

tinged to continue to be, the most authoritative work on environmental law in Australia. No other text purports to cover the topic. Accordingly, it will continue to feature as the standard text for the increasing number of legal practitioners and students of environmental and natural resources law.

However, this is not to suggest that Bates has catered solely for legal tastes. Rather, this book reflects the multidisciplinary nature of environmental law by avoiding the encyclopaedic dryness common to law texts. The form, content and style should continue to appeal to environmental managers, engineers, scientists, town planners, conservationists and government officers who often require a comprehensible reference text.

The 3rd edition of *Environmental Law in Australia* is well overdue. While the structure essentially remains the same, Bates has extensively revised and updated most of the 11 chapters to incorporate new material.

Legal practitioners will welcome the comprehensive analysis of new pollution laws in Chapter 10 and in particular those provisions aimed at reforming corporate behaviour by exposing directors and managers to liability for corporate wrongs. Environmental managers will likewise value the discussion on contaminated lands and hazardous substances and the scope of environmental auditing to identify potential liabilities and minimise exposure to risk.

The complex relationship between planning and heritage controls and their administration by relevant authorities is detailed in Chapters 4 and 8 and will give town planners and developers an invaluable understanding of the area. Indeed, Chapter 8 has virtually been rewritten to comprehensively analyse the new heritage legislation in Queensland, Western Australia and South Australia as well as covering the substantial case law on the Commonwealth's powers in respect of World Heritage Areas and the National Estate.

Undoubtedly the entire book would interest conservationists keen to quickly grasp the nature and scope of the obligations imposed by relevant statutes.

In the next edition I would welcome a separate chapter on the development of international environmental law and the significance of its role in Australia. Given that Australia is a party to some

76 multilateral treaties and that many of these profoundly affect domestic law and Commonwealth/State relations, an overview of international material and a prognosis of likely treaties (it has for example been suggested a treaty on forest is not too distant) would be of interest and value. So too would be a chapter on environmental ethics. Though referred to in the introduction, substantial literature on ethics now exists and a review of its contribution and importance in a separate chapter would highlight its significance.

I am disappointed with the deletion of the bibliography in this 3rd edition, a tool often invaluable to research.

Environmental Law in Australia is comprehensive. The author's early UK research has ensured that it extensively details relevant common law controls. Later, as an academic and now as the Green Independent MHA in the Tasmanian Parliament, Bates has been at the forefront of the recent growth in environmental legislation.

The book is not without its faults, usually in minor footnoting and out of date legislation. But then again, even Blackstone was guilty of minor errors. Unlike Bates, however, Blackstone did not convince his publisher to print on recycled paper.

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Male victims of sexual assault

Gillian Mezey and Michael King (eds); Oxford University Press, Oxford, 1992; \$A85

In February 1993 it was reported that a 28-year-old New South Wales man was convicted on eight charges including sexual intercourse without consent, inflicting actual bodily harm with the intent to have sexual intercourse, and stealing. The first victim, a 21-year-old man, was forced to submit to oral and anal sex with the accused after threats were made against his life and those of his family. The second, two weeks later, was beaten with a rock and forced to have oral and anal sex performed on

him. The third, also attacked with a rock, was forced to submit to anal sex. Men, once characterised only as offenders, are increasingly coming to be recognised as victims of sexual assault.

With the growing awareness of the incidence of male rape comes a new book, *Male Victims of Sexual Assault*. It is edited by British forensic psychiatrists Gillian Mezey and Michael King. The book is the first attempt to bring together research on the historical, psychological, cultural, legal and treatment issues associated with the sexual assault of adult males. While this book does not seek to cover new ground in quantifying the incidence of male rape, it is one of the first books to broaden the agenda in analysing and preventing sexual assault in the community. (Another book well worth reading in this area is McMullen, R., *Male Rape: Breaking the Silence on the Last Taboo*, GMP Publications, London, 1991.)

King's analysis of the impact of rape on men in the United Kingdom in Chapter 1 'Male Sexual Assault in the Community' reinforces earlier studies by researchers such as Groth and Burgess, and Goyer and Eddlemen in the United States.¹ Masculine aggression, and the need for affirmation through domination of others is characterised as the main motivating factor in the sexual assault of men.

King also analyses the responses of male survivors of rape confirming previous studies that men are often unable to report the crime due to an expectation that men should be able to defend themselves. Moreover, men who could not defend themselves, either through fear or threat of harm, often question their own sexual orientation; such a perception is reinforced by the popular image of this crime as 'homosexual rape'. As a consequence, Turner contends in Chapter 5 'Surviving Sexual Assault and Sexual Torture' that:

... a failure to repel a sexual assault becomes a mark of masculine inadequacy and therefore may be an injury too threatening to reveal. [p.80]

There is a tendency, however, to understand male and female sexual assault as congruent. Yet there is a need for caution in accepting such small sample surveys of male rape as typical of male rape survivors generally, particularly where it is understood that the majority

ty of male survivors will not voluntarily report the assault. It is true that the responses of male victims are in many ways similar to those of women survivors, and the motivation of assailants often appears to be congruent. However, important differences were found by Kaufman in 1980.² For example, men are more likely than women to respond to sexual assault in a 'controlled' manner and to internalise their emotional response. While Kaufman's survey was small, it does suggest that larger scale research is required before specific conclusions can be reached.

This point has been taken up by Russell in her book *Sexual Exploitation: Rape, Child Sexual Abuse and Workplace Harassment*. She rightly warned against over reliance on 'unrepresentative' samples which '... raise serious doubts about the validity of [the] ... conclusions about ... men who rape other men'.³ While King's survey showed more assailants were 'homosexual', his study relied on the 'accounts of the men assaulted'. This contradicts American surveys referred to by Groth and Burgess where the majority of assailants identified themselves as 'heterosexual' and perceived the gender of the victim as immaterial to the assault. Russell's warning seems partly motivated by a concern that sexual assault of females may be marginalised with an onslaught of research into male rape. Nonetheless, research must not be allowed to *assume* correlations between male and female victimisation. A general weakness of this book is that some authors assume such a correlation. As Russell states: 'In focusing on male rape, one must not lose sight of the fact that the vast majority of heterosexual rapists outside the prison choose women as victims'. Understanding the factors that underscore the choice of victim, or lack of gender differentiation between victims, is essential to understanding why some people are more vulnerable to sexual assault than others.

The study of male rape has also long been neglected in criminological investigation. King's short chapter on 'Male Rape in Institutional Settings' is one of the least satisfactory articles. While research has been conducted on the incidence and causative factors in prison sexual violence, little recognition has been given to male sexual assault in the community. The common explanation of prison rape is that rape is an outlet for

sexual frustration, as well as a medium for dominating and controlling other prisoners. But, the assumption that male rape is confined to a particular institutional environment has led to its compartmentalisation and marginalisation. This is perhaps unremarkable considering the stereotypes of masculinity that suggest men cannot be raped and that men who are raped are not 'real' men. But this has broad implications, particularly for the legal system. Survivors of rape risk '... vilification by family, friends, and, ultimately, the police and judicial system' by reporting the incident (p.83). Within the legal system, male rape may become an arena for the prejudices of jurors to be asserted.

Popular notions of masculinity conceal another reality, eloquently illustrated by Ivor Jones in his chapter 'Cultural and Historical Aspects of Male Sexual Assault'. Jones considers historical accounts of same sex violence ranging from 'sodomy' in ancient Greece to more contemporary accounts of 'genital greasing' amongst Australian apprentices. He contends that a number of societies have used male rape as a form of masculine affirmation. In Jones' analysis '... sexual assault of one male by another seems to be used for non-sexual, social purposes - usually control of one individual by another'. This analysis supports a broader view of male sexual violence against both women and men. Despite the small size of surveys, he uses history to support the general hypothesis that rape is '... more a function of dominant-subordinate relationships than ... sexual relationships' (p.104).

While this book concerns itself primarily with the British experience, Australian statistics suggest that non-consensual acts of sexual intercourse are a growing problem.⁴ While accurate statistics are not available, and with considerable emotional impediments to reporting, the New South Wales Sexual Assault Unit estimated that in 1989 some 13% of sexual assaults in New South Wales were against males. The Victorian Community Council Against Violence reported a 6.4% incidence of male rape. The Royal Prince Alfred Hospital in Sydney reported 12% of people seeking help after rape are males. This may only be part of the problem. In a report in the *Australian* (16.2.93) a doctor from the Queen Elizabeth Hospital in Adelaide estimated that the incidence of male sexual assault in the

community could be substantially higher than is currently understood, perhaps as high as 35% of all assault survivors. In a US college survey by Russell of males aged 19 to 24, 30% admitted to being a victim of at least one act of 'criminal sodomy' on campus or in the surrounding community. These figures suggest a serious cause for concern.

It is unclear whether the increase in reports of male rape is due to greater reporting or to an actual increase in the level of sexual assault. Increased reporting may also be due to growing concern about sexually transmitted diseases among male survivors. Men are also likely to suffer from a 'penetrative trauma' as a consequence, and a growing awareness of male rape amongst medical staff creates an environment where the assault can be detected and treated (p.8). However, no study has investigated this apparent increase.

If little has been investigated about male rape, even less has been devoted to treatment strategies. Mezey argues in her chapter 'Treatment for Male Victims of Rape':

Rape is a crime predominantly directed against women and therefore there is an underlying assumption of treatment provision that rape counsellors must necessarily be female. Rape crisis centres tend to be informal and driven by feminist philosophy and men are viewed as the aggressors rather than the victims. [p.135]

However, she fails to instruct on the effect of a counsellor's gender on the

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survivors' willingness to report. Nor does she discuss appropriate counselling strategies. In the 1980s in some areas of the United States (one example is San Francisco) rape crisis centres were established for male victims, to address their specific problems. Yet Mezey does not refer to any established work except to suggest some work in the gay community in London. Mezey's article on treatment of survivors seems to draw heavily on current practices used for women, and potential pitfalls for men, but she fails to suggest useful strategies for dealing with men.

This underscores a more general problem with the book. A number of articles approach the main topic as a side issue. One article in particular, Silverman's 'Male Co-survivors: the Shared Trauma of Rape' does not deal with male victims and their partners (male or female) in any substantive sense. While useful in understanding rape counselling (I am not critical of the article itself) one gets the feeling that a number of articles in this book were included to give the appearance of thoroughness.

With evidence of a growing problem of male sexual assault in Australia, and elsewhere in the world, this book is timely. Its value lies in its drawing together of a range of materials on the topic. It is limited in that it does not significantly extend itself beyond currently available literature. Except for Ivor

Jones' exploration of the historical and cultural aspects, little of the material is new. For a student of male rape, or someone working with survivors, this is a worthwhile introduction and will give a good basis for further research.

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