

0014 Why so few rapists are convicted

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1. Why so few rapists are convicted

Rape is one of the hardest crimes to prosecute 起诉；控告；检举. After a murder, there is a corpse 尸体. After a rape, by contrast 相比之下, there may be no physical evidence at all. Often, 主 the only evidence that a crime has even occurred 系 is the word of the victim 受害者, **flatly (ad.)断然；斩钉截铁地 contradicted** 反驳；驳斥 by the defendant.

When it is essentially 本质上；根本上 her word against his, **it can be extremely difficult to prove [beyond reasonable doubt** 无疑地；确实地；排除合理的怀疑；无可置疑] that* the accuser 原告 is telling the truth and the defendant 被告 is lying.

It is doubly (ad.)更加；越发；倍加 so [when **the general public** — and therefore jurors 陪审员 — **have deep misconceptions** 错误认识；误解 about what a typical rape looks like, and what **a credible** 可信的；可靠的 **allegation** (无证据的) 说法, 指控 sounds like].

Example 1. 标题

corpse

/kɔːr-ps/ ⇒ 来自词根corp, 身体, 见corporeal.

强奸是最难起诉的罪行之一。谋杀之后，会有一具尸体。相比之下，强奸之后可能根本就没有物证。通常，犯罪发生的唯一证据，就是受害者的话，而被告则断然否认。当她的话与他的相反时，就很难确实地证明，原告说的是实话，而被告在撒谎。当公众——因而是陪审员们——对典型的强奸是什么样子，以及可信的指控听起来像是什么样子，有很深的误解时，情况就更是如此。

People often think of rape as involving things **conspicuously 显著地，明显地 missing from Jane's account: a predatory (a.) (在金钱或性关系上) 欺负弱小的，压榨他人的;捕食性的 stranger, a weapon used to threaten or hurt, a secluded (a.) 僻静的；清静的；不受打扰的 location** and a victim anxious (a.) to report the crime [straight away] 立即；马上. They are mistaken. “**Most common knowledge about sexual assault is wrong,**” said Barbara Ziv, **a forensic 法医的;与法庭有关的 psychiatrist 精神病学家；精神科医生.**

A huge majority of the victims 受害者 were women. Many reports are made long after the event; **主** more than a quarter of attacks reported in England and Wales in 2017 **谓** took place over a year before. **主** Some 80% of rapes reported **谓** are committed 做出（错或非法的事）；犯（罪或错等） by a person known to the victim.

Example 2. 标题

许多面对这两种说法的人，会觉得乔的说法更可信。人们通常认为，强奸会涉及简的描述中明显缺失了的几样东西：在性需求上呈掠食性的陌生人，用于造成威胁或伤害人的武器，一个隐蔽的作案地点，以及一位急于立马报案的受害者。“他们的这种认识是错的”，法医精神病学家芭芭拉·齐夫(Barbara Ziv)说。

许多报告都是在事件发生很久之后才发布的；2017年在英格兰和威尔士报告的袭击事件中，有超过四分之一是发生在一年前。被报告的强奸案中，约有80%，是受害者所认识的人犯下的。

Sexual assault **typically involves** neither weapons nor visible injuries. The 2017 Crime Survey 对犯罪的调查 for England and Wales found **the most common location** to be the victim's home (39%) and **the second most**

common the offender's 违法者；罪犯 home (24%). Just 10% happen in a public place such as a park or the street. 主 Nearly a third of people (**claiming to be** the victims of rape) 谓 said they told no one; over half told an acquaintance 认识的人；泛泛之交；熟人; fewer than **one in five** told the police.

Example 3. 标题

性侵犯通常既不涉及武器，也不涉及明显的伤害。2017年, 对英格兰和威尔士的犯罪调查发现，最常见的地点, 是在受害者的家中(39%)，第二常见的地点是在犯罪者的家中(24%)。只有10%发生在公园或街道等公共场所中。在声称是强奸受害者的的人中，近三分之一的人说, 他们没有告诉任何人；超过一半的人告诉了熟人；不到五分之一的人告诉了警方。

Jurors 陪审团成员；陪审员 can find **this hard to fathom** (v.)理解；彻底了解；弄清真相。

Victims may not report their ordeal 磨难；折磨；煎熬 for a number of reasons, such as embarrassment or thinking it will not help. They may **remain in contact with** their assailant 攻击者；行凶者 for work reasons. **They may flirt 调情 with him** or have sex with him again **as a way** to regain, or establish, a sense of control over their relationship.

Defence lawyers **exploit** 利用（...为自己谋利）；开发；开采 **their confusion**.

[Soon after 主 **allegations**（无证据的）说法，**指控 against** Mr Weinstein 谓 surfaced（隐藏或被掩盖一段时间后）露面，重新出现,浮出水面)] 主 two New York Times reporters 记者 谓 revealed how Mr Weinstein's then lawyer, Lisa Bloom, had tried to reassure 使...安心；打消...的疑虑 **board members 董事会成员 of his company** by saying photographs would soon be published of “several of the accusers 原告 **in very friendly poses** with Harvey after his alleged 所谓的；声称的；被断言的 misconduct” 失职；处理不当；行为不端。

When such evidence reveals **a continued relationship** that the accuser **has sought to hide**, it can be relevant 紧密相关的；切题的, 有价值的；有意义的. **The mere fact** of a continued relationship, though, **says little**.

Example 4. 标题

ordeal

/ɔːr'di:l/ (= ~ (of sth/of doing sth) : a difficult or unpleasant experience 磨难；折磨；煎熬；严酷的考验

⇒ 字面意思就是“deal out by gods”（由神灵来施加惩罚）。现在引申为“严峻的考验”。

flirt

⇒ 来自 flit, 掠过，轻掠。或直接来自辅音丛 bl, fl, 折腾，拍打，拟声词，词源同 flap, flabby, flag. 插入字母 r, 延长音，模仿调情的声音。

fathom

(v.) /'fæðəm/ (= ~ sb/sth (out) : to understand or find an explanation for sth 理解；彻底了解；弄清真相；/英寻（测量水深单位，合6英尺或1.8米）

受害者可能会因为一些原因，而不报告他们的苦难经历，比如感到尴尬，或认为这无济于事。他们可能因为工作原因，而继续与袭击者保持联系。他们可能会与他调情，或再次与他发生性关系，以此来重新获得或建立对他们关系的控制感。

陪审员可能会发现这很难理解。辩护律师则会利用他们的这种困惑。在针对温斯坦的指控浮出水面后不久，两名“纽约时报”(New York Times)记者披露，温斯坦当时的律师丽莎·布鲁姆(Lisa Bloom)，曾试图安抚他的公司董事会成员，称一些照片将很快公布，在这些照片上，“几名原告在指控哈维行为不当后，还摆着非常友好的姿势，与他在一起”。

当一段原告试图想隐瞒的关系，被这些证据暴露出来后，这种披露可能是有意义的。然而，仅仅是受害者与犯罪者拥有这样一段持续的关系，这一事实本身并不能说明什么。

The absence 不存在；缺乏 of a weapon; missing, imprecise 不确切的；不精确的 or mistaken memories; delayed reporting; prior 先前的；较早的；在前的 acquaintance; claims of consent 同意；准许；允许 — they all make a rape complaint **more likely to be dismissed** 驳回；不受理；不予考虑；摒弃 by investigators, even though they are extremely common.

Example 5. 标题

不存在作案工具；作案工具丢失不可寻、不准确或错误的记忆；延迟报告；事先认识犯罪人；声称你情我愿——这些都使得强奸投诉，更有可能被调查人员驳回，尽管这些投诉非常常见。

...**And by the fact that** Mr Weinstein doesn't look like George Clooney, adds Bennett Capers, a professor at Brooklyn Law School. [If Joe is good-looking] 主 both men and women 系 are more likely to believe him than if he is not.

The greater the power (**differential (n.a.) 差别 between** rapist **and** victim), the likelier he is **to get away with 逃脱惩罚 it**, reckon criminal-justice 司法制度；法律制裁；审判 刑事审判 scholars.

Jurors are especially likely to disbelieve victims 受害者 if they are sex workers, **drug addicts** or teenagers.

In a study recently released by America's National **Criminal 刑法的；刑事的 Justice 司法制度；法律制裁；审判 Reference 参考；（帮助或意见的）征询 Service**, researchers followed (v.) **the flow of reports** of rape and **attempted (a.) rape** in six American jurisdictions 管辖区域 between 2008 and 2012.

[Of 2,887 reports by women] just a fifth **led to** an arrest. Only 1.6% of incidents (reported) **led to a trial**. "Police and prosecutors 公诉人；检察官 selected cases **based on** what they thought a jury would believe," says Linda Williams, one of the study's authors 作者.

Rape was **second only to** robbery (n.) 盗窃；抢劫 as **the least-solved** violent crime. Lower **clearance 清除,清理 rates** might be a sign that police **are keeping** complex cases **open** 未决定的；待决定的 for longer. But **it could equally indicate that** more rapes **are going unsolved**.

Example 6. 标题

differential

(n.a.) 差别；差额；差价；（尤指同行业不同工种的）工资级差

justice

the legal system used to punish people who have committed crimes 司法制度；法律制裁；审判

- the criminal justice system 刑法体系

flow

流；流动

~ (of sth) the continuous production or supply of sth 持续生产；不断供应

- **the flow of goods and services** to remote areas 商品和服务对边远地区源源不断的供应
- data flow 数据流

布鲁克林法学院(Brooklyn Law School)教授班尼特·卡佩斯(Bennett Capers)补充说，温斯坦看起来长得不像乔治·克鲁尼(George Clooney)那么帅。但如果乔长得很漂亮，世人就会比他长得难看时，更信任他所说的话。（即，人们对长得漂亮的人，会更加迷信的话语的真实性）

刑事司法学者认为，强奸犯和受害者之间的权力地位差距越大，他就越有可能逍遥法外。如果受害者本身就是性工作者、吸毒者或青少年，陪审员就特别可能不信任她们的指控。

在美国国家刑事司法参考服务处，最近发布的一项研究中，研究人员跟踪了2008至2012年间，美国六个司法管辖区的强奸和强奸未遂报告的流动情况。在2887起女性举报中，只有五分之一的被告最终被逮捕。在报告的案件中，只有1.6%得到了审判。该研究的作者之一琳达·威廉姆斯(Linda Williams)说，“警方和检察官会选择处理哪一个案件，是基于他们认为陪审团会信任哪个原告来的。”

在破案率最低的那些暴力犯罪中，强奸案仅次于抢劫案。较低的清案率，可能反映出了这个迹象，即：警方将复杂的案件，保持在未决状态更久。但也同样能可能反映出另一种可能性，即更多的强奸案未被处理。

主 The ways in which the mind remembers, and forgets, assault 侵犯他人身体 (罪) ; 侵犯人身罪 谓 can **work to** the accuser's **disadvantage** 不利因素 ; 障碍 ; 不便之处.

Memory of trauma 精神创伤; 损伤, 外伤 can record some particulars 细节; 详情 **in excruciating** 极痛苦的 ; 极坏的 ; 糟糕透顶的 **detail** [while leaving other details hazy (a.) 记不清的 ; 模糊的 or forgotten].

Alcohol **adds to the difficulties**. In England and Wales over a third of self-reported **rape victims** said **they had drunk alcohol** when they were attacked. **Heavy drinking** can **cause blackouts** 一时性黑蒙 ; 眼前昏黑; 断电 ; 停电 as well as **removing the capacity for consent** 同意的能力. Even **moderate** 适度的, 温和的 **drinking** can **blur the memory of peripheral** (a.) 次要的, 外围的 **details**.

The body, too, does not necessarily record the evidence (people might expect).

Non-consensual 未经 (参与者) 同意的 **sex** does not always lead to injury or **physical trauma** 损伤 ; 外伤. One reason is “**tonic** 使精神振奋的东西 **immobility** 不动, 固定” 强直静止; 紧张性麻痹, **a dissociative** (a.) 游离的 ; 分离的 **response** in which **the body goes limp** 柔软的 ; 不直挺的.

主 Two thirds of **rape of victims** questioned in a Swedish study 谓 reported **symptoms of tonic immobility**.

“Victims are still **suspected of lying** if **their vulvas** 外阴 ; 女阴 **aren't visibly shredded** 切碎 ; 撕碎 after a rape,” writes Kate Harding, a feminist 女权主义者 author, in “Asking for It” 书名而已.

Example 7. 标题

peripheral

/pə'rɪ-fə-rəl/ (a.) (=peripheral : not as important as the main aim, part, etc. of sth 次要的 ; 附带的; / connected with the outer edge of a particular area 外围的 ; 周边的

→ peripheral ⇒ peri-,在周围, -pher,带来, 词源同bring,pheromone.引申词义外围, 边缘。

- peripheral information 辅助信息
- the peripheral nervous system 周围神经系统
- a peripheral device 外围设备

tonic

anything that makes people feel healthier or happier 使精神振奋的东西
奎宁水, 汤力水 (一种味微苦、常加于烈性酒中的有气饮料)

- The weekend break was just the tonic I needed. 周末休息正是我所需要的养精蓄锐的机会。

Tonic immobility :

Tonic immobility is a natural state of paralysis that animals enter, often called animal hypnosis. Its function is not certain. It may be related to mating in certain animals like sharks. It may also be a way of avoiding or deterring predators (playing dead is called thanatosis). 强直性静止是动物进入的一种自然的麻痹状态, 常被称为动物催眠。它的功能是不确定的。这可能与某些动物(如鲨鱼)的交配有关。它也可能是一种避免或威慑捕食者的方法(装死被称为假死状态)。

vulva

⇒ 来自拉丁语 *volvere*,转, 旋转, 词源同 *involve*,*wallet*.引申词义包裹, 用于解剖学名词外阴。

大脑对性侵的记忆与遗忘方式,可能对原告不利。创伤的记忆,会在记录下一些令人极其痛苦的细节的同时,也会让其他的细节模糊不清或被遗忘。

酒精增加了记忆的困难。在英格兰和威尔士,超过三分之一的自我报案的强奸受害者表示,在受到性侵前,她们喝过酒。大量饮酒会导致暂时性的失忆,并削弱理性做出同意或拒绝的能力。即使是适度的饮酒,也会模糊次要细节的记忆。

身体产也不一定留下人们期望的证据。非自愿的性行为,并不总是导致伤害或身体上的创伤。其中一个原因是“强直性静止”症状,这是一种身体变得软弱无力的游离反应。在瑞典的一项研究中,三分之二的强奸案受害者报告说,她们有“强直性静止”症状。女权主义作家凯特·哈丁在“要求”(asked for It)一书中写道:“如果受害者的外阴在强奸后没有明显地撕裂,那么她们仍然会被怀疑有撒谎的嫌疑。”

2. <pure> Why so few rapists are convicted

Rape is one of the hardest crimes to prosecute. After a murder, there is a corpse. After a rape, by contrast, there may be no physical evidence at all. Often, the only evidence that a crime has even occurred is the word of the victim, flatly contradicted by the defendant. When it is essentially her word against his, it can be extremely difficult to prove [beyond reasonable doubt] that the accuser is telling the truth and the defendant is lying. It is doubly so [when the general public — and therefore jurors — have deep misconceptions about what a typical rape looks like, and what a credible allegation sounds like].

Many people faced with these two accounts will find Joe's more credible. People often think of rape as involving things (conspicuously missing from Jane's account): a predatory stranger, a weapon used to threaten or hurt, a secluded location and a victim anxious to report the crime [straight away]. They are mistaken. “Most common knowledge about sexual assault is wrong,” said Barbara Ziv, a forensic psychiatrist.

Many reports are made [long after the event]; more than a quarter of attacks reported in England and Wales in 2017 took place over a year before. Some 80% of rapes (reported) are committed by a person (known to the victim).

Sexual assault typically involves neither weapons nor visible injuries. The 2017 Crime Survey for England and Wales found the most common location to be the victim's home (39%) and the second most common the offender's home (24%).

Just 10% happen in a public place such as a park or the street. 主 Nearly a third of people claiming to be the victims of rape said {they told no one}; over half told an acquaintance; fewer than one in five told the police.

Victims may not report their ordeal for a number of reasons, such as embarrassment or thinking it will not help. They may remain in contact with their assailant for work reasons. They may flirt with him or have sex with him again as a way to regain, or establish, a sense of control over their relationship.

Jurors can find this hard to fathom. Defence lawyers exploit their confusion. [Soon after allegations against Mr Weinstein surfaced] two New York Times reporters revealed {how Mr Weinstein's then lawyer, Lisa Bloom, had tried to reassure board members of his company by saying photographs would soon be published of "several of the accusers in very friendly poses with Harvey after his alleged misconduct"}. When such evidence reveals a continued relationship that the accuser has sought to hide, it can be relevant. The mere fact of a continued relationship, though, says little.

The absence of a weapon; missing, imprecise or mistaken memories; delayed reporting; prior acquaintance; claims of consent — they all make a rape complaint more likely to be dismissed by investigators, even though they are extremely common.

And by the fact that Mr Weinstein doesn't look like George Clooney, adds Bennett Capers, a professor at Brooklyn Law School. [If Joe is good-looking] both men and women are more likely to believe him than if he is not.

The greater the power differential between rapist and victim, the likelier he is to get away with it, reckon criminal-justice scholars. Jurors are especially likely to disbelieve victims if they are sex workers, drug addicts or teenagers.

In a study (recently released by America's National Criminal Justice Reference Service), researchers followed the flow of reports of rape and attempted rape in six American jurisdictions between 2008 and 2012. [Of 2,887 reports by

women] just a fifth led to an arrest. Only 1.6% of incidents (reported) led to a trial. “Police and prosecutors selected cases based on what they thought a jury would believe,” says Linda Williams, one of the study’s authors.

Rape was second only to robbery as the least-solved violent crime. Lower clearance rates might be a sign that police are keeping complex cases open for longer. But it could equally indicate that more rapes are going unsolved.

The ways in which the mind remembers, and forgets, assault can work to the accuser’s disadvantage. Memory of trauma can record some particulars [in excruciating detail] while leaving other details hazy or forgotten.

Alcohol adds to the difficulties. [In England and Wales] over a third of self-reported rape victims said they had drunk alcohol when they were attacked. Heavy drinking can cause blackouts as well as removing the capacity for consent. Even moderate drinking can blur the memory of peripheral details.

The body, too, does not necessarily record the evidence people might expect. Non-consensual sex does not always lead to injury or physical trauma. One reason is “tonic immobility”, a dissociative response in which the body goes limp. Two thirds of rape victims questioned in a Swedish study reported symptoms of tonic immobility. “Victims are still suspected of lying if their vulvas aren’t visibly shredded after a rape,” writes Kate Harding, a feminist author, in “Asking for It”.
