

From Consanguineous Rape to Consanguinophilia

Chapman Chen

Department of Chinese and Bilingual Studies
Hong Kong Polytechnic University

Recently, after the fourteen-year-old victim of an ‘incest’ case had given evidence through live telecast for two days, the presiding high court judge suddenly dismissed the jury on the ground of ‘procedural difficulty.’ The so-called procedural difficulty refers to the following situation. In accordance with the Criminal Procedure Ordinance of 1995, a victim-witness of a sexual abuse case can give evidence through live telecast instead of in open court. But the Ordinance missed out victims of ‘incest’, and the prosecutor of the case concerned mistakenly thought that ‘incestuous’ offenses had already been included in that particular Criminal Procedural Ordinance.

This burgled action was probably attributable to the fact that in law and in everyday life, people, out of prejudice against sexual relationships between close relatives, almost invariably confuse two terms or concepts, namely, ‘incest 亂倫’ and ‘rape 強姦’ (According to Crimes Ordinance 12.1 a

male is deemed to commit incest if he has sexual intercourse with a female whom he knows to be his granddaughter, daughter, sister or mother). In order to clarify matters to the public, the author has coined a few terms related to ‘incest’ as follows: sexual intercourse between close relatives who are both mature and willing should be renamed consanguineous intercourse (近親交) and erotic interest in carrying out this kind of act should be named consanguinophilia (近親戀)(con means same; sanguine is related to blood; philia means love). And consanguineous sex should be distinguished from sex between close relatives involving coercion which should be re-named consanguineous molestation or rape (近親姦). If we had included consanguineous rape cases in the category of ordinary rape, the above-mentioned case would not have had to be stopped in the middle; the court would not have lost three days’ precious time, and the girl victim would not have had to reiterate the traumatic experience of being raped by her father once again after the Attorney General had amended the charge.

The naming problem of ‘incest’ is close to that of ‘gross indecency’ and ‘bestiality’. Before the decriminalization of homosexuality in Hong Kong, many people, including legal professionals, out of misunderstanding of or prejudice against homosexuality, called anal intercourse between any two males gross indecency or buggery (雞姦), even if the parties involved were absolutely willing and mature.

Similarly, up to now, anyone who has sexual intercourse with an animal is guilty of bestiality or buggery with an animal (獸姦). Si Man Hung thinks that sex with animals is punishable because man is not supposed to disturb the sex life patterns of animals. But why have human beings always been left alone to shoot, kill, fray, slaughter various animals, to fry, boil, burn, eat them, and even to use them as guinea pigs in unspeakably cruel biochemical experiments? Why should people be punished for just enjoying sex together with animals? The real reason is probably because moralists are megalomaniac enough to think that they are the god of Earth, looking down all other species.

Now comes another question. Why do the public have to be prejudiced against consanguinophilia, regarding it as the worst possible sin which deserves the fire of eternal hell? Sigmund Freud, father of psychoanalysis, in his book, Totem and Taboo offers the following explanation. In the ancient primal horde, the primal father was extremely despotic and atrocious. He often arbitrarily killed or castrated any son suspected of coverting the primal father's status or his women. Unable to bear the primal father's oppression any more, the sons finally rebelled and killed him. Because deep inside their hearts, they also loved him, after committing patricide, they felt very remorseful. Moreover, although everyone of them wanted to have all the women in the horde, it is unlikely that anyone could subdue all the other brothers like the primal father.

Hence, they gave up the women in the same horde (including mothers and sisters), whom they had desired for a long time, in order to expiate their guilt and consolidate the horde. This experience has been handed down phylogenetically from generation to generation through the collective unconsciousness, leading to the formidable and unbreakable incest taboo. This theory really can explain people's nameless and irrational phobia of incest.

Thus, incest taboo is man's defense against ambivalence toward parents in the 'infantile' period of man's history. Now that the situation has changed and man has become much more mature, blind inhibition of consanguinophilia is no longer necessary; ordinances of incestuous offenses are already out-dated and should be canceled or, at least, modified.

By and by, according to the present law against consanguineous sex in Hong Kong, the sole exception is voluntary intercourse between grandmother and grandson. This exception, however, does not represent the authority's open-mindedness. It merely reflects the society's sexism and ageism for it assumes no young male will ever covert a woman old enough to be a grandmother. In the same way, the reason why the old homosexuality ordinance was against only male homosexuals but not lesbians was not leniency on the part of

the authority. Rather the authority simply despised woman for their lack of penis and ignored sexual behavior among themselves! What is even more absurd in the law against consanguineous sex is that a step-father is deemed to be guilty of incest if he copulates with a willing and mature step-daughter who has no blood relationship whatever with him. This corroborates the theory that incest taboo originated from the fear and guilt related to the primal father, rather than a natural horror of incest.

In a word, consanguinophilia is a private interaction between two people. Provided that both parties are willing and nobody else is harmed, why should it be banned? ‘None of your business’, as the saying goes. The repressed consanguinophilic impulse of people who object to consanguinophilia most vigorously may be the strongest. If Zhou Ping, Fanyi, Zhou Chong, Sifeng (characters in Cao Yü’s Thunderstorm) had lived in a future era in which consanguinophilia decriminalized and multi-modal marital system is practiced, their young and useful lives would not have been wasted! As for consanguineous rape, such as father/mother raping daughter/son, daughter/son raping father/mother, it should, of course, be punished by law, just like other kinds of rape.

