Marital rape is a crime with a name, but without a reality. It is an abstraction without a description. Even where it exists in our legislation, it does not exist in our imagination. Despite debates in the parliaments and in the courts, people have only the vaguest and most misleading picture of what it is. The stories of the victims of this crime—victims humiliated by their assailants, ashamed among their closest friends, deprived of the protection of the law, and ignored by the professionals—these stories have not yet touched the conscience of the community.

It was to hasten this process that my colleague Kersti Yllo and I recruited and interviewed women who had been sexually assaulted by their husbands. The women were ordinary women, most of them clients at family planning agencies who were asked as part of their regular medical history if they had ever been sexually assaulted by their partner. Many were telling their stories for the first time.

The depth of popular ignorance about the problem of marital rape runs deep. People are at a loss for imagery concerning just what it is. When we asked groups of students, for example, to invent vignettes of marital rape, one wrote, 'He wants to. She doesn't. He wins.' Can you imagine a stranger rape so described? 'He wants to. She doesn't. He wins'? No. The imagery of stranger rape has knives and dark alleys and terror and violence and degradation.

So does marital rape! People are apt to think of marital rape, if they think of anything at all, as a bedroom squabble over whether to have sex tonight. She has a headache but he gets his way. No wonder they rate it, as they did in one crime survey, as being about as serious an offence as driving while drunk. There doesn't seem to be much criminal about it. But marital rape does have brutality and terror and violence and humiliation, and in many cases enough to rival the most graphic stranger rape.

For example, among these fifty ordinary women we interviewed:

- one had been raped at knifepoint by a husband who held her up against the wall and threatened to kill her.
- one was jumped in the dark by her husband and raped in the anus while slumped over a woodpile.
one was gang raped by her husband and his friend both wielding blackjacks after they surprised her alone in a vacant apartment.

one had her baby kidnapped by an estranged husband who compelled her to have sex as a condition for returning the child.

one had a six centimetre gash ripped in her vagina by a husband who was trying 'to pull her vagina out'.

None of these atrocities (and there were others of equal brutality) were ever reported to the police or to a newspaper. Some were never reported to anybody.

And these were marital rapes. These were husbands brutalising wives. If other people had these images inscribed in their memories when they thought of marital rape in the same indelible way that my colleague and I do, I do not think we would hear nearly so much nonsense about this problem. Marital rape is indeed a violent crime.

However, this imagery of marital rape is not the whole reality either. Marital rape is a broad spectrum of crimes. From a survey we did of 521 women in Boston (Finkelhor and Yllo, 1985) and from one Diana Russell (Russell, 1983) did of 930 women in San Francisco, we estimate that marital rape is amazingly frequent - occurring to as many as 10 to 14 per cent of all married women. These are estimates established from random sample community surveys, asking women about sexual assaults (not using the term rape, of course, because people simply have a hard time seeing sexual assaults in marriage as 'real' rape), but nonetheless using definitions of behaviour that would qualify as rape (sex as a result of physical force or threat of physical force). One remarkable finding of these surveys is that marital rape is among the most common kind of rape, two to three times more common than the stranger rape we think about as 'real' rape. Many more women are raped by husbands than are raped by strangers. One out of eight or ten married wives experience this kind of violence. When talking about a problem of these dimensions, it is no more fair to say that marital rape is always a savage attack than it is to say that it is always a bedroom squabble. We are talking about a spectrum of which both of these are a part.

To make some sense of this spectrum, my colleague and I, after carefully analysing the cases of the women we interviewed, found that it was useful to divide them into three broad categories. We decided to call these three categories battering rapes, force only rapes and obsessive rapes.

Battering rapes were the most brutal and included most of the incidents I listed earlier.
For example, one interviewee was a twenty-four year old woman from an affluent background. Her husband was a big man, over six feet tall, compared to her 5'2". He drank heavily and often attacked her physically. The most frequent beatings occurred at night after they had had a fight and she had gone to bed. She would awaken to find him physically abusing her. Such attacks, at their worst, occurred every couple of weeks. After one incident her face was so bruised that she could not attend class for a full week.

Their sexual activities had violent aspects, too. Although they shared the initiative for sex and had no disagreements about its timing or frequency, she often felt that he was brutal in his love-making. She said, 'I would often end up crying during intercourse, but it never seemed to bother him. He probably enjoyed my pain in some ways'.

The most violent sexual episode occurred at the very end of their relationship. Things had been getting worse between them for some time. They hadn't talked to each other in two weeks. One afternoon she came home from school, changed into a housecoat and started toward the bathroom. He got up from the couch where he had been lying, grabbed her, and pushed her down on the floor. With her face pressed into a pillow and his hand clamped over her mouth, he proceeded to have anal intercourse with her. She screamed and struggled to no avail. Afterward she was hateful and furious. 'It was very violent ...', she said, '... if I had had a gun there, I would have killed him.'

Her injuries were painful and extensive. She had a torn muscle in her rectum so that for three months she had to go to the bathroom standing up. The assault left her with haemorrhoids and a susceptibility to aneurisms that took five years to heal.

In general battering rapes occurred in relationships where, in addition to the sexual abuse, there was a large amount of physical abuse. These tended to be classical cases of 'battered wives'. In fact, studies in safe-houses of battered wives generally show about half of them to have been maritally raped. Their battering husbands, like the stereotype from the safe-house populations, tend to have problems with alcohol and drugs. They have enormous reservoirs of anger which they vented on their wives and often other people in their environment. The rapes tended to take place in capricious and unpredictable circumstances, much like the other violence. They seemed to have little to do with sexual issues per se. In fact, many of these women said they made themselves sexually available whenever their husband wanted them. Rather, these men seemed to be motivated by an intense desire to punish, humiliate, degrade, and retaliate.
against their wives using rape as the vehicle. (About 45 per cent of the women we interviewed suffered from battering rapes.)

The force only rapes were substantially different.

Another interviewee, for example, was a thirty-three year old woman with a young son. Both she and her husband of ten years are college graduates and professionals. She is a teacher and he is a guidance counsellor. Their marriage, from her report, seems to be of a modern sort in most respects. There have been one or two violent episodes in their relationship, but in those instances, the violence appears to have been mutual.

There is a long-standing tension in the relationship about sex. She prefers sex about three times a week, but feels under considerable pressure to have more. She says that she is afraid that if she refuses him that he will leave her or that he will force her.

He did force her about two years ago. Their love-making on this occasion started out pleasantly enough, but he tried to get her to have anal intercourse with him. She refused. He persisted. She kicked and pushed him away. Still, he persisted. They ended up having vaginal intercourse. The force he used was mostly that of his weight on top of her. At 220 pounds, he weighs twice as much as she.

'It was horrible', said she. She was sick to her stomach afterwards. She cried and felt angry and disgusted. He showed little guilt. 'He felt like he'd won something.'

Force only rapes occurred in more middle class marriages where there was much less of a history of violence and abuse. The immediate precipitant of these rapes was more likely to be a specifically sexual grievance, for example, over how often to have sex or what kinds of sex. The force involved was often more restrained, enough to gain sexual access, but not enough the cause severe injury. These rapes seemed to be motivated less by anger than by a desire to assert power, establish control, teach a lesson, show who was boss. (Another 45 per cent of the rapes were of this sort.)

Finally, there was a third kind of marital rape we uncovered in about 10 per cent of the situations that we called obsessive rapes.

In one of these cases, the interviewee was a thirty-one year old marketing analyst for a large corporation. She met her husband in high school and was attracted to his intelligence. They were married right after graduation because she was pregnant.
After the baby was born, he grew more and more demanding sexually. 'I was really just his masturbating machine', she recalls. He was very rough sexually and would hold a pillow over her face to stifle her screams. He would also tie her up and insert objects in to her vagina and take pictures which he shared with his friends.

There were also brutal 'blitz' attacks. One night, for example, they were in bed having sex when they heard a commotion outside. They went out in their bathrobes to investigate to discover it was just a cat fight. She began to head back to the house when her husband stopped her and told her to wait. She was standing in the darkness wondering what he was up to when, suddenly, he attacked her from behind. 'He grabbed my arms behind me and tied them together. He pushed me over the log pile and raped me', she said. As in similar previous assaults, he penetrated her anally.

The interviewee later discovered a file card in her husband's desk which sickened her. On the card he had written a list of dates, dates that corresponded to the forced sex episodes of the past months. Next to each date was a complicated coding system which seemed to indicate the type of sex act and a ranking of how much he enjoyed it.

In these relationships, the husbands had unusual sexual preoccupations. Most were obsessed with pornography; they wanted their wives to help them make it. Most were obsessed with their sexual problems; they were afraid of being impotent or homosexual. Often they had highly structured rituals about sex. They could only get aroused if their wives were in a certain position, or if they touched them in a certain way, or if they 'staged' a rape. There was a sense that many of these men needed violence or struggle in order to have sex. They found the humiliation very stimulating. The women felt as though they were being used as masturbatory objects. There was a definite sadistic component to some.

These three - battering, force only, and obsessive - were the types of rape we identified from our interviews with marital rape victims. There may be other types; we may need to refine our conceptions. The important point is that marital rape happens in a wide variety of contexts. We need an imagery that encompasses this variety, and we can only get it by listening to the stories of the women it happens to.

The absence of these stories from the conscience of the community results in another misunderstanding about marital rape - this one concerning its impact. People do not believe that marital rape
hurts. In 1979, a nationally syndicated American newspaper columnist invented some experts to bolster his own prejudices and wrote that 'many United States jurists agree that when a husband compels his wife to engage in sex relations, she suffers relatively little of the psychological trauma incurred in rape by a stranger' (Lloyd Shearer, Parade Magazine, 22 April, 1979).

(Notice how the husband only 'compels his wife' while what the stranger does is rape.)

'This isn't like he's grabbing some lady off the street', argued John Rideout's defence attorney Charles Burt. 'This is a woman he may have made love to hundreds of times before.' In other words, if he had made love to her hundreds of times before, how traumatic could one more time be?

Opinions like this betray a fundamental misunderstanding of the trauma of rape in general as well as the trauma of marital rape in particular. Rape is traumatic not because it is with someone you don't know, but because it is with someone you don't want - whether stranger, friend or husband.

Burt's idea is akin to saying that if your business partner empties your joint account and runs off to Venezuela, it shouldn't hurt, because after all, you'd written him hundreds of cheques before.

Rape is the intimate violation of a person's trust and autonomy. Prior intimate contact only makes the violation that much more so.

In fact the studies that have looked at this question empirically have indeed found that the victims of marital rape do suffer greater and longer term trauma than other rape victims. This finding is not surprising to those who have talked to marital rape victims and have come to recognise the three special injuries of marital rape: the betrayal, the entrapment and the isolation.

More so than victims of any other kind of rape, the victims of marital rape suffer a profound betrayal. 'When a stranger does it', said one, 'he doesn't know me. I don't know him. He's not doing it to me as a person, personally. With your husband, it becomes personal. You say, this man knows me; he knows my feelings. He knows me intimately, and then to do this to me - it's such personal abuse. If I'd been raped by a stranger I could have dealt with it a whole lot better.'

Among the women we interviewed, the fact that someone whom they had loved and needed could violate them in such an intimate way destroyed their ability to trust others. 'I've had a very hard time trusting men ... I think Jimmy ruined it, so that it is
going to take a long time before I can hold down a relationship with a guy'. Another said: 'I thought so highly of him and he turned out to be a rapist'. The experience also sapped their confidence in themselves and their faith that they had the capacity to choose trustworthy companions. Years later, many of these women found it impossible to contemplate intimacy with a man. This sense of betrayal and its consequences on a woman's future ability to trust is a component to marital rape that has no parallel in stranger rape.

A second component that makes marital rape different and more traumatic than other forms of rape is the entrapment. To give you one extreme example, a woman we interviewed lived in terror for six months with a man who would beat her daily and routinely follow the beatings with forced sex. He threatened to kill her if she ever tried to leave him. One day during her lunch period at work, she took $800 out of their joint bank account, bought a plane ticket and flew two thousand miles to a state she had never been to before. There, under an alias, 'with not a friend in the world', she lived and worked for a year until she got up the courage to contact her parents and let them know where she was. During that whole year, she lived in a continual state of fear. Every now and then, she thought she caught sight of her boy friend's car. More than once, she turned and fled down the street.

Although not many are as brutalised as this woman was, nonetheless, the entrapment is a real part of the experience for most. Most marital rape victims are raped not just once but many times. Half of our interviewees had been sexually assaulted twenty times or more by their husbands. They lived for months, sometimes years, with ongoing violation. Many grappled with never-ending anxiety about when the next forced sex episode might occur. The insecurity became almost instinctual and lingered even when the husband was no longer physically present. Reminders of him were everywhere – in the furniture they once shared, in the friends and relatives who knew him, even in the children who shared his features and still considered him Daddy. This took its toll in the form of chronic terror, emotional numbing, involuntary panics, and repetitive nightmares that often lasted for years after the relationship had ended and the threat of rape had gone. The symptoms reported by marital-rape victims bear some resemblance to those reported by hostages and other victims of terrorism. In the sexual sphere, victims suffered from flashbacks and inability to engage in sex. The corrosive impact of marital rape could be summed up thus: when you are raped by a stranger you have to live with a frightening memory. When you are raped by your husband you have to live with your rapist.

Finally, while all rape victims suffer shame and stigma, few suffer the total isolation of marital rape. No relatives or friends commiserated with these women about the pain. No police
or court confirmed the judgment that they had been wronged. Many of our interviewees were talking about their experiences for the first time. Others, who had confided their experience had met with disastrous reactions. One woman's mother told her that sex was her duty to her husband. 'You made your bed, you've got to lie in it', she told her. Another woman's doctor told her to tolerate it. 'He's just a little oversexed', he said. Still another's minister said there was nothing to do but forgive the man. In their isolation these women usually blamed themselves, and saw themselves as inadequate and different. They imagined that few others could understand or empathise with their situation. It was a profound psychological scar that was difficult to erase. It is to erase this scar of isolation that I think we owe our first priority.

To some degree this isolation of victims is now being broken. In the United States in the last five years, we have seen approximately twenty states revise their criminal laws to give further protection to wives against sexual assault at the hands of husbands. The plight of these victims and the need to provide them with some legal recourse appears to have moved some lawmakers. In some of these states, legislators have passed statutes allowing husbands to be subject to prosecution if they rape their wives. In other states, courts have struck down the so-called 'marital exemption', on the grounds that it violated constitutional protections or that the traditional interpretation of English common law, on which it was based, was mistaken or no longer applied. All this has contributed to a rapidly developing momentum to make marital rape a crime.

These changes have not come easily. Most have resulted from intensive lobbying efforts on the part of women's rights advocates. These advocates have had to endure scorn from public officials who did not think that this problem a very serious one, and ridiculous and insulting pronouncements from others who were threatened by the issue. (Said one legislator: 'If you can't rape your wife who can you rape?') But the lively public debate about this issue has been a vehicle for raising people's awareness about the problem, and bringing it out into the open for the first time.

As the debate has gone on, there has been an interesting shift in its tone and subject matter. The opponents of marital rape law reform no longer argue that rape in marriage is a contradiction in terms, that matrimony grants consent to sex and therefore rape is impossible. Nor are they arguing so much that women have a marital duty to perform. Rather what they argue today is that criminalising marital rape won't work, that the legal system is not cut out to deal with this kind of problem. First, they say, the system will be flooded to the breaking point with cases, many of them frivolous, especially from vindictive women, simply out to get even with husbands. Secondly, they argue, the nature of
the dispute, his word against hers over whether she in fact consented to that particular sexual act, is one that the legal system will rarely be able to resolve.

Some of these concerns seem overdrawn given the resiliency of the legal system, and the various checks and protections that have been built in. But to examine whether there may be any basis for concern, we've attempted to monitor the operation of the legal system in one state, California, for the two years following the passage of a law which made marital rape a crime there.

The results were instructive. During that two year period, 1980 and 1981, we could find only 39 cases where marital rape charges were brought. By and large they were cases where major force or weapons were used, where grievous bodily harm occurred or where another crime (such as kidnapping) was being committed in conjunction with the sexual assault. Of these 39 cases, about a quarter were never prosecuted, some because wives failed to cooperate and some because prosecutors could not marshal sufficient evidence. Of those that were prosecuted 80 per cent resulted in a conviction, most commonly because the husbands themselves plead guilty. Of eleven cases that went to trial, eight resulted in guilty verdicts and three resulted in acquittal.

Our conclusions from this study of marital rape cases seemed clearly to refute most of the concerns of the opponents of legal change. First there was no flood of complaints. Thirty-nine cases over two years in a state of over twenty million is but a raindrop in a river, not a strain on the system at all. Moreover, these were not frivolous cases but ones with substantial apparent criminal content. The very limited usage of the law which makes marital rape a crime, in fact the usage of the law only in incredibly flagrant situations, reinforces the well recognised fact that rape is a difficult, not an easy, complaint for most women to make and that rape (of all sorts) is a momentously underreported crime.

Moreover, the figures appear to suggest that the criminal justice system is not having serious difficulty assimilating this new crime. Convictions were running high, suggesting that convincing evidence for these allegations (beyond the woman's testimony) was being found. But acquittals were occurring, too, suggesting that the protections of the system were still intact. The experience in California seems to show that marital rape can be treated as a crime, even though it is within the family in the same way incest or spousal assault are also crimes.

Those who have argued in favour of criminalising marital rape have done so on a variety of grounds. They have argued that it was a simple matter of equality and justice for married women. They have argued that it was an important measure to protect wives and deter future crimes. And they have argued that it allowed social retribution for a serious social violation.
But I think that the argument that is paramount for me concerns the message that the passage of such laws conveys to victims. The victims of marital rape have gone unrecognised for a long time. In their isolation, they have blamed themselves. Passage of these laws and the discussions they promote are both ways of reaching out to victims of marital rape and extending legitimacy and compassion for what they have suffered. It is society's recognition that they have been wronged.

But the laws are only one small step in this process of compassion for the victim. Many other changes must also occur, changes in areas of our society we have only begun to contemplate. Take the medical world, for example. Doctors and health care workers need to be aware, as they have not been up until now, that some women (and not just a few) are indeed compelled to have sex by their husbands. It is not a simple matter for them to avoid sex after they have been operated on, even though their recovery may urgently require it.

One of our interviewees was one of such women. Her husband had forced himself on her in disregard for her wishes over a period of twenty years. When she had some gynaecological surgery, the doctor told her to refrain from sex for six weeks. 'My husband will never stand for it', she protested, but the doctor dismissed her concerns. Three days later she had to be rushed back to the hospital, haemorrhaging from her sutures. This time, when she left the hospital, the doctor had a talk with the husband himself. How many physicians stop to consider this kind of situation.

How many physicians consider marital rape, either, when they prescribe birth control. One of our interviewees in the midst of an abusive seven year relationship returned to her birth control clinic at one point to trade her pills in for a diaphragm. Six months later she was pregnant. A diaphragm is not an appropriate contraceptive for a woman who is apt to be maritally raped. But how many clinics would inquire about it on their medical history forms.

Attorneys: here's another profession that needs to increase its sensitivity to marital rape. When women come to them seeking divorces, attorneys need to recognise and alert them to the potential for sexual violence. We must have talked to a dozen women who told us the same story. They had separated from their husbands after a bitter and abusive marriage. Late one night the husband comes to the door or calls. He wants to get some clothes or some tools from the house or he wants to discuss the divorce settlement. Once in the door, he begins to demand his marital rights. 'You're still my wife', one insisted. Another hid in the closet, until his wife had gone to bed, and there attacked her.
The period leading up to divorce is a period of high vulnerability for marital rape. Attorneys need to warn wives and husbands too. Women who were prepared and felt backed up by their attorneys would be a lot less likely to be raped. And men, warned by lawyers about the criminal nature of such acts, would be a lot less likely to do the raping.

A final group that needs much more sensitivity about marital rape is the whole counselling profession: psychiatrists, psychologists, social workers and marriage counsellors. You know it is interesting that in the whole twenty-five year literature from the mental health profession on sex therapy and marital therapy, one can search in vain for any reference to the problem of marital rape, an experience that we estimate has been occurring to at least one in ten wives. Have they really been paying attention to their clients? How could they not have heard about this problem? Many of our interviewees had been in counselling at one time or another during their marriages. They were too ashamed to mention the marital rapes spontaneously, and the therapist never asked. In how many counselling situations is the unacknowledged and unmentioned grievance plaguing women, the fact that their husband sexually assaults them, and they cannot speak about it or get help.

Clearly we have a long way to go. The criminal law is only one change. There are many places in society where the problem of marital rape needs to be acknowledged, understood and taken into account.

Marital rape has been a non-problem for too long. It is unfortunate but when people suffer from non-problems they tend to become non-persons, both in their own eyes and in the eyes of others. Our concern about marital rape should not be so much to get the offenders out of the community, but to bring a whole lot of victims back in. The invitation is long overdue.
References


Schulman, J. Marital Rape Exemption Chart, (Mimeo), National Center in Women and Family Law (copies available at $1.50 each from the Center at Room 402, 799 Broadway, New York, N.Y, 10003).