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Book Review

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BOOK REVIEWS

AGAINST OUR WILLS—MEN, WOMEN AND RAPE. By Susan Brownmiller. New York: Simon and Schuster, 1975. Pp. 472. \$10.95.

Rape is not a popular subject in our society. When it is mentioned, if at all, it is likely to be met with nervous laughter or an off-the-cuff quip, and then dismissed. Rape is an embarrassment to our notions of a modern civilized society. It is a vile, offensive act, difficult of analysis and not lending itself to easy resolutions. As a result, like so many problems that are too painful or complex to face, it has been virtually ignored. That is, until Susan Brownmiller confronted the problem head on in her book. *Against Our Wills—Men, Women and Rape*.

Against Our Wills is a comprehensive, well documented treatment of rape. Ms. Brownmiller traces the origin of rape back to Neanderthal times and develops the history of rape through the present day. Ms. Brownmiller has done her homework. In working to fill the information gap concerning rape she has consulted a variety of sources including the Bible, national crime statistics, the works of eminent psychologists and social theoreticians and the testimony of rape victims. The book was four years in the writing and includes 40 pages of footnotes and documentation.

Although her stated purpose is to give rape a history, Ms. Brownmiller goes beyond the historical aspects and takes a look at the modern phenomenon of rape. She explores the characteristics and personality of the rapist, profiles the victim and systematically debunks popular myths concerning rape. She examines rape from a cultural perspective, looking to its expression in classic and popular literature, music and movies. In her final chapter she offers advice to potential rape victims and recommends concrete, well reasoned proposals for reform of the law enforcement and judicial systems.

It should be noted at the outset that *Against Our Wills*, as the name implies, is more than an authoritative source book on rape—it is also a feminist polemic. Ms. Brownmiller rejects the popular belief that rape is an act of passion committed by the mentally deficient against an uncautious, semi-willing victim. She posits that rape is not a crime of uncontrollable lust,

but rather a deliberate, hostile, violent act of degradation and possession on the part of the would be conquerer, designed to intimidate and inspire fear. Her thesis is that rape is a conscious process of intimidation by which *all* men keep *all* women in a state of fear and repression. Whether or not the reader agrees with her position, or is not otherwise of a feminist bent, should not deter him from reading her book, as it is invaluable for the information and sight it offers.

Rape it seems is peculiarly an act of man. Animals in their natural habitat do not rape. Somewhere in the shadowy evolutionary beginnings of man he discovered he had the structural capacity to rape and proceeded to do so. The fact that woman could not retaliate in kind made rape the instrument of man's conquest over woman. Ms. Brownmiller suggests that rape may in fact be the key to the historic dependence and domestication of women. She speculates that female fear of an open season on rape led her to seek the protection of one man against the aggression of the others. The protection came with a high price tag—a loss of freedom and the imposition of chastity and monogamy. Thus woman became man's first permanent acquisition, his first piece of real property, the original building block of "the house of my father."

It was after this pair-bonding had occurred that the law first entered the picture—albeit through the back door. Once a woman "belonged" to a man, her rape was considered a crime against his estate. Such a wrong was likely to be remedied by physical injury to the rapist, or retaliation in kind, that is, rape of the rapist's woman. Eventually the use of force and violence gave way to other more civilized means of settling disputes. Rape came to be written into the law as a solemn compact among men of property, designed to protect male interests, by a civilized exchange of goods or silver in place of force. Criminal rape came to be seen as a violation of the new way of doing business—it was a theft of virginity, an embezzlement of a daughter's fair price on the market. It was considerably later that rape was recognized as a crime against a woman's body. In fact, Ms. Brownmiller would contend, this dichotomy of whether rape is a crime against a man's estate or a crime against a woman's body still haunts the law today.

Once the crime of rape was on the law books, the rest of history devoted itself to violating that law. One of the prime backdrops for rape has been in times of war, and Ms. Brownmiller traces the role of rape from the First Crusade through the Vietnam War. She suggests that in times of war the distinction between the taking of lives, which ostensibly is one of the

purposes of war, and other forms of impermissible violence gets lost. Rape becomes just another weapon of war, a tool of terror and revenge, or a perverted diversion for the boredom of a soldier in a strange land. Ms. Brownmiller's treatment of rape in war is international in scope, touching all nations and cultures.

A considerable portion of the book is devoted to the American experience with rape. Rape has been with us since the American Revolution, and probably before that. Ms. Brownmiller recounts instances of rape in the colonies, during the Civil War, and in the settlement of the West. She goes into the atrocities that white masters committed on their black slaves during days of slavery and touches the subject of rape between white settlers and the American Indians.

While the main thrust of the book is devoted to male-female relations, it is not strictly limited to rape in those circumstances. Ms. Brownmiller also tackles the double-taboos of interracial rape, homosexual rape in the prisons and the increasing incidence of incest, or parent-rape as she prefers to call it.

Ms. Brownmiller not only analyzes the crime, she also identifies the rapist. He is young, usually under 25, and often from a lower income or ghetto area. He is more likely to be white than black. Statistically he falls somewhere between the profile of the man convicted for aggravated assault and that of an armed robber but is more likely to use force. He drinks more than the armed robber but less than the man convicted of aggravated assault. Like assault, the rapists' crime is an act of physical damage to another person, and like robbery, it is also an act of acquiring.

Ms. Brownmiller tells us not only who the rapist is, but how he operates. He does not act out of passion—71 per cent of all rapes are planned in advance. Sometimes the rapist selects his victim and sometimes he decides to commit rape and leaves the victim to chance. The rapist is most likely to attack in the victim's own home, followed by open places and vehicles. But Ms. Brownmiller emphasizes that rape begins in the rapist's mind and the place may be irrelevant.

And, Ms. Brownmiller tells us who the victims are. They are, in a word, everywoman. Her research shows that any woman can become a rape victim. Extreme youth, advanced age, physical homeliness and virginal lifestyle do not deter a rapist or render a woman impervious. Numerous excerpts of testimony of rape victims makes this a moving chapter and brings home, more than statistics ever could, the real horror of the crime. Ms. Brownmiller also explores the societal conditioning which makes women willing to accept a role as victim.

One of the most enlightening chapters of the book deals with the myth of the heroic rapist. Ms. Brownmiller contends that no theme grips the masculine imagination with greater constancy and less honor than the belief that as man conquers the world, so too he conquers the female. Down through the ages, imperial conquest, exploits of valor and expressions of love have gone hand in hand with violence to women in thought and deed. She quares whether the legends of Bluebeard the Pirate would have survived had the truth been told that his victims were not beautiful young maidens but young boys. She points out that legends of rape have helped mythify a score of outlaws—witness Genghis Khan, Pancho Villa, Jack the Ripper and the Boston Strangler. Rape is glamorized in popular novels such as *The Adventurers*, in movies, such as *A Clockwork Orange*, and in the music of such rock stars as the Rolling Stones, Jimi Hendrix and Jim Morrison, who feature on stage abuse of women for autoerotic kicks. In all these mediums the theme is the same, men defining their manhood in terms of aggression toward women. Ms. Brownmiller concludes that whether life imitates art or art imitates life is immaterial when we consider the heroic rapist—men have created the mythology and men continue to act it out.

Deflating myths is one of the things that Ms. Brownmiller does best. The reader is quite likely to meet some of the myths he himself harbors—"All women want to be raped," "No woman can be raped against her will," "She was asking for it"—and be forced to re-examine them in light of the cold, hard evidence she presents.

The final chapter of the book is perhaps the strongest. Ms. Brownmiller rejects the standard textbook advice to women to stay indoors, off the streets behind multiple dead bolt locks. She argues that for women to accept a special burden of self protection means they can never expect to achieve the personal freedom, independence and self assurance of men. She is not advocating the abandonment of ordinary precautionary measures, but believes that standard advice puts the burden on the wrong person. She recommends that women fight back. For, as she accurately points out, there is no quid pro quo in a rape situation, no guarantee that passive non-resistance will prevent death or disfigurement. A victim may agree to play by the rules but the rapist may not have the same civility.

Ms. Brownmiller wants society to stop looking at rape as a female problem and start recognizing it as a societal problem. Rape is a public problem and as such, there are no private solutions. But Ms. Brownmiller does have some suggestions for reform in the public sector. Among other things, she wants rape

to be placed where it belongs, within the context of modern criminal violence. She wants a redefinition of rape, making it a gender-free, non-specific activity law governing all manner of sexual assaults.¹ Like many other reformers, she calls for changes in the rules of evidence, prohibiting introduction of a woman's prior sexual history, and making it unnecessary to prove that a woman resisted the act.² She points out that robbery victims need never prove they resisted, and the fact that they handed over the money is never interpreted as consent to the crime. Yet in robbery the physical violence is only a threat, while in rape it is an element of the crime itself. She wants a normalization of the penalties of rape, bringing them in line more realistically with the penalties for aggravated assault. She recommends that penalties be given according to objective criteria, such as whether or not there was physical injury, whether or not the rapist was armed, the manner in which the assault was committed and whether there were two or more offenders involved.

For those schooled in defense lawyer tactics and sympathetic to the plight of defendants, *Against Our Wills*, may be an eye opener. Ms. Brownmiller herself was of that inclination for many years. She says she wrote this book because she is a woman who changed her mind about rape. Her book may change yours.

DONNA DUNKELBERGER GECK*

REHABILITATION POTENTIAL OF WESTERN COAL LANDS. Edited by Thadis W. Box, Richard F. Hadley, and M. Gordon Wolman. Cambridge: Ballinger Publishing Co., 1974. Pp. 198. \$11.00.

This book was the result of efforts of the Energy Policy Project authorized in December 1971 by Trustees of the Ford Foundation, to explore alternate national energy policies concerning stripmining

1. Ms. Brownmiller would no doubt approve of the redefinition of sexual offenses in North Dakota's Criminal Code. Sex offenses are defined as Gross Sexual Imposition (N.D. CENT. CODE § 12.1-20-03 (1975)), Sexual Imposition (N.D. CENT. CODE § 12.1-20-04 (1975)), and Sexual Assault (N.D. CENT. CODE § 12.1-20-01 (1975)), according to the severity and circumstances of the crime. All of the offenses are gender-free and the definition of "sexual act" has been expanded to include a broader category of sexual behavior.

2. N.D. CENT. CODE § 12.1-20-14 (1975) prohibits the introduction of evidence as to a complaining witness' prior sexual conduct to prove consent. It does not, however, prohibit the introduction of evidence relating to the complaining witness' sexual conduct with the defendant. N.D. CENT. CODE § 12.1-20-15 (1975) establishes precautionary procedures that must be followed when the defense seeks to introduce evidence of the sexual conduct of the complaining witness as a means to attack the witness' credibility.

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for coal in the West. It is a report by a Study Committee of 13 scientific specialists mostly from western states. The National Academy of Science Study Committee began their assignment in January 1973 and completed it eight months later.

The NAS Study Committee was asked to determine whether stripmined land west of the 100th meridian could be rehabilitated by using currently known technology that could reasonably be initiated, financed, operated, and maintained. Their report consists of seven reasonably well-organized chapters interspersed with figures (photographs, maps, and diagrams) and several tables of supporting data.

Chapter 1, "Findings and Recommendations," includes summary statements on ten main findings followed by eight principal recommendations. Two of the committee's recommendations are that mining should not be permitted without prior detailed land rehabilitation plans, and that regulations for minimum standards be promptly established by federal statute.

Chapter 2, "Statement of the Problem," includes the objectives for the report, and a weak brief on rehabilitation criteria. They attempted to define "Restoration," "Reclamation," and "Rehabilitation," but forgot these definitions subsequently.

In Chapter 3, "Definition of the Western Coal Area," they discuss the major basins and estimate deposits of strippable coal reserves with projections of the anticipated coal production and subsequent disturbed areas. However, their estimates and projections seem to be considerably underestimated, e.g., (a) the committee estimated North Dakota strippable resources at 5.24 billion tons which seems conservative as compared with the more recent estimate of 16 billion tons by the Northern Great Plains Resources Program;¹ and (b) they estimated that in 1974, 7.5 million tons would be mined in North Dakota from about 480 acres. The North Dakota Public Service Commission statistics show that 950 acres were disturbed to extract about 14.8 million tons of coal.²

Chapter 4, "Water Resources in Relation to Surface Mining," relates stripmining with hydrologic environments, water resources, and possible water requirements for mined land reclamation. This is one of the weaker chapters, probably because in this informational area, the committee had the most meager knowledge base upon which to form judgments.

In Chapter 5, "Techniques for Rehabilitating Surface Mined Lands," the committee recognizes the importance of reconciling the mineral extraction and reclamation processes and suggests the pos-

1. NORTHERN GREAT PLAINS RESOURCE PROGRAM, EFFECTS OF COAL DEVELOPMENT IN THE NORTHERN GREAT PLAINS 6 (1975).

2. Communication from Reclamation and Siting Division, North Dakota Public Service Commission to Northern Great Plains Research Center, Jan. 15, 1976.

sible necessity of developing new mining equipment to accomplish this. They also recognize the importance of obtaining advance information on the chemical and physical characteristics of the overburden, from the surface to the deepest layer mined, to formulate adequate plans for future land use. While the committee strongly justifies saving and stockpiling desirable original surface soil for later use in land rehabilitation, this important concept fails to emerge as one of their principal recommendations (Chapter 1). Other sections deal with the important limiting factors for reclamation—moisture, salinity, alkalinity (sodicity), toxicity, textural limitations, deficient plant nutrients, and topography. Chapter 5 is justifiably the longest in the book.

Chapter 6, "Potential for Rehabilitation," includes some overlapping material from the previous chapter—the parameters for successful rehabilitation. Climatic limitations under three regional categories, are discussed so briefly that useful information is minimal. The committee was convinced that reclamation costs will vary widely and should be borne as part of mining operations, and they indicate that topsoil replacement will probably be the most expensive item. Research needs are addressed under various categories, such as mining techniques, revegetation techniques, hydrology, effects on adjacent lands, and aesthetics.

In Chapter 7, "Environmental Impacts in a Larger Context," the committee gives recognition to problems that should be especially noted by decision-makers and legislators. They conclude that much of the mined land in the West can be rehabilitated, provided there are adequate baseline data, sufficient preplanning for both mining and reclamation, and diligent monitoring and enforcement of plans during sufficient time. In this chapter, items are covered dealing with laws and responsibilities, including eleven important recommendations, several which are presently found in state laws in varying degree. Chapter 7 also covers social aspects, ownerships of land and minerals and land-use control.

Rehabilitation Potential of Western Coal Lands is a timely, highly readable, nontechnical report which meets an initial need for public information regarding the potentials for reclamation of strip-mined land. It identifies important parameters for proper assessment without presenting overwhelming statistics or scientific jargon. The committee's highest priority was to provide general information to make important conclusions, while they were aware that most of the detailed technology would be supplied later by others. The authors honestly express their findings, formulate conclusions, and make recommendations in a forthright manner.

The need for considerable governmental research, developed through interdisciplinary teams, is stressed throughout the book be-

cause information (physical, chemical, geological, hydrological, biotic, and climatic) on mined land is largely undetermined and unknown, except at a few locations and, unless research activities are accelerated, these factors are not likely to be understood in time to keep up with the rate of coal development.

The committee's proposal of 10 inches annual precipitation as the dividing point to distinguish between areas difficult for rehabilitation and areas where rehabilitation was more likely, is arbitrary and based upon unsound scientific concepts; some other distinction on effective precipitation and evapotranspiration would have been preferable. Rehabilitation concepts based upon arbitrary climatic-vegetational criteria are overstressed in the report partly due to the lack of soil science expertise among the study committee.

Rehabilitation Potential of Western Coal Lands is recommended to the concerned reader, to decision-making and policy-formulating members of state and federal agencies, and to legislators. Researchers on mined-land reclamation will find the report informative but understandingly lacking.

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