

I want to do more than consent..

Sandra Dickson

The conviction of former Police Officer John Dewar for four counts of attempting to obstruct or defeat the course of justice during the 1990s in relation to rape complaints made by Louise Nicholas has created a very odd situation.

How many people in Aotearoa believe that Police Officers in Rotorua treated women and teenage girls with respect in the 1980s? Some officers, including Brad Shipton and Bob Schollum, have been convicted of rape. Other rape complaints have been adjudged unproven. Still others have not been brought.

Louise Nicholas saw Clint Rickards, Shipton and Schollum walk away after an onerous trial which focussed the media gaze on her and her family for years. This gaze is not over - the recent conviction of John Dewar has been widely reported all over the country as vindicating Louise Nicholas's brave determination to see justice done.¹

Which brings me to the odd situation. John Dewar attempted to obstruct investigations into allegations of sexual misconduct and rape by Police Officers. However, these allegations were later not proven in a Court of law. But many in Aotearoa/New Zealand believe they should have been.

There are several reasons for this. Louise Nicholas's former atmate made a damaging statement in 1995, read in the trial of Rickards, Shipton and Schollum, which implied that Louise Nicholas had consensual sex with the Police Officers. The judge allowed part of the statement to be read despite the atmate refusing to come to the court as a witness.² In many ways the credibility of the entire trial, notwithstanding how much more difficult to build a case it was after John Dewar's interference, hinged not only on whether we believed Police Officers should be having 'group sex' with teenage girls, but whether we believed Louise Nicholas when she told us her consent was undermined because she was young and vulnerable, and because those encouraging her to have 'sex' were Police Officers. Respectable older men, in positions of authority in her town.

Those of us who work with women who have been raped; those of us who have been raped ourselves; those of us who have supported friends, mothers, grandmothers, daughters, lovers who have been raped - believe Louise Nicholas.

When second-wave feminists organised in the 1970s in Aotearoa and elsewhere to name sexual and domestic violence as abuses suffered by far too many women, there were many aims. We wanted to change the law, we wanted to change people's minds, we wanted to stop sexual violence. We succeeded. There are now laws against domestic violence; rape within marriage is illegal; women's sexual history is no longer allowed without exception as evidence in rape trials.

We also failed. In 2001, the New Zealand National Survey of Crime estimated that just 12% of sexual violence is reported, and that one in five women, and one in twenty men had experienced sexual violence. Maori women and/or women younger than twenty-five are more likely to experience sexual violence. Anecdotally we know that even of reported rapes, most do not result in a conviction for the rapist.³

We know that when women start to talk about sexual violence, we will be subjected to the most aggressive attacks on our honesty and moral character. Because forensic evidence no longer allows those accused of rape to say 'it wasn't me', the only defence possible is that their accuser is lying. He must argue that they had consensual sex.

This brings me to two points. The first is that those who believe Louise Nicholas need to argue long and fiercely with those who undermine women's

experiences of sexual violence. We need to write to editors about how many articles they publish about 'false rape allegations' - when actually what they mean is there sadly wasn't enough evidence to convict. We need to challenge the stereotypes that rape cases fail because women lie about sex; to use language that respects and reflects women's experiences when we write and think about rape.

The second point is even simpler. I believe second wave feminists aimed too low in our challenges to sexual violence, specifically in terms of what we deemed acceptable sex.

How many of us can say all we truly want from our sexual partners is 'consent'?

Well, I for one cannot. I don't just want my lovers to consent to have sex with me. I want them to want me, desire me, to expect a bit of wonder and rapture and magic and laughter and fun. I know sex is not always going to be a burning passionate experience - but I never want it to be just consented to.

And that's where I feel our aims were too modest. By accepting that 'consent' is enough, we fall into a trap where women are just permitting men to be sexual with us - instead of expecting that when anyone has sex that some degree of mutual exchange is taking place, be that of lust, of fun, of passion, of intimacy, of love.

I want all the sex I have to be mutual, not *just* consensual.

So my question is, if this resonates for other women, how can we change the law to reflect that? And if we do, would we be safely rid of the ridiculous situation where John Dewar is convicted for obstructing justice - which remains obstructed because three other Police Officers were able to argue that a teenage girl would 'consent' to have sex with groups of older men using implements?

Could anyone have successfully argued that what happened between Clint Rickards, Brad Shipton, Bob Schollum and Louise Nicholas was mutual?

(Footnotes)

¹ See Nicholas's Quest, The Press, 10 August 2007; A Long Wait for her Justice, Waikato Times, 10 August 2007; Vindication for Louise Nicholas, The Nelson Mail, 10 August 2007.

² Crucial Rape Trial Witness Recants Evidence, The Dominion Post, 11 August 2007.

³ We await research demonstrating this in Aotearoa/New Zealand - see previous newsletter. A Gap or a Chasm? Kelly, L., Lovett, J. and Regan, L. (2005) estimated that 80% of reported rapes are either 'no crimed' or withdrawn by the victim at the Police stage in the UK.

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