotions prescribed by specific family organizations, in embracing emotional styles that render them humble, obedient, deferential – or aggressive, independent, arrogant" (114). And it seems that the fundamental problem lies in the answer to the question of what happens when an individual

who feels an emotion that is such a learned response, a response that is a product of social construction, acts upon it. What will a person lose by submitting to the "collectively constructed emotional common sense?" (114) What will the society lose?

The roots of the framing of rape and sexual assault as we see it today in Australia go back to colonial times and the detailed narratives of sexual crime executed in racy and frank language that were freely circulated in Australian colonial press. Moreover, they were a "fixture of colonial experience" (Peers 1998: 3). Thus Brisbane *Queenslander* reports of "another story of gross outrage on a girl" and the "details are horrible. It is almost incredible that there should be such brutes in any civilised community" (25 September 1886, p. 28, New South Wales correspondent, written on 11 September 1886).

While sexual assault was frequent and newspapers reports such as the one above were numerous, it can be argued that reports of Mount Rennie rape case by their "numerical frequency and the breath of cross-cultural references that are invoked in discussing the crime achieved a singular level of cultural production which has far wider references than legal history" (Peers 1998: 1).

The case refers to a gang rape of sixteen-year-old Mary Jane Hicks, a domestic servant, which occurred on 9 September 1886. While walking to Sydney unemployment registry Hicks was offered a ride by a cab driver who, instead of to the registry office, took her to Mount Rennie bushland and attempted to assault her when she screamed for help. Two young men arrived pretending to help instead taking her to an even more isolated place where, joined by several others they took turns raping her. A passer-by attempted to help, but was thrown off by the boys, so he ran off for the police. The police chased the boys away freeing the girl, and eventually apprehended the boys and the cabman. The trial was held and the cab driver received 14 years hard labour with two floggings, nine of the youths were sentenced to hang. Three sentences were subsequently commuted to hard labour for life, the first three years in irons, "after the longest Executive Council meeting in the history of the colony" (Walker 1986: 28).

The accounts of the events in the newspapers of the day "invoked a fanciful, detailed and emotive narrative of female innocence and its eventual betrayal" (Peers 1998: 4). Namely, Hicks was a convent educated orphan and as such did not fit the gender role that typically qualified for "real rape."

The concept was devised by Susan Estrich to describe a pattern used to distinguish supposedly "true" rape from "false" ones used in public discourse to legitimate certain rape stories and to discredit others. Namely, in her book *Real Rape: How the Legal System Victimizes Women Who Say No*, Estrich, writing in the attempt to reform rape law, describes the instances of, what she terms as "real rape" which she differentiates from "simple rape." "Real rape" is the one in which the rapist uses great physical force or is armed, when there are multiple rapists or when the rapist and the victim are of different race (1987: 3). Police and the justice system look sympathetically towards victims of such "real rape." As opposed to it, "simple rape" is what happens when the rapist knows the victim, acts alone, does not have a weapon and does not beat the victim up. The

legal system treats those as merely "technical" rapes, something that is not rape at all (4-5).

In colonial Australia the idea of the "real rape" can only refer to, as Archibald defined it in the article "The Impartiality of Police Persecutions" (18 February 1888) in the *Bulletin* only those cases where the victim is a virtuous woman, and the perpetrator is a ruffian, a villain, a tramp: "The Bulletin does not say that any and every woman, however, degraded, is not entitled to physical protection, but it holds that every woman who desires the full protection and vengeance awarded by the law to female innocence must comport herself as a pure woman, and not invite attention by the trick of the wanton" (1888: 4). Also, in line with the other newspapers and magazines of the time, *Bulletin* firmly believed that real men do not commit rape, only animal, brutes, ruffians do. Therefore, once the perpetrators are constructed as honest and helpless before the law, they cease to be rapists, and the victim's allegations of rape necessarily become false.

However, Mary Jane Hicks's rape did not fit the *Bulletin's* mould of the "real rape." Namely, Hicks was neither "a working class 'widow', deserted wife or an older woman with a string of convictions for drunkenness, exposure etc." (Peers 4). Also, importantly, she survived. Therefore, her "narrative was not foreclosed, as it had been previously when larrikin gangs killed their female writers in a number of violent rape cases that caused widespread anxiety in the early to mid-1880s in Sydney" (Peers 4).

Therefore, Archibald had to construct Hicks as lewd by shaming her as a victim:

[...] when a strange cabman simply crooks his finger at her, a woman will leap into his vehicle, and suffer him to drive her to some lonely and secluded spot, can she be regarded as having the same claims to redress as the decent woman who is unprovokedly assailed by ruffians? Virtue is a mental quality in a far greater degree than it is a physiological attribute. An offence committed by a lewd man against an immodest and immodestly-acting woman is a mere offence against property – the sort of property dealt in by every strumpet who walks the street; an offence committed by a brutal man against a modest woman who acts modestly is an offence against a noble ideal (4).

And it went on for years. The way Hicks was depicted in public discourse of the time, the way the nature of the crime committed was represented and classified and morally evaluated, became a part of the collectively constructed emotional common sense of Australia. Judith Peers gives numerous examples of very vivid and racy, almost pornographic reports of the case in Australian papers wherein, even though Hick's "normalcy" and "decency" (4) were stressed, "nature (and the shape of narrative interest) was firmly on the side of the villains" (4). Moreover, Peers interestingly argues that the papers portrayed the event in line with the conventions of Victorian romance. She gives numerous examples from the *Globe*, *Daily Telegraph* and *Evening News* showing how they catered to the sentiment of their reading public educated on Victorian romance.

Sydney *Globe* went into such details as: "Like wild beasts they tore her clothing from her body, and it was only then a party of police was descried in the distance that the unfortunate victim was left half dead" (11 September 1886). The *Daily Telegraph* wrote:

She screamed about for aid, but heedless of her resistance or her appeals for pity, they threw her down and some of them criminally assaulted her while others held her firmly on the ground. At about this time a respectable working man was attracted by this disturbance. On going to the spot he bravely tried to rescue the girl, but her assailants with characteristic cowardice beat him back with sticks and other missiles (11 September 1886).

*Evening News* took it farthest by portraying Hicks as innocent and unsuspecting, convent-educated girl, unfamiliar with "great city ruffians." The boy rapists become wolves "with hungry eyes" who look upon Hicks as a "lamb" who was "destined to become their prey" (7 January 1887). The description of the event ends as follows:

She was not a willing victim. Her clothes were torn from her body, and while two of the ruffians held her, a third sated his appetite. The act was repeated until nature in the unequal struggle sent insensibility to the tortured girl. While she lay there dazed and senseless the lustful riot continued, until the last beast in human form had gratified his passion she was detained there. She recovered her senses, and was walking away aimlessly when four others came up and she was compelled to submit to their desires. Her money, a trifle, was stolen from her during the progress of the assault, and Hill, (the most recently reprieved) gave her, out of liberality of his flowing heart, one shilling to liquidate his liability. She was allowed to stand for a little time, and the cry of "police" decided her assailants upon beating a precipitate retreat (7 January 1887).

While these reports do, indeed, owe a lot to the genre of Victorian romance, more importantly, they contribute to the colonial Australian mythology of "real rape." In Australia it manifested itself in the narrative that real rape in the colonies is extremely rare, and if it does happen – it is animals/brutes/strangers/ cowards that rape not real men. This is evident already in the above quotes – the rapists are "wild beasts" (*Globe*), "assailants with characteristic cowardice" (*Evening Telegraph*) and "beasts in human form" (*Evening News*). That "real" men, those who do not rape, are chivalrous proves the "respectable working man" described by the *Evening Telegraph* who "bravely tried to rescue the girl." However, he failed. *Evening News* even go so far as to claim that chivalry is not dead as one of the rapists, Mr. Hill, returned Hicks a shilling they stole from her "to liquidate his liability" upon which he was reprieved and released.

But no colonial paper advocated and promoted the idea of "real" rape in Australian colonies as much as and as fiercely as *The Bulletin*. And it was not only in relation to Mount Rennie Case, but in relation to the Suffield case, as well.<sup>1</sup>

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<sup>1</sup> Dean case refers to the trial of George Dean, a ferry boat master in Sydney, who was accused for attempting to poison his wife in 1895. See *Bulletin Pamphlet*.

Thomas Suffield, who drove a pumping engine at a local colliery, was accused of assaulting Anne Chambers, a female servant. *The Bulletin* issued a pamphlet authored by A. G. Stephens (Sydney *Bulletin* Pamphlets 11, 1897). It is a sixty-four page long and detailed account of the personal background of the parties involved, of the events that occurred prior to the assault and immediately following it, of the court proceedings, and the petitions and appeal following the sentencing of the man to ten years in prison. Contradictory to his opening claim of the *Bulletin* not knowing Suffield and never seeing him (1) and not knowing "whether Suffield is innocent or guilty" Stephens – a few lines down – claimed that Suffield was "unjustly imprisoned" and "did not receive a fair trial" (1).

Stephens' base description of Chambers formulates her as a manipulator: "She made 'a good witness,' as the lawyers say; was plainly dressed, and looked modest and attractive. A feminine observer noticed that in court she wore a veil, and had taken the flowers from her hat; and that after the trial the flowers were replaced. Who suggested this piece of strategy?" (4). On the other hand, Suffield made a bad impression and the judge was convinced that he "had a demeanour of a guilty man" (4) because "anxiety and confinement in gaol had shaken his nerves: and his disclaimed guilt in a rhetorical manner which looked affected and false" (4).

Stephens goes on attempting to discredit the victim by ridiculing her testimony hoping to sway public opinion against Chambers:

She was unconscious when "seemingly terribly afraid" – do unconscious people seem "terribly afraid?" She was unconscious when "her hands were raised as if in fear, and terribly shaky" – do unconscious people raise their hands as if in fear, and shake them terribly?

She was unconscious when Croudace, J. P. asked her a distinct question – "What is the matter, Anne?" and got a distinct natural answer, "Oh, that bull!" She was unconscious when Croudace, J. P. asked her a second distinct question – "Has the bull hurt you?" and got a distinct, natural, consecutive answer, "I'm hurt all over." Do unconscious people, then, talk, and answer questions, and answer them sensibly and categorically? (24)

Stephens' cruelty does not end there. He gives full reports of two medical doctors who examined Chambers after the event and following the lawsuit down to the last private detail: "a scratch on the left groin, a bruise on the inside of left thigh ... mucous membrane of the labia majora had a red blush --- hymen .... [with] central opening," with doctor Harris writing to the judge that "judging from the chafed appearance of the labia majora, [he was] of opinion that intercourse had been at least attempted; it could have been completed" (26).

Finally, completely discrediting himself and his position of intelligent erudite obtained in the course of his literary work with the magazine, Stephens writes: "What sort of a man would it be who, in the course of a struggle *lasting little more than five minutes* – from the time when the Croudaces heard the screams to the time when they rushed downstairs – could inflict injuries which would confine an able-bodied girl to bed for a week, and to the house for a fortnight?" (26-27) [italics in the original].

Stephens attacked Mary Jane Hicks even more cruelly as she was an orphan, without a soul to assist her in her ordeal, while Anne Chambers at least had a mother who acted on her behalf. While the *Bulletin* did not publish a pamphlet on the Mount Rennie rape case,<sup>2</sup> Stephens and Archibald authored a series of articles on the topic in the magazine, yet again closely following the case at the court. Additionally, in this case, too, the *Bulletin* claimed that rape allegations were false, and that Mount Rennie case did not constitute "real rape" either. Namely, in the article titled "The Lessons of Mount Rennie" (18 December 1886: 4) J. F. Archibald, *Bulletin's* general editor, writes that "A perusal of leading articles would lead one to suppose that the crime of rape was peculiar to N.S. Wales and unknown beyond its borders. Yet the offence, in its worst form, is scarcely known in the colony" (4). Specifically, continues Stephens his "real rape" argument. "One never hears of the forcible defilement of chaste and circumspect women. The Mount Rennie case is no exception. The outrage usually springs from a drunken orgie participated in by lewd men and women as lewd" (4).

As Nina Philadelphoff-Puren pointed out "In this passage, the injury of rape is determined not by the nature of the act, but instead by the character of the complainant" (2010: 5). "Chase women" do not get raped. Only the "lewd" ones get raped. Therefore, presumably, Hicks was a lewd woman, with all the connotations of lasciviousness and immorality. In a time when the codes of women's respectability "not only affected the way witnesses and members of the press responded to rape complainants," but also affected the verdicts, such journalism was extremely damaging to the female victims. As Jill Bavin-Mizzi writes "Unrespectable rape complainants were treated very differently from respectable ones" (1995: 67) The behaviours that defined respectability were "'not so married' marital status, alcohol consumption, and walking in the street at night" (67). In addition to these there were some subtle indicators, as well, such as "gestures they made – [...] a wave of smile, [...] the crossing of a leg" (67). In this context the *Bulletin's* distinction between real and false rape

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<sup>2</sup> Mount Rennie rape case received great attention for a whole series of reasons elaborated by David Walker in his article "Youth on Trial: The Mt Rennie Case" in *Labour History*, and while we do recognize them we shall here focus solely on the trauma of rape and how it was handled by the colonial newspapers: "Why did the Mt Rennie case, and with it larrikinism, become such a controversial issue? Several factors need to be considered: the Mt Rennie case was interpreted as one crime in a series; it was greeted as a new departure in crime; it was unambiguously a crime involving youths; these youths came from an industrial neighbourhood and committed their crime in one of the waste places of the city; the crime and its aftermath coincided with the build up to the centenary in 1888 thereby influencing speculation about the nature of colonial society; the multiple death sentence, scheduled to be carried out early in 1887, the Queen's Jubilee year, was the severest in the history of the colony and raised a number of questions about the adequacy of the trial and the most appropriate punishment for youthful offenders. In addition, New South Wales began the 1880s with a new and controversially secular education act which critics believed would lead to deteriorating moral standards. Youthful depravity gave those convinced of the moral deterioration of colonial society useful confirmation of their position" (Walker 1986:29).

make the actual rape at Mount Rennie fade from view. In his account, Mary Jane Hicks was not really the victim of an outrageous crime, but instead the compromised co-conspirator in a grubby and commonplace sexual game. Men's sexual violence against women disappears, only to be supplemented by a story of complicity and seduction (Puren 2010: 5).

Archibald described Hicks as "wanton little pavement trotter" and "a brazen harlot" ("Unmarried Mothers" 29 January 1887: 5), a "fallen woman" ("Mount Rennie Germinals" 19 February 1887: 5) and a "professional prostitute" ("The Tribe of Mary Jane Hicks" 7 January 1888:5) in his strategy of attempting to construct her as a lewd woman and thus to cast doubt on her allegations of rape. To support this in the article titled "The Tribe of Mary Jane Hicks" (7 January 1888: 5) Archibald listed a number of women who, in his opinion, falsely reported rape. Years after the trial Archibald continued to molest the victim with anonymous gossip of how after she was consigned to the hospital after the case she would "have a little fun at night by sticking her hair up on end and then sitting up and yelling 'Oh! Help! there's a dozen men in the room! Whoop! Murder!'" ("Personal Items" 15 January 1897: 9). The magazine claimed that she did it to arise sympathy since she stopped after she was told that she will be put in a room by herself if she continued to yell (9).

The climax of this strategy can be found in the article titled "Mount Rennie" published on 5 December 1896 upon the release from prison of the last prisoners found guilty of the crime. Therein *Bulletin*, referring to the trial as "a savage lynching in the name of civilised justice" (6), once again claims that it was a miscarriage of justice: "The alleged offence for which the four boys were hanged was cumulative rape, but the method of their trial constituted a cumulative criminal assault on the Goddess of Justice by her own appointed guardians" (6).

*Australian Star* also joined in sensationalizing the rape and turning it into a matter of false allegations, with the boy rapists being formulated as the victims of the outrage thus weaving into *Bulletin's* discourse of false rape. In a series of revisionist article published between 30 July and 24 August 1895 they appealed for the release of the remaining imprisoned boy rapists. The emotive headings and subheading are very telling of the purpose of the series: "THE MOUNT RENNIE CASE The Five Living Prisoners an Appeal for Mercy What the Lads Are Doing – Keegan a Hopeless Lunatic - The Narrative of Mother Gertrude – Lord Carrington's Excitement" (30 July 1895: 5). The article formulates the rapists as youth helpless before unjust law and the blood-thirsty mob:

Now that the heat of the electioneering battle is over, now that Ministers are resting before taking up once more the heavy work of Parliament, and now that old and new members, Ministerial and Opposition and Labor, are making up their minds what to do when Parliament does meet – now should be the time to bring before their minds, and before the minds of the public, the positions of five helpless creatures immured in the gaols of the colony for what is known as the Mount Rennie outrage, for which the mob yelled for blood nearly nine long years ago (30 July 1895: 5).

While the paper, much like the editors of the *Bulletin*, declares that "It is not proposed in this article to discuss the merits or demerits of the case," the article series, once again, did just that inverting the role of the victim by ascribing it to the rapists. *Australian Star* expressed sympathy for them, singling one George Keegan stating he was a

hopeless lunatic driven out of his mind by the terrible trial of his three years in irons, portion of the brutal punishment substituted for the gallows. He plays all day with a ball, just as a kitten does; and no matter whether he ever leaves the gaol or lays there till he dies his punishment for a crime which he claims never to have been connected with is complete. He is not a violent lunatic, but his mind is unhinged to such an extent that reason never will return (30 July 1895: 5).

By cunningly singling out Keegan and formulating him as intellectually challenged person who could not possibly participate in a violent crime, *Australian Star* attempted to present the colonial justice system as faulty. Day after day, for 26 days the paper advocated the rapists' innocence and miscarriage of justice. On 5 August it stated:

Had one thousandth part of what rumour asserted happened the perpetrators should justly have suffered the extreme penalty of the law. But there was not little of evidence brought out to show that the condition of the alleged victim was inconsistent with the theory that she was a consenting party [...] we would not refer to it, not that the public generally see how grossly exaggerated everything was made to appear, but that we have learnt that there are many who still have an earnest idea that atrocious things did happen (5 August 1895: 5).

On the 20 August, under the heading "Innocent Men Incarcerated" the *Star* mocks Mary Jane Hicks stating she "COULD NOT RECOGNIZE MORE THAN ONE of the men as being concerned in the assault. ... 'I know no one but the first,' were her words" [capitals in the original] (1895: 5). In this, as well as numerous other instances – for example when it writes that Hicks is "now residing in the Good Samaritan Convent" (20 August 1895: 5) the paper unwittingly undermines its authority as the mockery fails flat since Hicks' place of residence proves the woman now to be destitute and in poor health, presumably as a result of shock and trauma she was subjected to and continues to be subjected to, even nine years later, by the *Australian Star*.

In the discourse about rape that the colonial papers and magazines created rape was not a problem for the women in the colony "of whom the most virtuous, according to Archibald, might only rarely be its victims—but rather a problem for the men, who were painfully susceptible to the scourge of false accusation, a malign conspiracy of deceitful women and blood-stained colonial law" (Puren 2010: 5-6).

Roughly a hundred years later, in 2015, Australian federal government proclaimed that violence against women had become a national crises.<sup>3</sup> In spite of

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<sup>3</sup> In a speech by Michaelia Cash, Minister for Employment and Minister for Women titled "We have a national crisis when it comes to violence against women in Australia" of

social and economic advances in the status of women in the course of the 20<sup>th</sup> century, and especially since the women's movements of the 1960s and 1970s, which includes growing awareness and action around gender violence, its prevalence in Australia is still alarming. The "Violence against women in Australia: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey" in 2015 showed that a third of Australian women have been assaulted physically and a fifth have been assaulted sexually (Cox 2015: 5). On 8 November 2017 Australian Bureau of Statistics released a report "Personal Safety, Australia: Statistics for family, domestic, sexual violence, physical assault, partner emotional abuse, child abuse, sexual harassment, stalking and safety" in which a fifth of adult women reported they had been sexually harassed in the past twelve months. "National Student Safety Survey" commissioned by Universities Australia released on 23 March 2022 found one in 20 (4.5%) students had been sexually assaulted since starting university. It also reported of one in two students (48%) experiencing sexual harassment at least once in their lifetime. One in six (16%) had been sexually harassed since starting their studies, and one in 12 (81%) in the preceding 12 months (ABS/Personal Safety Web). In his official response to the survey published on the Universities' Australia web page, chair of Universities Australia, Professor John Dewar said the findings were "distressing, disappointing and confronting" and that the situation was "unacceptable" (Media release 23/3/2022).

The reasons definitely cannot be looked for in underrepresentation of sexual assault and legal consequences in the media, as historical evidence reveals the opposite. Kay Saunders, for example, commented on the "surprising abundance of primary sources" about violence against women when she published her influential 1984 article on domestic violence in colonial Queensland.<sup>4</sup> The problem therefore is how they are represented in the media and where that specific representation leads the society.

Namely, in most Australian colonies in the late 19<sup>th</sup> to mid-20<sup>th</sup> century, only around 56%-63% of men prosecuted for the rape of adult women were convicted. In New South Wales this figure dropped down to a mere 32% (Prosecution Project). The reluctance of the juries to convict men was in large part due to victim-blaming attitudes that have never disappeared from Australian courtrooms (Zydervelt et al. 2016: 552). These attitudes are, to a large extent, the result of media coverage which shapes public opinion about rape. Namely, as Keith Soothill writes many women "learn of rape from direct experience," but "most of the wider public come to know of the crime of rape largely through the attentions of the media" (1991: 384), as we are "insidiously being encouraged to take on the definitions which are often provided so stridently by the media" (384). Soothill is, much like Estrich, worried that only a certain type of rape gets media coverage – "usually multiple rapes by one offender or gang rapes in which several are in-

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11 November 2015; [https://www.huffpost.com/archive/au/entry/we-have-a-national-crisis-when-it-comes-to-violence-against-wome\\_b\\_8527502](https://www.huffpost.com/archive/au/entry/we-have-a-national-crisis-when-it-comes-to-violence-against-wome_b_8527502) [Date accessed: 20/2/2023]

<sup>4</sup> Kay Saunders (1984): "The study of domestic violence in colonial Queensland: Sources and problems," *Historical Studies*, 21:82, 68-84

volved" which are considered "real rapes" while "the more prevalent activity of one man having or attempting intercourse with one woman without her consent will implicitly be taken less seriously, particularly when the man and the woman are already known to each other" (384). The news media frequently portray rapists as brutes and monsters, and their victims are portrayed either as virtuous women attacked by these monsters or as lewd, promiscuous women who invited rape. The research of Mason and Monckton-Smith (2008) supports this argument as they show how rape is connected to murder where "murders of women are regularly sexualized by journalists and conversely [...] sexual assaults of women are framed within a discourse of murder" (694). They describe "the news reporting reproducing narratives produced by the police and legal personnel that were used to rationalize the violence in a court setting" (704). In this way

sex is presented as the reason for violence against women and male responses to that 'sex' represented as natural or biological. In the case of domestic murder, uncontrollable sexual jealousy is 'understood' and explained as a normalized reaction to the female's action. In the case of stranger murders this 'defence' relies upon a notion of uncontrollable, biological sexual impulses in males, which at the very least seeks to offer explanation, mitigation and reason (704).

And as Bohmer and Parrot argue that

Most people in our culture are socialized to believe rape myths. Rape myths allow us to believe that a "real rape" is one in which a victim is raped by a stranger who jumps out of the bushes with a weapon, and in which she fought back, was beaten and bruised, reported the event to the police, and had medical evidence collected immediately. In a "real rape," the victim has never had sex with the assailant before, is preferably a virgin, was not intoxicated, was not wearing seductive clothing, and has a good reputation (1993: 38).

Helen Benedict confirms the above in her study which showed that people believe that the rapist is motivated by lust, is perverted or crazy, usually black or lower class, and that it is women who provoke rape, and as it is not the rapist who caused the rape women deserve rape. Finally, it is only "loose" women who get victimised. Also, too often women cry rape for revenge (1992: 13-18).

Such myths are based on the belief that "if women put themselves in vulnerable positions, men will indeed take advantage of them because men are violent, aggressive, and manipulative" (Barnett 2008: 181). These cultural narratives are born of a "rape supportive culture" which objectifies women and teaches both sexes that women are responsible for men's violent behaviours (181).

Australia has a long history of creating and sustaining a culture in which women are responsible to men's behaviour. It was Anne Summers who, in her *Damned Whores and God's Police* formulated the role of women in Australia's emerging bourgeois colonial society as that of God's Police,<sup>5</sup> of keepers of the,

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<sup>5</sup> In her book *Damned Whores and God's Police* Anne Summers gives a particularly Australian slant to the old whore vs. virgin stereotype in representation of women. In it the Damned Whore stereotype she refers to women convicts in the early years of

so called, wild colonial boy. They were to tie him to a home, make him drink less, swear less, gamble less, fight less. Feminist historians such as Miriam Dixon (1976) and Marilyn Lake (1985), and feminist literary critics such as Kay Schaffer (1988) and Susan Sheridan (1995), have criticised the patriarchal nationalist myth of Australia rooted in the cultural narratives of the 1890s which presented the Australian male as "a practical man, rough and ready in his manners [...] capable of great exertion [...] swears hard and consistently, gambles heavily and often, drinks deeply on occasion" (Ward 1995: 2) arguing it was a construct which allowed for "cultural apartheid" (Summers 1981: 34) being performed over women's content in Australian society.

This powerful cultural narrative, Australian nationalist myth, transformed the need to be physically and mentally tough into normalisation of male aggression, so today, according to the National Community Attitudes Towards Violence Against Women Survey (NCAS) youth report for 2017, almost one in seven young Australians believe a man would be justified in raping a woman if she initiated sex but changed her mind (Politoff et al 2019: 31). The findings also revealed that while young people do believe in equality in the workplace, they are less likely to recognize sexism, coercion or other problematic behaviours in relationships (30).

And this is the result of cultural influence. Namely, even the psychologists have dropped the idea that emotions are pre-programmed responses, and instead now believe that they operate like "overlearned cognitive habits" (Reddy 54). Anthropologists, on the other hand, have always regarded emotions as culturally constructed (54), because,

If emotions are not biologically based or genetically programmed, then they must be cultural, or at least deeply influenced by culture. If emotions operate like overlearned cognitive habits, as many psychologists would now agree, then they must be shaped, to a significant degree, by the environment in which the individual lives. What is culture, for the individual, if not a set of overlearned cognitive habits? (34)

It was already Michelle Z. Rosaldo, one of the pioneers of the anthropology of emotions, who demonstrated that while emotions do have a biological aspect, "what individuals can think and feel is overwhelmingly a product of socially organized modes of action and of talk" (Rosaldo 1984: 147). In light of the above it should, perhaps, not come as a surprise that in 2015 a young man in Sydney would brag to a friend about committing a rape outside Sydney club:

When it was over Lazarus told her to add her name to a list of conquests that he had had. He later texted a friend: "Sick night, took a chick's virginity LOL so tight."

"It was her right to kiss the accused and it was her right to say she wanted to return to her friend," Judge Huggett said. "The offender ignored that."

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Australia when women were sexually abused on transportation ships and in service once in Australia. It was devised "as a calculated sexist means of social control and then, to absolve those who benefited from having to admit to their actions, characterised as being the fault of the women who were damned by it" (Summers 1981: 286).

The judge said Lazarus had come from a privileged upbringing and had an inflated sense of entitlement and power when he was at the club (*Guardian* 27/3/2015).

He did end up spending five years in jail. However, a more recent high profile case, which is considered to be a facilitator of Australia's Me Too movement, did not end in a conviction.

While there definitely are numerous aspects of this case that need to be comprehensively dealt with if one is to properly present it, we shall here focus solely on its presentation in the most representative Australian media giving only a short introduction into the case, revealing how attitudes and perspectives are deeply ingrained in history.

In early 2021 Brittany Higgins, giving up her right to anonymity, which she had according to the Australian law, publicly accused a former Australian political adviser Bruce Lehrmann of sexually assaulting her on a government minister's sofa after a night out in Canberra in 2019. *BBC News Australia* went into detail and printed parts of Higgins' police interview wherein "said she was the most intoxicated she had been in her life" after spending time in Canberra bars and then went with Lehrman in a shared cab to the Parliament House where she "passed out on a sofa" only to awake and find Lehrmann having sex with her. "In a police interview played to the jury, she said she had cried while telling Mr Lehrmann 'stop' and 'no'" (27/10/2022). *Australia's 7News* used a more moderate expression of Higgins alleging "she fell asleep on a couch and woke to find her colleague 'mid-rape'" (22/3/2021).

However, an important change occurred in the Australian media as a result of the global Me Too Movement. Brittany Higgins was not judged for her behaviour. Australian media were, in this initial period, supportive of the victim. Moreover, when Higgins' boss, the Defence Minister Linda Reynolds referred to Higgins as a "lying cow" she had to retract her statement and publicly apologize (*ABC News* 21/3/2021). The media showed understanding for reporting the rape two years after it had happened: *BBC* article underlines that Higgins "reported the alleged rape to police in the days afterwards, but then did not proceed with her complaint because she was afraid she might lose her job" (27/10/2022). Higgins' interviews reopened the criticism of Australian politics as hostile workplace, they inspired massive protests with people gathering across Australia protesting against sexism, misogyny and abuse in Australian society.

However, when the trial came to abrupt end as the Australian Capital Territory Director of Public Prosecutions, Shane Drumgold, announced that the charges against Bruce Lehrmann will be dropped because of an "unacceptable risk to the life of the complainant" (*Spectator Australia* 3/12/2022) since Higgins was receiving care in a mental care facility in Queensland and when Higgins filed a personal injury claim which was settled following only a day of talks with the federal government, public discourse about Higgins and the rape turned to the old colonial concept of "real" and "simple" rape and of women falsely crying "rape."

Thus *SkyNews* published a sensationalist article titled "Brittany Higgins secures multimillion-dollar settlement with the Commonwealth after prosecutors drop Lehrmann rape trial" (14/12/2022). *Sydney Morning Herald* produced a neutral headline – "Higgins, Commonwealth reach settlement in compensation case" – but still gave a detailed breakdown of the damages Higgins was seeking: "\$2.5 million for future economic loss, past economic loss approaching \$100,000, general damages of \$100,000, future assistance with domestic duties of some \$200,000, and past and future out-of-pocket expenses of a further \$150,000 approximately" (13/12/2022).

As soon as the money got involved, the media got suspicious of Higgins' reasons and motives.

Higgins' private life was scrutinised, the photographers followed her wherever she went. (SBSNews 20/2/2022). So much so she tweeted (17/2/2023) "No journalist should have seen the photo of my diary." And a little later in a series "Stop publishing the private contents of my phone." (17/2/2023).

*SBSNews* published an article on questions around transparency of the case, with Higgins now having to justify herself: "Brittany Higgins corrects claim she was paid \$3 million, shows charity donation receipts" (20/2/2023). Commenting on the case on his show Ben Fordham demanded that the government explain why it settled the compensation claim and how much was paid to Higgins. (*Ben Fordham Live*, 20/2/2023), adding "If we ever find out the figure, I can tell you this. People will be shocked to learn it is substantially higher than the \$3 million that has been widely reported" (*Ben Fordham Live*, 20/2/2023).

It was *The Australian* in the article titled "Cops doubted Higgins but case was political" that most evidently established the issue of "real" rape and false rape accusations by insinuating that Higgins was in it for political gain. Namely, the article stated that the "ACT Police Manager of Criminal Investigations, Detective Superintendent Scott Moller advised that investigators 'have serious concerns in relation to the strength and reliability of [Ms Higgins'] evidence but also, more importantly, her mental health and how any future prosecution may affect her wellbeing'" (Albrechtsen and Rice 2023). The paper quoted Moller's diary notes "which said that their advice was ignored by Drumgold because 'there is too much political interference'" (Albrechtsen and Rice 2023). Finally, the paper gave a list of concerns mentioned by senior police at the trial, "including that Ms Higgins had repeatedly refused to provide her original mobile phone; had deliberately deleted messages from a second phone; and had allegedly lied about seeking medical attention after the incident" (Albrechtsen and Rice 2023). The argumentation was taken up by a number of other papers instantly. In addition to it Betina Arndt for the *Spectator* listed the consequences of the case for both, Higgins and Lehrmann stating that "For Higgins they brought fame, fortune, and immense public sympathy" (3/12/2022) and

a \$320,000 book contract; an undisclosed settlement from the Defence Minister for calling her a 'lying cow'; a position as a visiting fellow at the ANU's Global Institute for Women's Leadership, appointed by Julia Gillard; heroic 'rape victim' status in mainstream media, featured on the cover of women's magazines, given a standing

ovation by the National Press Club; journalists fighting over her story and winning awards for promoting her version of events; current and previous prime ministers apologising for her 'terrible experiences'; the immense power of the state brought to bear on the resulting court case, with top prosecutors and the ACT victim's support officer supporting the celebrity witness (3/12/2022).

As opposed to Higgins, *Spectator* article says, Lehrman "faced an endless ordeal" being "unemployed and unemployable" and fearing he might not get a fair trial. Arndt, ended the article with a public invitation to contact her if you can help Lehrman "re-establish himself" (Arndt 3/12/2022).

Giving such an angle on a rape case and the rape victim in public discourse is very damaging and contributes to the creation of rape supportive culture. The results of such discourse are evident in the research and student statements presented above. It leads to non-reporting of rape. It forces women into silence. It proves how deeply beliefs run and how a lot still has to be done to negotiate new emotional regimes rooted in mutual respect and empathy. So that no woman thinks of not reporting rape for fear of her reputation being shot.

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### **"Uništeni ugled:" silovanje u kolonijalnoj Australiji te zašto je i danas važno**

U svojoj knjizi *Navigation of feeling* (Upravljanje osjećajima) William Reddy raspravlja o vezi između pojedinačne emocije koju definira kao naučeni odgovor i njenog učinka na društvo. Današnja formulacija silovanja i spolnog napastovanja u Australiji vuče korijene iz kolonijalnih vremena i pripovijesti o spolnim zločinima napisanim senzacionalističkim jezikom koje su se slobodno širile australskim kolonijalnim novinama i časopisima. Izvješća o silovanju kod Mount Rennija svojom učestalošću i "međukulturalnim referencama za kojima se posezalo u raspravi o zločinu postigla su jedinstvenu razinu kulturne produkcije koja nije od značaja samo za pravnu povijest." (Peers, 1998). Ta su izvješća izrodila raspravu o "stvarnom" nasuprot "jednostavnom" silovanju kako je to kasnije definirala Susan Estrich (1997). Ta rasprava obilježava australski javni diskurs i stav javnosti prema silovanju do danas. Tako je u studenom 2015 Michaelia Cash, ministrica za zapošljavanje i ministrica za ženska pitanja ustvrdila da "Imamo nacionalnu krizu kada se radi o nasilju nad ženama u Australiji" čemu svjedoče I izvješća Australskog zavoda za statistiku o sigurnosti žena, Nacionalno izvješće o sigurnosti učenika i studenata, kao i slučaj Brittany Higgins i način na koji je on obrađen u medijima i u pravnom sustavu. Sve dok "Jedan od sedam mladih

Australaca smatra da je silovanje opravdano ako se žena predomisli," što stoji u izvješću naslovljenom Stavovi nacionalne zajednica prema nasilju na ženama (NCAS Report), još se puno toga mora poduzeti ne bi li se promijenila kulturna pripovijest o "pravom" silovanju tako da se ne događa da žene ne prijave silovanje i da ono posljedično ostane nekažnjeno zbog straha od uništenog ugleda.

*Ključne riječi:* "pravo silovanje," jednostavno silovanje," kolonijalna Australija, Mount Rennie, Brittany Higgins, izvješće Australskog zavoda za statistiku