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RETHINKING RAPE LAW: INTERNATIONAL AND COMPARATIVE PERSPECTIVES. Edited by CLARE MCGLYNN and VANESSA MUNRO (London: Routledge, 2010. 368pp. £27.99 pb)

It is hard to find anything uplifting about rape, but the bright pink cover of this book certainly helps to alleviate the inevitable frustration experienced when engaging with the topic of rape law reform. The book is a result of the 2008 conference, 'Rethinking Rape Law: Akayesu 10 Years On', held at Durham University. Editors Clare McGlynn and Vanessa E. Munro have successfully produced a collection of riveting, informative and diverse perspectives on rape law reform from a breadth of international scholars. The book has certainly achieved its aim to provide a critical appraisal of recent developments in rape laws across a range of assorted jurisdictions. The 22 bite-sized chapters are divided thematically into four parts, addressing international and domestic responses to the wrongs of rape, the relationship between feminist activism and legal reform, the limitations of law reform to effect change and the perils of rape complainants' secondary victimization by criminal justice processes.

The contributions explore important discussions from a range of feminist positions. Strategies for understanding and responding to rape as a sexual or violent act in order to avoid inflicting further harm touch on the issues of shame and stigma imposed on rape complainants, offering suggestions of how to overcome barriers preventing effective law reform from being implemented in criminal justice practices. A key focus on ensuring that reforms are more than symbolic or tokenistic invites a discussion on harmful rape myths and their impact on lay and criminal justice perspectives on rape. Bearing this in mind, the chapters offer critical insight and pragmatic solutions, including increased or improved advocacy for rape complainants, juror education and culturally specific sexual violence support services. Several of the authors revisit old debates from new perspectives, such as framing the relationship between rape and 'normal' heterosexual sexual relations in the context of coercion and consent. This is particularly so in the opening

chapters of the book, where Vanessa Munro cites Catherine MacKinnon and the continuum thesis of harm within sexual violence. Munro posits that assessing rape claims within a sole framework or continuum of consent may be overlooking scenarios in which a framework of coercion would be a better starting point. The arguments put forth by Jonathan Herring and Michelle Madden Dempsey echo MacKinnon's ideas with reference to the necessary force involved in sexual intercourse and the creation and imposition of a situation whereby consent has to be either given or refused by one party.

Moving from theory to practice, the second part focuses on the use of international human rights law to prosecute rape as part of genocide trials. The reimagining of rape as a strategic weapon of war within genocide prosecutions helped to elevate the status of victims and, in some cases, allowed them a platform to speak about their treatment at the hands of soldiers and militia. It is against these backdrops that rape as a war crime is interrogated. Such situations negate the need to find consent, as it is clearly not freely or willingly given. Therefore, the coercive environment in which such acts take place is rightly prioritized rather than the degree to which a woman 'consented'. Drawing on the International Criminal Tribunals of Yugoslavia, Rwanda, Sierra Leone and the International Criminal Court, Alison Cole cites several cases in which rape was considered a crime against humanity, yet prosecutions under such legislation of those deemed responsible for rapes during conflict situations have been rare and inconsistent. Within the framework of the Rwandan Tribunal, Doris Buss illustrates the procedural problems inherent in collecting and presenting witness statements that ultimately led to trials collapsing for the most trivial of reasons. Nevertheless, for some victims, the public acknowledgement of these atrocities has proved an important part of their healing. Citing evidence from Sierra Leone, Karen Engle and Annelies Lottman highlight how the shame and stigma affiliated to victims of rape during criminal trials may imply notions of damaged honour (theirs or their families'). Focusing on the negative implications in this way may hamper survivors' efforts to talk about their experiences in a more productive manner. Alice Edwards suggests that the absence of rape from international human rights law is not only regressive, but also illustrative of the general marginalization of women within criminal justice. Patricia Londono levies similar arguments against the European Convention of Human Rights, suggesting that rape ought to be regarded as torture under Article 3 and not as inhuman treatment due to the mass suffering involved and disproportionate vulnerability as a result of gender. These themes are addressed by Heléne Combrinck, who suggests that rape law reform in Africa is vital to protect women from the additional long-term harms of rape such as HIV/AIDS transmission.

In the third part, the focus shifts to national perspectives. Starting with a domestic analysis, Clare McGlynn offers a history of feminist action and rape law reform in England and Wales over the past three decades. In addressing some of the major developments since the 1975 *Morgan* case, McGlynn questions whether many of these reforms are little more than symbolic when juxtaposed with the growing attrition rate for rape. Equally, Sharon Cowan's chapter illustrates how, in Scotland, where the 3 per cent conviction rate is half that of England and Wales, the 2009 Scottish rape law reforms may be more inclusive but only partially address several gender discrepancies inherent to rape. Ivana Radačić and Ksenija Turković focus on the problematic ambiguity surrounding the need to prove force or the threat of force that is inherent to legal frameworks of rape in Croatia, whilst Rachel Anne Fenton deconstructs morality, honour and violence in Italy, indicating that, although the days in which a woman had to marry her rapist to

restore honour may be over, law reform there is still largely coercion-based. In Sweden, Monica Burman shows how progress through the legal counsel offered to victims is hampered by the 'traditional' penis/vagina element retained in rape cases and the postcode lottery of services offered. In Canada, Lise Gotell's analysis of the 1992 Criminal Code, which developed a standard of affirmative consent, shows how these processes have not only created new forms of victim blaming, but also excluded some women from the protection of law. In the United States, Donald Dripps illustrates how the 51 different rape statutes and related procedural systems in force, coupled with the level of discretion levied to criminal justice practitioners and the need to comply with the federal constitution, means that the outcomes for victims can vary tremendously. Peter D. Rush highlights the plurality of jurisdictions in Australia overseeing statutory definitions of rape and sexual assault, suggesting that going back to basics and reconstructing the legal definition of rape may be an answer. Shereen Mills concludes the domestic focus by bringing the debate back to South Africa, where some of the highest recorded levels of sexual violence and an 11-year law reform process resulted in new laws being passed in 2007 that redefined consent and introduced coercive circumstances that effectively negate the existence of consent. Although seemingly progressive, Mills indicates how the narrow interpretations of such circumstances do not reflect typical and prolific scenarios of sexual violence.

The fourth part's focus on new agendas and directions begins with Fiona E. Raitt exploring of the potential for independent lawyers to provide advocacy and representation for victims of rape and sexual assault in order to positively improve their treatment and increase prosecution rates. This leads into Louise Ellison and Vanessa Munro's research with mock jurors to illustrate the effect of rape myths and stereotypes on attitudes towards victims of rape and sexual assault and the potential usefulness of well-crafted and measured educational guidance to better inform jurors in rape trials. The theme of hidden violence and marginalized experiences is addressed by Philip N. S. Rumney and Natalia Hanley, whose chapter on adult male rape and sexual assault pays particular attention to problematic social attitudes towards male rape and victimization. Aisha Gill's analysis of violence against women in South Asian UK communities illustrates the complexity of intersectionality, whilst Janine Benedet and Isabel Grant tackle the issue of sexual assault on women with mental disabilities.

Where possible, the contributors apply lessons learnt in addressing the extreme examples of rape in international wartime situations to more 'traditional' cases of sexual violence in domestic settings. While significant developments have been made, there is still a long way to go with reforming perspectives on rape and rape law. Cultural diversity, particularly the ever-changing nature of gender constructions and the movement from consent to coercion in framing rape scenarios, indicates that, although rape law reform is at the forefront of academic, government and social discourse, the outcomes of these debates are necessarily markedly different. Overall, this book feels like a real collaborative effort by a collection of people with a strong interest in making a difference to how rape is perceived, addressed and responded to. The constant references to other contributors' chapters within the collection indicate that progressing rape law reform requires a concerted approach that spans criminal justice professionals, researchers, academics and support organizations across the globe. My only criticism would be the absence of a chapter on sexual violence on the basis of sexual orientation,

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particularly a focus on the ‘corrective rape’ of lesbians in South Africa. However, this book is a valuable contribution to these ongoing national and international debates.

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