

Family Shelter Service

605 EAST ROOSEVELT ROAD • WHEATON, ILLINOIS 60187 • HOTLINE: (630) 469-5650

SEXUAL ASSAULT IN A COMMITTED RELATIONSHIP

Adapted from The Wife Rape Information Page "A Frequently Asked Questions and Resource Guide"

"When she says NO, it's rape.... even when she's married to him"

Every woman has the right to control her own body and to make decisions about having sex, using birth control, becoming pregnant and having children. She does not lose these rights if she marries.

-from Stopping Sexual Assault in Marriage, Center for Constitutional Rights

What is Wife Rape?

Wife Rape is the term used to describe sexual acts committed without a person's consent and/or against a person's will, when the perpetrator (attacker) is the woman's husband or ex-husband.

Sexual acts may be accomplished against a person's will by physical force, threats of force to her or a third person, or implied harm based on prior assaults, causing the woman to fear that physical force will be used if she resists. A wife does not need to be "putting up a good fight" for it to be rape (even according to the law). Some women have been hurt in the past for not cooperating with their husbands. For example, some may have been physically beaten, or had money or other necessities taken or withheld from them, or their husband or partner may have used emotional or psychological abuse, such as threatening to leave her. A woman who has experienced such things in the past when she has not agreed to her husband's sexual advances may choose to minimize the harm to herself by resisting as little as possible. Many battered women have reported that husbands have demanded sex directly following a beating, as proof that the woman "forgives" him for beating her. When a woman submits to sexual acts out of fear or coercion, it is rape.

Sexual acts may be accomplished without a person's consent when the woman is capable of giving consent, but does not give it. Another way sex is accomplished without consent is when a woman is unable to give consent, so that the man doesn't need to use force. For example, if she is under the influence of alcohol or other drugs (including medication), if she is unconscious or asleep, or if she is permanently or temporarily disabled in a way which limits her ability to give consent.

Having sex with a person one time does not "imply" consent to any future sexual acts. According to rape statutes, consent must be a *cooperative act of free will*. Sexual acts include but are not limited to penile-vaginal intercourse, the insertion of genitals into the mouth or anus, or the insertion of objects into the vagina or anus.

This page talks about "wife rape" which by definition only includes legally married persons. Experiences of women who have been raped by long-term or live-in partners are likely to be similar to wife rape in many respects. This is true for same-sex couples. Most importantly, all survivors of rapes by intimate partners must realize that they do not deserve to be degraded and used in this manner.

How Common is Wife Rape?

Diana Russell (a prominent rape researcher) interviewed over 900 randomly selected women and found that, while 3% had experienced completed rape by a stranger, 8% had experienced completed rape by a husband. Wife rape was the most common type of completed rape reported. These numbers are calculated on all women, including those who haven't ever been married. If you only count women who have been married, 14% - or *one in every seven married women* - reported either a completed or attempted rape by a husband/ex-husband. David Finkelhor & Kersti Yllo of the Family Research Laboratory in New Hampshire, surveyed over 300 community women in Boston and found that 10% of women who had been married reported sexual assault by a husband or ex-husband, while 3% reported sexual assaults by strangers. Studies of battered women staying in shelters and women seeking relationship help report from one third to three quarters of those asked reported sexual assaults by their husbands or intimate partners.

A recent national survey found that 10% of all sexual assault cases reported by women involved a husband or ex-husband attacker (Rape in America, 1992, released by the National Victim Center, Arlington, VA). Because many women are less likely to label sexual assaults by a husband as rape (compared with sexual assaults by strangers or acquaintances) and so are less likely to report them, these numbers must be considered to be low estimates.

How are Victims of Wife Rape Different from Other Rape Victims?

Women raped by a partner are being violated by someone with whom they share their lives, homes, and possibly children. In addition to the violation of their bodies, they are faced with a betrayal of trust and intimacy. Sadly, victims of wife rape are least likely (compared to other rape survivors) to see what is being done to them as a violation of their rights. This is no surprise, however, as society has only recently legally recognized wife rape as a crime, and opinion polls show that people still believe that wife rape must be "less harmful" than stranger rape.

Research indicates that wife rape victims are more likely to be raped multiple times when compared with stranger and acquaintance rape victims, and women who experience wife rape suffer long lasting physical and psychological injuries which are as severe or more severe than stranger rape victims.

What Legal Rights do Married Women Have Regarding Wife Rape?

Today, it is a crime in all 50 states (and federal lands) for a husband to rape his wife. It is difficult to believe that in 1976, no husband could be charged with raping his wife, due to a section in the rape laws called the Marital Rape Exemption. This exemption (which was thought to be common law in some states but the result of legislation in others) actually exempted men from prosecution for rape in cases where the woman he raped was his wife!

The Marital Rape Exemption has not yet been completely removed. According to the National Clearinghouse on Marital and Date Rape (see Resource List), as of March 1996, only 17 states and the District of Columbia have completely abolished the marital rape exemption. The marital privileges are extended to unmarried cohabitants in 5 states, and to dates in one state (Delaware).

It is important to remember that under at least one section of the sexual offense codes (usually those code sections regarding force), marital rape is a crime in all 50 states. Each state has its own sexual offense codes.

Why Would a Man Rape His wife?

Our ability to answer this question is limited, as so little research has focused on husband-rapists. It is, however, clear from the reports of the survivors that it is not due to a wife's withholding of sex (the most common myth). Most women who report being raped by their husbands also report having consensual sexual intercourse with them. Researchers who have spoken with husband-rapists conclude that husband-rapists rape to reinforce their power, dominance, or control over their wife or family, or to express anger.

Stereotypes about women and sex - such as: women enjoy forced sex, women say "no" when they really mean "yes," it's a wife's duty to have sex - continue to be reinforced in our culture through both mainstream and pornographic media. Such messages not only mislead men into believing that they should ignore a woman's protests, but also mislead women into believing that they themselves must have "sent the wrong signals," blaming themselves for unwanted sexual encounters, or believing that they are "bad wives" for not enjoying sex against their will.

Why Would A Woman Stay With A Man That Raped Her?

The answers to this question are very complicated. Many women believe it is part of their "wifely duty" to have sex with their husbands, even if it is violent sex against their own will. Many religious doctrines include phrases which have been interpreted as implying that sexual acts are a "duty" for wives. In addition, it is only recently that the law has begun to offer wives protection from their husband's sexual attacks, and many people may be unaware that wife rape is a crime.

Many women cannot leave a relationship because they do not have the financial resources to do so. If she has children, a woman's ability to leave is complicated by the added problem of moving her children with her (taking them out of school, away from friends) or abandoning her children. She may not leave for fear of what the offender may do to her or the children. In addition, some women may not leave due to love and loyalty to the husband, which may override her own pain and suffering. The decision to leave a person you care about or love can be very difficult, even when the relationship is unhealthy or violent. But it's the abuse that's wrong, not loving someone who is abusive. No one deserves to be beaten or raped, and no one is required to live in a climate of fear and violence. Everyone has the right to live in a safe home.