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## **Enough of this nonsense! Rape is rape: A Malaysian** perspective

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## Enough of this nonsense! Rape is rape:

## A Malaysian perspective

#### **Abstract**

There is an average of 5 rape cases reported in Malaysia on a daily basis. The problem does not lie in the hands of an individual or a few misogynistic men but it lies in the society as a whole. It lies in the mindset of the people and every one of us taking part in rape culture by endorsing rape myths. Rape myth acceptance within the Malaysian society encourages sexual assaults or sexual violence. Some of the popular rape myths are the victim's choice of clothing, emotional reactions of victims, presence of physical injuries, rape happens between strangers, women lie about rape and men cannot be raped. These most common rape myths are discussed and then, debunked. Subsequently, the aftermath of rape is explained. Proactive actions against rape are also presented as many of the existing school-based programs against rape are lopsided as women are taught on how to avoid rape instead of men being taught to respect women and prevent rape. This paper aims to serve as an eye opener for Malaysian counselors, psychologists, educators and the society as a whole to build up their knowledge, skills and experience when working or dealing with rape victims.

this paper will focus primarily on rape against women in the Malaysian context.

#### Keywords

rape, rape myth, sexual violence, sexual assault, Malaysia.

## Enough of this nonsense! Rape is rape:

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#### Rape

The term rape is believed to have originated from a Latin word 'rapere' which means to snatch (Nadesan & Omar, 2002). Since the 14<sup>th</sup> century, rape has been referred to as to seize or take away using force (Modi & Dada, 2015). While rape may happen to both genders (men and women), this paper will focus primarily on rape against women in the Malaysian context. According to the Malaysian Penal Code Section 375, an individual is said to have committed rape if he has sexual intercourse i) against her will, ii) without her consent, iii) when her consent was obtained by putting her in fear of her own or any other person's death or pain, iv) when her consent was obtained even though the man is aware that he is not her husband and she believes that he is a another man to whom she believes to be married to, v) at the time her consent was obtained, she was unable to comprehend the nature of which she gave consent (such as intoxication or unsound mind), vi) when her consent was obtained by the man in a position of authority due to the professional or trustful relationship between them, vii) with or without her consent when she is under the age of 16.

Malaysia is a multiracial, multilingual and multicultural country with a total population of 32.4 million (Department of Statistics Malaysia, 2018). The federal constitution of Malaysia recognizes Islam as the religion of the federation but grants freedom of religion to practitioners of other faiths. The nation recently had undergone a change in the government after a whopping six decade ruling of the former coalition party. Malaysians are still in a euphoric state and are confident that their beloved country will now have a bright future. Unfortunately, this does not fully translate into the changes of ideas and habits of Malaysians and how the country is run. It is too often that we hear society blaming the victim for rape. We have heard over and over

again society stating 'she was asking for it from the way she dresses or acts'. This is a dangerous and worrying trend. It is appalling that even in the 21<sup>st</sup> century we still have individuals blaming the victims rather than the perpetrators. This and other rape myths will be discussed in this paper.

The issue of sexual assaults such as rape against women is often neglected as a public health issue (Du Mont & White, 2013). Although Malaysia is not in the list of highest rape cases reported in the world, this country has seen a fair share of heinous sex crimes especially in the last two decades. The infamous case of Canny Ong still sparks anger in Malaysia, who was kidnapped from a car park in a prominent shopping mall, brutally raped and murdered. Her deceased body was found four days later near a construction site (Tarmizi, 2016). Not to forget, the notorious case of Noor Suzaily Mukhtar who was taking a bus ride home after work when she was viciously raped, murdered and her lifeless body thrown out from a public bus (Chin, 2008). These two women were merely going about their daily activities when their lives were tragically cut short. It is unjust that they did not have the opportunity to reach their full potential in their careers and lives.

In addition, it was reported in Malaysia that there were 1,582, 1,698 and 1,873 rape cases in 2017, 2016 and 2015 respectively (Women's Aid Organisation, 2018b). This means that there is an average of 5 rape cases reported on a daily basis. Furthermore, the Women, Family and Community Development had recently announced that the state of Johor holds the highest rape statistics in the nation with a whopping 2,089 (15.73%) cases from 2010 to May 2017 (Nokman, 2017). Nevertheless, many cases go unreported as sex related crimes are still considered taboo and carries a heavy stigma in this country. Rape victims are afraid that they will not be taken seriously or face negative reactions from law enforcement, medical officers and the society, thereby, experiencing secondary victimization (Patterson, 2011). Additionally, social media is now being used as a platform to encourage rape culture. It was revealed that

posts in social media (Twitter) that engaged in victim blaming were more likely to be shared (retweeted) and obtained more followers than users who post supporting content for rape victims (Stubbs-Richardson, Rader, & Cosby, 2018). Society needs to comprehend that sexual assault or rape is never the victims' fault, no one asks or deserves to be assaulted (Greeson, Campbell, & Fehler-Cabral, 2016; Maier, 2012). Feminist advocates believe that rape is not an involuntary crime of lust but it is about the violent act of power, hostility and control over women (Maier, 2012). Perpetrators take pleasure on inflicting violence, degradation and humiliating their victims (McLawsen, Jackson, Vannoy, Gagliardi, & Scalora, 2008). Even so, why do they do it? Numerous theories have been brought forward and discussed to comprehend the reasons of rape. These theories can be categorized under two constructs, namely psychopathological and socio-cultural.

#### Theories on sexual violence

The psychopathological viewpoint is one of the earliest theories originated from Freud, who alleged that sexual aggressions evolve from childhood and if the sexual urges are left unfulfilled, it can lead to uncontrolled sexual aggression (Gannon, Collie, Ward, & Thakker, 2008). However, Freud derived his theories based on a small number of homogeneous subjects and it was not empirically validated. Additionally, this theory describes rapists as having irresistible impulses, lacking self-control or having a mental disorder (Ariffin & Samuel, 2008; Baumeister & Boden, 1998; Brownmiller, 1975; Gottfredson & Hirschi, 1990). It further explains that rape is committed because men had uncontrollable urges that needs immediate gratification or due to sexual deprivation. As a result, they tend to be extremely impulsive, insensitive and take huge risks by engaging in sexual violence. Nonetheless, this diminishes the legal responsibility of rapists in the eyes of the law and justifies rape as beyond their control. If rape is beyond their control and entirely an act of impulse, why do they plan their assaults

by hiding in dark isolated places, waiting for victims instead of attacking a female in an open area? This signifies that they are aware that rape is a crime and take time planning their attacks.

Whereas, the socio-cultural viewpoint identified the patriarchal system, legitimate violence and gender socialization as the causes of sexual aggression (Ariffin & Samuel, 2008). Feminist theories have argued that cultures that devalue women, have gender inequality and believe rape myths condone rape (Barnett, Sligar, & Wang, 2018; Burt, 1980; Williams, Sawyer, & Wahlstrom, 2013). Hence, the patriarchal system in certain societies essentially empowers men and oppresses women which indirectly undermine sexual violence and sexually dominate women. In short, rape is an intentional action by males to intimidate females by keeping them in a constant state of fear in order to control and subjugate them (Brownmiller, 1975). This theory not only challenged the dominant assumptions of rape but revolutionized the societal attitudes by shifting the blame away from female victims. As a result, physical attractiveness and sexual history of the victims are no longer relevant (McPhail, 2016). However, this theory generalizes men by failing to acknowledge male diversity and requires more research on the reasons of rape by female perpetrators.

#### Rape myths

Rape myths are fallacies about rape, rape victims or rapists that are prejudicial and stereotypical (Burt, 1980). While, sexual violence includes unwanted, attempted or completed sexual assault ranging from verbal harassment to rape (World Health Organization, 2012). Rape myths encourage the mindset of collective victim-blaming which perpetuates an acceptance of rape, thus, contributing to more sexual violence (Iconis, 2008; Stephens et al., 2016). Hence, it allows perpetrators to commit these heinous crimes without the fear of ramifications from the nation's justice system. Besides that, rape myths partake in the rigid social construction as what constitutes as rape which results in many victims having difficulty in recognizing their

experiences as rape. As a result, sexual crimes are often underreported as victims find themselves on the receiving end of criticism despite the ordeal they have undergone (Heath, Lynch, Fritch, & Wong, 2013). Hence, this paper discusses the most common rape myths that are generally false beliefs which have virtually no factual basis.

#### Victims are to be blamed due to their choice of provocative clothing or actions

This stereotypical myth suggests that females precipitate rape by the manner in which they are dressed or behave in a certain way such as being out alone, being out late at night or drinking alcohol. This is an alarming myth as it shifts the blame from the rapist to the victim. Research had revealed that there is a gender gap in the belief of this myth, men tend to believe that women who choose to dress in revealing clothing invite sexual advancements from men and do so as a form of seduction, while women believe that choosing to dress in a body revealing attire is because they want to look attractive, entirely rejecting the claim of wanting to seduce men (Hammond, Berry, & Rodriguez, 2011; Jimenez & Abreu, 2003; Moor, 2010). In actual fact, there was no association found between the style of attire and sexual victimization of any sort (Lennon, Lennon, & Johnson, 1993; Moor, 2010).

Furthermore, studies have continuously shown that rape is mostly a planned or premeditated act (Garland, Branch, & Grimes, 2015; Malizia, 2017). Contrary to this popular rape myth, studies revealed that rapists choose their victims based on their accessibility and vulnerability without considering the victim's physical appearance, behavior or choice of clothing as the rapists' objective is to capture and control their victims (Sivagnanam, Bairy, & D'Souza, 2005; Women's Centre for Change, 2017). Another Malaysian study by Ariffin and Samuel (2008) that interviewed 90 incarcerated rapists revealed that 98% of the rapists did not believe that the crime they committed was the victim's fault. As such, society needs to understand that the only person to be blamed is the rapist.

#### Rape victims always exhibit negative emotional reactions after the rape

A common misconception is that victims of sexual violence must exhibit traumatic responses such as hysteria, depression or shock (Fanflik, 2007). In reality, each victim copes with the trauma in a different manner. Some display calmness, apathy or even laughter as a form of defense mechanism (Josse, 2010; Women's Centre for Change, 2017). Besides that, external factors such as the severity of the assault, prior relationship between the victim and the perpetrator, social support influences and environmental conditions affect the psychological functioning of the victim after the rape (Chaudhury, Bakhla, Murthy, & Jagtap, 2017; Littleton & Breitkopf, 2006). In other words, the type of coping strategies varies for each victim, therefore, it is difficult for researchers to assess and define coping strategies differently. Various researches have revealed that there are generally two basic responses to rape which is either emotional distress that is visible to others (sleep disturbances, depression, fear, anxiety, stress, etc.) or numbing in which victims keep their emotions under control or in check (emotional detachment or emotionally resilient) (Boyd, 2011; Chaudhury et al., 2017; Chen et al., 2010; Wasco & Campbell, 2002). Numerous studies have also revealed that if not treated, rape victims may develop post-traumatic stress disorder (PTSD) (Bourke, 2012).

#### It wasn't rape if there was no violence or physical injuries

Men may use rape myths to falsely justify sexual violence against women (Iconis, 2008). For instance, they may use the myth stating that it was not rape if there was no violence or physical injuries, thus, she cannot claim that she was raped. He may also coerce the women by saying that it was consensual sex because she did not have any or enough bruises on her. There is a misguided expectation that females must use all means to fight or defend themselves from rape, especially with strong physical resistance (Xue et al., 2016). Hence, when females claim rape without bruises, they face heavy criticism and distrust from the society, calling the victims

virtue into question. In reality, many rape victims experience tonic immobility wherein they display a freeze response in which they are not able to move or speak (TeBockhorst, O'Halloran, & Nyline, 2015).

Besides that, this myth is false as many perpetrators use date-rape drugs or intoxicate females rendering them incapable of defending themselves before carrying out the sexual assault. A date-rape drug can be said as any substance that was administrated in order to promote the possibility of unwanted sexual intercourse (Weir, 2001). Drugs such as Rohypnol, Ketamine or GHB (gamma hydroxybutyric acid) are most commonly labelled as date-rape drugs by the media as a result of the high incidence of men using the drug to facilitate rape as these drugs induce amnesia, muscle relaxation and rapidly sedates the victim (Hindmarch & Brinkmann, 1999). Drug rapes are not uncommon in Malaysia and the effects of these drugs stay in the victim's body for a short period of time (Women's Aid Organisation, 2018a). Moreover, a plethora of studies have revealed that only a minority of rape victims that were premenopausal females (less than 30%) sustained traumatic genital injuries, while postmenopausal females are highly likely to sustain genital injuries, even then, more than 50% of them did not have any demonstrable injuries (Bowyer & Dalton, 1997; Cartwright, 1987; Poulos & Sheridan, 2008; Ramin, Satin, Stone, & Wendel, 1992).

#### Rape happens in dark and lonely alleys between strangers

Even though this rape myth had been debunked in the 20<sup>th</sup> century, many still believe that most rapes are carried out by strangers in dark or secluded places (Kamdar, Kosambiya, Chawada, Verma, & Kadia, 2017; Koss, Dinero, Seibel, & Cox, 1988). In actual fact, a vast majority of rapists are known to their victims. Rape can occur at any time and any place. In the U.K., 70.7% of reported rape cases were committed by perpetrators known to the victims and occurred inside the victim's residence (Waterhouse, Reynolds, & Egan, 2016). While the U.S.

Department of Justice (2013) reported that 78% of sexual violence cases were committed by a perpetrator that was known to the victim. Whereas, a Malaysian research by Islam, See, Ting, and Khan (2006) also proved this myth false by revealing that 88.2% of the rapists were known to their victims and almost all the rapes were committed either in the victim's home, perpetrator's home or at the victim's neighborhood. The perpetrators include family members, relatives, friends, boyfriends, neighbors, teachers and servants. Many scholars have also agreed that rapes involving family members or acquaintances were highly likely to include multiple episodes over a longer period of time and go unreported (Du Mont, Miller, & Myhr, 2003; Islam et al., 2006; Koss et al., 1988).

In addition, when the rape is committed by a family member such as father, grandfather, uncle or stepfather, the victim is less likely to report the crime because of shame, guilt and economic factors (i.e. the perpetrator is usually the breadwinner of the family) (Ariffin & Samuel, 2008). As a result of this myth, many acquaintance rape victims choose not to report the sexual violence and even if it is reported, the cases usually have very low rates of prosecution and conviction (Alderden & Ullman, 2012; Crenshaw, Stella, O'Neill-Stephens, & Walsen, 2016). Another fallacious element that is associated with this myth is that rape is believed to be less psychologically harmful if it was committed by a relative, friend or acquaintance when compared to a stranger but in reality, there is no degree of differentiation among all the victims (Iconis, 2008; Koss et al., 1988).

#### Women usually cry rape for revenge or to protect their reputation

Most studies have suggested that false rape allegations are mostly rare (Lonsway, Archambault, & Lisak, 2009; Patton & Snyder-Yuly, 2007). There is an impeding belief that women cry wolf as a form of revenge or remorse after a sexual experience with men. In simplest term, false allegation is when an accuser intentionally fabricates an occurrence when she knows that it did

not happen (Norfolk, 2011). This myth not only acts as a barrier in convicting rapists and increases the possibility of miscarriages of justice, it also puts the victims' integrity on the line. A comprehensive review article by Rumney (2006), documented that false reports of sexual assaults ranged from 1.5% to 90% in various researches conducted over the past five decades. Nonetheless, very few of these articles were considered credible. In depth analysis on the validity and reliability on these studies should be further performed. Besides that, a thorough research done on 2,643 cases indicated that false reporting of rape cases range between 0.2% (in which the individual was charged for filing a false rape allegation) to 8% (where the police classified the rape case reported as false) (Kelly, Lovett, & Regan, 2005). Nonetheless, the exact figure of proven false report cases is unknown, thus, there is no basis for this particular myth that women cry rape to cover up a regretted act of consensual sex or as a form of revenge against their ex-lover.

In order to achieve efficiency in the treatment of rape cases, criminal justice practitioners should adopt a case formulation model instead of a pathologizing model in which premises belief upon receiving an allegation (Wheatcroft & Walklate, 2014). Here, investigators will aim to invalidate the believability hypothesis instead of using disbelief as a general framework from the get-go. The case formulation approach diminishes the risk of enhancing influence of this particular rape myth. Another study by De Zutter, Horselenberg, and Van Koppen (2017), revealed that in false allegations of rape, the attack usually lasts for less than 15 minutes, less detailed and lack pseudo-intimate behavior. Nonetheless, this article did not delve in the cases of date-rape or sexual violence by relatives which is prevalent in Asia (especially in Malaysia).

#### Men cannot be raped

Rape and sexual violence against men are virtually unheard of in Malaysia especially with the social stigma surrounding this issue making it harder for victims to come out. There is an

assumption in our society across cultures that men always want sex, while women are reluctant to engage in sexual misconducts in which the unambiguous rape against men by women may seem humorous (Abbey, 2002; Aggarwal, 2013; Peplau, 2003). This is a harmful rape myth which causes male rape cases to be marginalized or seem insignificant. Even though majority of sexual crimes are perpetrated against women, sexual violence can be committed against men as well (Turchik & Edwards, 2012). Research on male rapes by women or other men are incredibly scarce. The impacts of rape on men are no less devastating than women (Chapleau, Oswald, & Russell, 2008; Stermac, Del Bove, & Addison, 2004). Both genders need the same amount of specialist attention to minimize the psychological and physical consequences arising from the sexual violence. Besides that, many rape victims refuse to report the crimes because they relate being raped as being less of a man or jeopardizes their masculinity, and men are expected to protect themselves against rape (Groth & Burgess, 1980).

Furthermore, male rape victims have also been falsely assumed to be homosexuals especially when the perpetrator is another male (Stermac et al., 2004). Moreover, male rape victims are forced to renegotiate their sexuality in the wake of their victimization which may lead to them developing unhealthy coping mechanisms to reclaim their perceived masculinity (Weiss, 2010). There are unfounded beliefs that men are expected to defend themselves against rape; if men are raped, they wanted or enjoyed the sexual experience; or male rape cases only occur in prison (Kassing, Beesley, & Frey, 2005). In addition, as male rape victims perceive that they have failed in upholding their manhood, they are highly likely to experience an incredible amount of shame, guilt and disgrace (Weiss, 2010). Unfortunately, they are also less likely to receive empathy and understanding from law enforcement officers and service providers (Javaid, 2016). This is especially true if the perpetrator is female. Although, the exact types of myths may vary, rape myths on both genders are largely based on social expectations

in which individuals need to conform to traditional gender stereotypes which are very harmful and unjust to victims.

#### Aftermath of rape

Not all rape victims suffer from physical or medical problems, but there are a range of physical injuries that may result from the sexual violence such as damages to vagina; urethra or anus; unwanted pregnancies; pelvic pain; dysmenorrhea; menorrhagia; irritable bowel syndromes; risk of contracting sexually transmitted diseases including human immunodeficiency virus (HIV) and other sexual or reproductive health issues (Boyd, 2011). Other studies have also revealed that rape victims are highly likely to be dependent on alcohol or prescription medications as a misguided way of coping with the trauma (Ullman, Relyea, Peter-Hagene, & Vasquez, 2013).

Some of the long-term physical effects of rape include frequent migraines, heart diseases, hypertension, gastrointestinal complications and gynecological disorders (Golding, 1999; Josse, 2010; Smith & Breiding, 2011). Unfortunately, sexual violence can also lead to death from the severe physical injuries sustained or by victims committing suicide. Previous studies have also revealed that a history of sexual violence is associated with an increased rate of suicide attempts especially with younger women (Davidson, Hughes, George, & Blazer, 1996; Segal, 2009; Ullman & Brecklin, 2002).

In addition, the psychological impacts on the victims can be as serious as the physical injuries, rape victims may experience both short-term and long-term psychological impacts. Some psychological effects of rape include self-blame, anger, shame, self-esteem and guilt that victims endure for months or for some even years after the sexual assault (Boyd, 2011). Some rape victims may develop more chronic problems such as anxiety, depression, flashbacks, nightmares or conversion disorders (functional neurological symptom disorders) after the

sexual violence (Josse, 2010). In addition, both men and women are highly likely to develop posttraumatic stress disorder (PTSD) symptoms after facing sexual violence or rape (Snipes, Calton, Green, Perrin, & Benotsch, 2017; Yuan, Koss, & Stone, 2006). Additionally, sexual violence and rape can also trigger adverse financial costs for the victims which include increased medical or mental health expenses and decreased earnings (Loya, 2015). For instance, rape victims may take a significant amount of time off from work to go for medical checkups, counseling sessions or to attend court proceedings which may lead to loss of earnings as they are personally responsible for most of these expenses (Chrisler & Ferguson, 2006; Loya, 2015).

#### Recommendations for proactive actions

It is mind-boggling that there is very little research and advocacy on the issue of sexual violence against women in Malaysia. Education is the best method to impart knowledge and awareness on rape myths to the society as a whole, not to mention that it also prevents rape. Scholars have long agreed that school-based sex education programs that addresses sexual assaults before adolescents engage in romantic relationships will be well received (Ferro, Cermele, & Saltzman, 2008). Therefore, it is imperative to teach Malaysian adolescents on the types of sexual assaults and modes of reporting them if they are sexually assaulted or if they witness a sexual assault. Many of us keep silent because we do not want to be ostracized by the society. As such, these education programs will encourage people to speak up or come to a victim's defense if they witness a sexual assault.

Moreover, the Malaysian Education Ministry can educate young boys in schools that real men stand up for women and stop rape. This is because the existing ingrained attitudes of some boys can induce sexual violence upon women. In order to combat sexual violence, we must address and fix the root cause of the problem which is the mentality of our young children. Enough valor and wisdom should be imparted on boys from a very young age to stop assaults

from occurring against women, be it verbal or physical assault. Nonetheless, safety should always be a priority (in the course of preventing or stopping a rape from occurring), if the boy or man's life may be at risk, he should seek help from people nearby or alert the authorities instead of trying to stop the violence himself.

Furthermore, Malaysian schools can seek help from counselors to conduct training seminars or workshops to spread awareness about sexual assaults. Sexual assault prevention or awareness programs should be developed and incorporated in schools early on in the lives of children and continue throughout their lives with one of the main aspects being debunking the prevailing rape myths (Edwards, Turchik, Dardis, Reynolds, & Gidycz, 2011). Role plays on possible real-life scenarios can help students prepare themselves. Educating students on the nature of rape and the right of victims reduces the acceptance of rape myths (Sivagnanam et al., 2005).

Similar to the American Violence Against Women Act (reauthorized in 2013), the Malaysian Ministry of Higher Education should make it compulsory for all Malaysian higher education institutions to implement education programs to prevent rape around the country. Although, there are certain prevention programs carried out by a handful of NGOs and government agencies in Malaysia, it is not comprehensive enough and it is not implemented across the nation (Jayapalan, Wong, & Aghamohammadi, 2018; Othman & Jaafar, 2012). They would also need to ensure that the programs do not place onus on females but teach students how to be active bystanders. At the same time, these prevention programs should provide training and education for males and communities to shift social norms that negatively impact sexual violence and promote a healthier definition of manhood in which females are valued and safe within their communities. Besides that, university and college administrations should implement proper procedures and regulations to prevent sexual assaults on campuses and better handle incidents of sexual assault when it occurs.

In addition, journalists and media representatives must be educated in regards to the fallaciousness of rape myths that places equal blame on both the victim and rapist in any rape trial story (Edwards et al., 2011). For instance, they should be prohibited from discussing the victim's sexual history, code of conduct or choice of attire as it is irrelevant to the rape. Malaysian legal professionals, lawyers, and judges should also be educated to disregard rape myths when making any legal decisions as intensive studies have discredited these rape myths. Lastly, the Malaysian authorities should tighten the law and impose heavier penalties for sexual crimes with the fervent hope of reducing rape cases within the country.

#### Conclusion

This paper discusses the prevalence, aftermath and existence of rape myths. The rape myths have then been debunked and the recommendations for education and training in the Malaysian context have been proposed. The wide spectrum covered by this article serves as an eye opener for Malaysian counselors, psychologists, educators and others to build up their knowledge, skills and experience when working with rape victims. Further studies should focus on educating and spreading awareness about sexual assaults among the Malaysian society in general. The education should begin at an early age among both genders as it will reduce shame and encourage support from the society.

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Policy.

#### Title page

#### Enough of this nonsense! Rape is rape:

#### A Malaysian perspective

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